

4. ENVIRONMENTAL IMPACT ANALYSIS

L. PUBLIC SERVICES

1. INTRODUCTION

This section analyzes the potential impacts of the proposed project regarding public services including fire protection and emergency medical services, police protection and law enforcement services, parks and recreational services, schools, and library services that would serve the proposed project. Relevant regulations and existing conditions are described as well as the potential for the proposed project to impact public service facilities and the ability of the service providers to provide or maintain adequate services with implementation of the proposed project. Information in this section is based on correspondence with the City of Newport Beach Fire Department (NBFD), the City of Newport Beach Police Department (NBPD), the City of Newport Beach Public Works Department, the City of Newport Beach Recreation Services, and the City of Newport Beach Public Library (NBPL), as well as information provided on the City's website and in the City of Newport Beach General Plan (General Plan) (2006). Correspondence with these agencies is provided in Appendix J of this Draft EIR.

2. ENVIRONMENTAL SETTING

a. Regulatory Framework

(1) Fire Protection and Emergency Medical Services

(a) California Fire Code (CFC), 2010, California Code of Regulations (CCR), Title 24, Part 9

The California Code of Regulations (CCR) Title 24 (California Building Code [CBC]) is a compilation of building standards including fire safety standards for residential and commercial buildings. CBC standards are based on building standards that have been adopted by state agencies without change from a national model code; building standards based on a national model code that have been changed to address particular California conditions; and building standards authorized by the California legislature, not covered by the national model code. Typical fire safety requirements of the CBC include: the installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and, the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas. The CBC applies to all occupancies in California, except where more stringent standards have been adopted by local agencies.

(b) City of Newport Beach Municipal Code, Title 9, Fire Code, Chapter 9.04, Fire Code

Title 9, Fire Code, Chapter 9.04, Fire Code, of the City's Municipal Code (Municipal Code), includes standards and regulations on building and site design and material requirements and contains provisions that deal with a range of issues including general precautions against fire; articulating fire flow requirements of buildings; providing automatic sprinkler systems in public buildings; requiring an accurate occupant count in public places; and the provision of emergency power in public assembly places. As set forth in Section 9.04.010 of Title 9, the City has adopted and incorporated by reference into the Municipal Code the International Fire Code (IFC), 2009 Edition; the CFC, 2010 Edition; and the accompanying National Fire Protection Association standards, as applicable to the City, collectively referred to by the City as the "Fire Code".

The City finds that rapid development of land within the City 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 development of land that has been vacant and by construction of additional residential, commercial, and industrial units on land developed. The City finds the most practical and equitable method of collecting the funds necessary to provide such public improvements is to impose an excise tax upon the construction and occupancy of residential, commercial, and industrial units or buildings within the City as required by Title 3, Revenue and Finance, Chapter 3.12, Property and Development Tax.

(c) City of Newport Beach Fire Prevention Guidelines (Fire Prevention Guidelines)

The City has developed fire prevention guidelines (Fire Prevention Guidelines) to assist in understanding specific fire and life safety regulations. The following Fire Prevention Guidelines would apply to the proposed project.

Fire Prevention Guideline B.01 – Determination of Required Fire Flow

The purpose of this guideline is to provide assistance to architects, builders and engineers in determining the adequate fire flow requirements for buildings and complexes. This guideline is in accordance with the CFC, Appendix B and C.

Fire Prevention Guideline C.01 – Emergency Fire Access: Roadways, Fire Lanes, Gates and Barriers

The purpose of this guideline is to provide information necessary to ensure that the design of emergency fire access roadways, gates and barriers meet the applicable regulations and standards. These provisions allow the emergency resources to respond to an incident in a safe and effective manner. The Nbfd, local law enforcement and property owners are responsible for enforcing these requirements from the CFC, the California Vehicle Code (CVC), and the Municipal Code.

Fire Prevention Guideline C.02 – Identification of Fire Lanes

The purpose of this guideline is to provide information regarding the proper designation of required fire lanes in order to guarantee sufficient access to fire department apparatus and other emergency vehicles.

(d) City of Newport Beach General Plan (2006) – Chapter 11 Safety Element

The primary goal of the General Plan Safety Element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from natural and human-induced hazards. The Safety Element recognizes and responds to public health and safety risks that could cause exposure to the residents of Newport Beach. Implementation of City, County, and State emergency response and mutual aid plans enables the community to avert or minimize impacts to the extent practical and feasible; implementation of these plans also allows restoration of the City in a timely manner after a catastrophic event. The Safety Element specifically addresses coastal hazards, geologic hazards, seismic hazards, flood hazards, wildland and urban fire hazards, hazardous materials, aviation hazards, and disaster planning.

(2) Police Protection and Law Enforcement Services

(a) City of Newport Beach Municipal Code, Title 20, Planning and Zoning, Chapter 20.30, Property Development Standards, Section 20.30.070, Outdoor Lighting

Title 20, Planning and Zoning, Chapter 20.30, Property Development Standards, Section 20.30.070, Outdoor Lighting of the Municipal Code establishes outdoor lighting standards in order to reduce the impacts of glare, light trespass, overlighting, sky glow, poorly shielded or inappropriately directed lighting fixtures, and to promote safety and encourage energy conservation.

(3) Parks and Recreational Services

(a) Quimby Act

Section 66477 of the California Government Code, also known as the Quimby Act, was enacted by the California legislature in 1965 to promote the availability of park and open space areas in response to California's rapid urbanization and the need to preserve open space and provide parks and recreation facilities in response to this urbanization. The Quimby Act authorizes cities and counties to enact ordinances requiring the dedication of land, or the payment of fees for park and/or recreational facilities in lieu thereof, or both, by developers of residential subdivisions as a condition to the approval of a tentative map or parcel map. Under the Quimby Act, dedications of land shall not exceed three acres of parkland per 1,000 persons residing within a subdivision, and in-lieu fee payments shall not exceed the proportionate amount necessary to provide three acres of parkland, unless the amount of existing neighborhood and community parkland exceeds that limit.

(b) City of Newport Beach Park Municipal Code, Dedication and Fees Ordinance (Quimby Ordinance)

Consistent with and as permitted by the Quimby Act, the City adopted a Park Dedication and Fees Ordinance (Municipal Code Chapter 19.52). The Ordinance requires that the project applicant is to provide for the dedication of land, the payment of fees in lieu thereof or a combination of both, for park or recreational purposes in conjunction with the approval of subdivision for residential development. According to the Municipal Code Section 19.52.040 Parkland Standard, per figures from the 2000 Federal census and the City of Newport Beach General Plan Recreation Element, the amount of neighborhood and community park acreage in the City is five and one-tenth (5 1/10) acres per one thousand (1,000) population. In-lieu fees are placed in a fund for the provision of rehabilitation of park and recreational facilities that can serve the subdivision. The Park Dedication and Fees Ordinance also provides for credit to be given, at the discretion of the City Council, for private and recreational improvements to land dedicated for a public park. Private facilities or public improvements can be credited against a project's required dedication of land and/or the payment of in-lieu fees.

(c) City of Newport Beach Municipal Code, Title 3, Revenue and Finance, Chapter 3.12, Property Development Tax

Refer above to Fire Protection and Emergency Medical Services Regulatory Framework for specific code details.

(d) City of Newport Beach General Plan (2006) – Chapter 7 Circulation Element/Chapter 8 Recreation Element

The General Plan Circulation Element addressed the City’s trails system, which provides an alternative to vehicle travel and recreational opportunities for the community. The existing trail system in Newport Beach has been developed to provide access for commuter and recreational bicyclists, along with pedestrians and equestrians.

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

(4) Schools

(a) California Department of Education

The California Department of Education (CDE) administers California’s public education system at the State level and the State Board of Education, by statute, is the governing and policy-determining body of the CDE. The Board adopts rules and regulations for the governing of the State’s public schools. The State also provides funding through a combination of sales and income taxes. In addition, pursuant to Proposition 98, the State is also responsible for the allocation of educational funds that are acquired from property taxes. Further, 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.¹

(b) School Facility Act – Development Fees – Assembly Bill (AB) 2926 – Senate Bill (SB) 50

Assembly Bill (AB) 2926 was enacted in 1986 by the State of California and added to the California Government Code (CGC) as Section 65995. This Act authorized school districts to collect development fees for certain types of projects based on demonstrated need and generates revenue for capital acquisitions and improvements. It also establishes the maximum fees, adjustable for inflation, which may be collected under this Act. Senate Bill (SB) 50 subsequently revised the School Facilities Act by defining the Needs Analysis process in Sections 65995.5-65998 of the CGC, by allowing school districts to collect fees higher than previously permitted to offset the costs associated with increasing school capacity needs as a result of new development.

(5) Library Services

(a) City of Newport Beach Municipal Code, Title 3, Revenue and Finance, Chapter 3.12, Property Development Tax

Refer above to Fire Protection and Emergency Medical Services Regulatory Framework for specific code details.

¹ *California Education Code Section 17620(a)(1).*

b. Existing Conditions

(1) Fire Protection and Emergency Medical Services

The City of Newport Beach Fire Department (NBFD), the Costa Mesa Fire Department (CMFD), the Huntington Beach Fire Department (HBFD), and the Laguna Beach Fire Department (LBFD) provide fire protection and emergency medical services to the City of Newport Beach. The Orange County Fire Authority (OCFA), a regional fire service agency that serves 23 cities in the County of Orange and all unincorporated areas, also provides mutual aid assistance to the City.² The NBFD provides fire protection and emergency medical services for the majority of the City, including the project site. The CMFD provides fire protection services through an automatic aid agreement to the Newport Terrace residential community located north of 19th Street in the City of Newport Beach. The NBFD is a participant in Metro Net, a multi-city dispatch center covering the Cities of Newport Beach, Huntington Beach, and Fountain Valley in South Orange County and multiple cities in North Orange County. Together, all fire agencies provide personnel to any emergency. The closest emergency response unit is dispatched to the emergency, regardless of the jurisdictional boundary for any fire or large emergency response with multiple units. Other emergency responses (e.g., medical aids, minor spills, public assist) are with automatic aid agreements usually set up with reciprocal coverage in other areas.³

The NBFD includes eight fire stations located strategically throughout the City, a lifeguard headquarters building located at the Newport Pier, a lifeguard substation, a junior lifeguard facility during the summer, and 38 lifeguard towers. All fire stations are staffed seven days a week, 24 hours a day, 365 days a year.⁴ Each fire station operates within a specific district that comprises its immediate surrounding geographical area.⁵ The project site is located within approximately four miles of all eight fire stations. The first in and backup responders would be Fire Stations 3, 4, 5, and 6, located approximately 1.3 miles east, 1.15 miles southeast, 2.5 miles southeast, and 1 mile north, respectively. Either station might respond to the project site, depending on availability.⁶ The NBFD's eight fire station facilities, address, location area, equipment/personnel, and approximate distance/direction from the project site are identified below in **Table 4.L-1, Newport Beach Fire Station Facilities.**

The NBFD operates three divisions: Fire Operations, Fire Prevention/Preparedness, and Lifeguards. The Fire Operations Division is the largest division and divides its staff into three shifts with approximately 39 personnel per shift for an overall total of 117 full-time fire suppression and emergency medical service (EMS) personnel and 13 full time lifeguards that respond to emergency incidents. Of the 117 employees, eight paramedics serve per shift. During a typical day in the summer, there would be 39 firefighters, seven lifeguards, and 70 seasonal lifeguards on duty. All firefighters and career lifeguards are trained as emergency medical technicians and assist the paramedics. The NBFD front line apparatus includes eight fire engines (one at each fire station), two aerial ladder trucks (one on each side of the City), three paramedic ambulances, three lifeguard rescue boats, eight lifeguard patrol units and three command vehicles. The NBFD has the capability of using three additional reserve ambulances in service if needed. There are always

² Debbie Alcaraz, Administrative Assistant, Newport Beach Fire Department, email correspondence, dated December 13, 2012.

³ Newport Banning Ranch Project Draft EIR, prepared by BonTerra Consulting, dated September 9, 2011.

⁴ Debbie Alcaraz, Administrative Assistant, Newport Beach Fire Department, email correspondence, dated December 13, 2012.

⁵ City of Newport Beach Website, Fire Department, <http://www.newportbeachca.gov/index.aspx?page=58>, accessed December 4, 2012.

⁶ Debbie Alcaraz, Administrative Assistant, Newport Beach Fire Department, email correspondence, dated December 13, 2012.

Table 4.L-1

Newport Beach Fire Station Facilities

Station	Address	Location Area	Equipment/Personnel	Approximate Distance/Direction from project site ¹
1	110 E. Balboa Boulevard	Balboa Peninsula	1 Fire Engine (NE61) (staff = 3)	0.85 miles south
2	475 32 nd Street	Lido	1 Fire Engine (NE62) (staff = 3) 1 Ladder Truck (NT62) (staff = 4) 1 Paramedic Truck (NM62) (staff = 2)	1.5 miles west
3	868 Santa Barbara Drive	Newport Center/ Fashion Island	1 Fire Engine (NE63) (staff = 3) 1 Ladder Truck (NT63) (staff = 4) 1 Paramedic Ambulance (NM63) (staff = 2) 1 Battalion Chief (NB6) (staff = 1)	1.3 miles east
4	124 Marine Avenue	Balboa Island	1 Fire Engine (NE64) (staff = 3)	1.15 miles southeast
5	410 Marigold	Corona del Mar	1 Fire Engine (NE65) (staff = 3) 1 Paramedic Ambulance (NM65) (staff = 2)	2.5 miles southeast
6	1348 Irvine Avenue	Mariners	1 Fire Engine (NE66) (staff = 3)	1 mile north
7	20401 Acacia Street	Santa Ana Heights	1 Fire Engine (NE67) (staff = 3)	3 miles northeast
8	6502 Ridge Park Road	Newport Coast	1 Fire Engine (NE68) (staff = 3)	4.4 miles east

Notes:

1: Approximate distance/direction from project site in miles is a straight line distance, not a drive distance.

NE = Newport Engine; NT = Newport Truck; NM = Newport Medic; NB = Newport Battalion.

Sources: Debbie Alcaraz, Administrative Assistant, Newport Beach Fire Department, email correspondence, dated December 13, 2012. City of Newport Beach Website, Fire Department, <http://www.newportbeachca.gov/index.aspx?page=58>, accessed December 4, 2012. Newport Banning Ranch Project Draft EIR, prepared by BonTerra Consulting, dated September 9, 2011. Google Earth, 2010.

at least two paramedics on duty at Stations 2, 3, and 5 with paramedic ambulances. Station 8 and Truck 62 also has one paramedic firefighter. A fire engine and paramedic ambulance responds to each emergency call.⁷ Currently, there are no immediate or future plans for expansion of fire facilities, staff, or equipment inventory.⁸

The Nbfd is considered an all risk fire department responsible for fire protection, prevention, hazards reduction, and emergency medical services for the City. The Nbfd responds to emergencies such as fires, wildland fires, medical emergencies, traffic accidents, vehicle extrication, beach rescues, cliff rescues, high rise incidents, smoke/odor investigations, hazardous material problems, major flooding, and disaster operations. Additionally, the Ocean Safety and Beach Rescue service allows the Nbfd to offer advanced

⁷ City of Newport Beach Website, Fire Department, <http://www.newportbeachca.gov/index.aspx?page=58>, accessed December 4, 2012.

⁸ Debbie Alcaraz, Administrative Assistant, Newport Beach Fire Department, email correspondence, dated December 13, 2012.

technical rescue capabilities.⁹ The incident types, incident counts, and average response times for the eight fire stations of the Nbfd as well as the fire stations of Costa Mesa, Huntington Beach, Laguna Beach, and the OCFA of which include automatic aid agreements with Nbfd are identified below in **Table 4.L-2, Fire Incident Types, Counts, and Average Response Times.**

The Nbfd's Policy Manual, approved in January 2010, identifies policies of the Nbfd related to operating procedures including but not limited to response time objectives. Policy 3.A.100, Department Goals, of the Nbfd's Policy Manual identifies the standard operating procedures for the Nbfd. Policy 3.A.201 established the Nbfd's response time objectives for each type of emergency as well as unit performance expectations. According to the Policy Manual, total response time is the elapsed time from the moment a call is received until the appropriate responding unit goes on scene. Total response time is broken down into three sub-components: dispatch processing time, personnel turnout time, and unit travel time. The Nbfd considers total response time a key performance indicator of how well it is meeting the community's public safety and response needs.

The following are the Nbfd's total response time objectives for all types of emergencies:¹⁰

1. First Due Response requiring Personal Protection Equipment (PPE): less than five minutes and 20 seconds 90 percent of the time.
2. First Due Response without PPE: less than five minutes 90 percent of the time.
3. Advanced Life Support (ALS) Response requiring PPE: less than nine minutes and 20 seconds 90 percent of the time.
4. ALS Response without PPE: less than nine minutes 90 percent of the time.
5. Effective Response Force requiring PPE: less than nine minutes and 20 seconds 90 percent of the time.
6. Effective Response Force without PPE: less than nine minutes 90 percent of the time.

The Nbfd's sub-component response time objectives are discussed below:¹¹

1. Dispatch Processing: Dispatch processing is the amount of time it takes for a request for an emergency call to originate in a dispatch center, be processed using pre-identified dispatch procedures, and be transmitted to emergency units for a response assignment. The Nbfd has an expectation that a call would be processed completely within 50 seconds 90 percent of the time and within 90 seconds the remaining 10 percent of the time.

⁹ City of Newport Beach Website, Fire Department, <http://www.newportbeachca.gov/index.aspx?page=58>, accessed December 4, 2012.

¹⁰ Newport Banning Ranch Project Draft EIR, prepared by BonTerra Consulting, dated September 9, 2011.

¹¹ *Ibid.*

Table 4.L-2

Fire Incident Types, Counts, and Average Response Times

NBFD Station 1		
Incident Type	Incident Count	Average Response Times (HH:MM:SS)
Fire	13	00:05:26
Rupture/Explosion	1	00:06:36
EMS/Rescue	332	00:04:29
Hazardous Condition	19	00:06:40
Service Call	40	00:06:54
Good Intent	37	00:04:47
False Call	21	00:05:01
Severe Weather	2	00:09:28
Total:	465	00:04:53
NBFD Station 2		
Incident Type	Incident Count	Average Response Times (HH:MM:SS)
Fire	31	00:05:15
Rupture/Explosion	2	00:04:43
EMS/Rescue	1,769	00:04:41
Hazardous Condition	48	00:06:18
Service Call	145	00:06:26
Good Intent	302	00:08:10
False Call	116	00:05:53
Severe Weather	1	00:05:25
Total:	2,414	00:04:58
NBFD Station 3		
Incident Type	Incident Count	Average Response Times (HH:MM:SS)
Fire	24	00:06:26
Rupture/Explosion	1	00:06:10
EMS/Rescue	1,244	00:05:00
Hazardous Condition	22	00:06:46
Service Call	163	00:07:03
Good Intent	233	00:06:10
False Call	129	00:06:26
Severe Weather	1	00:10:17
Totals:	1,817	00:05:22

Table 4.L-2 (Continued)

Fire Incident Types, Counts, and Average Response Times

NBFD Station 4		
Incident Type	Incident Count	Average Response Times (HH:MM:SS)
Fire	12	00:05:04
Rupture/Explosion	1	00:04:30
EMS/Rescue	509	00:04:53
Hazardous Condition	12	00:05:25
Service Call	112	00:05:17
Good Intent	61	00:04:09
False Call	53	00:06:49
Severe Weather	1	00:00:05
Other	1	00:03:35
Totals:	762	00:05:06
NBFD Station 5		
Incident Type	Incident Count	Average Response Times (HH:MM:SS)
Fire	17	00:06:19
EMS/Rescue	885	00:05:22
Hazardous Condition	19	00:06:20
Service Call	96	00:05:43
Good Intent	142	00:06:51
False Call	72	00:06:53
Severe Weather	2	00:05:22
Other	2	00:07:53
Totals:	1,235	00:05:34
NBFD Station 6		
Incident Type	Incident Count	Average Response Times (HH:MM:SS)
Fire	20	00:06:11
EMS/Rescue	630	00:04:56
Hazardous Condition	21	00:06:50
Service Call	101	00:06:11
Good Intent	95	00:05:43
False Call	56	00:05:30
Totals:	923	00:05:13
NBFD Station 7		
Incident Type	Incident Count	Average Response Times (HH:MM:SS)
Fire	23	00:06:27
Rupture/Explosion	1	00:04:05
EMS/Rescue	588	00:05:30
Hazardous Condition	14	00:06:54
Service Call	63	00:06:50
Good Intent	150	00:06:48
False Call	88	00:06:21
Totals:	927	00:05:46

Table 4.L-2 (Continued)

Fire Incident Types, Counts, and Average Response Times

Nbfd Station 8		
Incident Type	Incident Count	Average Response Times (HH:MM:SS)
Fire	15	00:06:33
EMS/Rescue	372	00:06:47
Hazardous Condition	7	00:07:17
Service Call	61	00:07:24
Good Intent	97	00:06:33
False Call	59	00:06:54
Other	2	00:05:17
Totals:	613	00:06:51
Costa Mesa Fire Station		
Incident Type	Incident Count	Average Response Times (HH:MM:SS)
Fire	21	00:09:01
EMS/Rescue	83	00:04:20
Hazardous Condition	1	00:05:00
Service Call	10	00:05:18
Good Intent	42	00:03:56
False Call	2	--
Other	1	00:05:05
Totals:	160	00:05:02
Huntington Beach Fire Station		
Incident Type	Incident Count	Average Response Times (HH:MM:SS)
Fire	7	00:06:30
EMS/Rescue	8	00:06:51
Service Call	4	--
Good Intent	8	--
False Call	1	--
Totals:	28	00:06:35
Laguna Beach Fire Station		
Incident Type	Incident Count	Average Response Times (HH:MM:SS)
Fire	1	--
EMS/Rescue	9	00:10:19
Service Call	7	--
Good Intent	37	--
False Call	1	00:12:29
Totals:	55	00:10:38

Table 4.L-2 (Continued)

Fire Incident Types, Counts, and Average Response Times

OCFA Station		
Incident Type	Incident Count	Average Response Times (HH:MM:SS)
Fire	14	00:10:05
EMS/Rescue	151	00:06:54
Hazardous Condition	7	00:04:47
Service Call	3	00:05:44
Good Intent	180	00:08:31
False Call	50	00:06:53
Totals:	405	00:07:02

Source: Debbie Alcaraz, Administrative Assistant, Newport Beach Fire Department, Email correspondence, dated December 13, 2012.

2. Turnout Time Objectives: Turnout time is the amount of time it takes for unit personnel to be prepared to go en route to an emergency. For dispatches that require full personal protective attire, turnout time should be completed within 80 seconds. For all other dispatches, turnout time should be completed within 60 seconds.

3. Travel Time Objectives: This is the time it takes for a unit to go en route and travel safely and expeditiously to the scene of an emergency. For all first due units, travel time should be completed within four minutes 90 percent of the time and within ten minutes the remaining ten percent of the time. First due units are the closest unit to a reported emergency with the capability to provide the appropriate level of service. For advanced life support responses, travel time should be completed within eight minutes 90 percent of the time and within ten minutes the remaining ten percent of the time. For an effective response force, travel times should be completed within eight minutes 90 percent of the time and within 15 minutes the remaining ten percent of the time. An effective response force refers to the appropriate number of personnel and/or units necessary to handle an emergency at its earliest stages. This would typically be provided through the units assigned to a first alarm dispatch.

The City’s turnout time and travel time values are based upon national standards published by the National Fire Protection Association (NFPA) in its Standard 1710, Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, 2010 Edition. The City has adopted the response time goals identified in the NFPA Standard 1710 which states the NBF’s fire suppression resources shall be deployed to provide for the arrival of an engine company within a 240-second travel time to 90 percent of the incidents.¹²

(2) Police Protection and Law Enforcement Services

Police protection and law enforcement services for both the City and the project site are provided by the City of Newport Beach Police Department (NBPD). All patrol investigation and support services operate from the

¹² *Debbie Alcaraz, Administrative Assistant, Newport Beach Fire Department, email correspondence, dated December 13, 2012.*

City's police station located at 870 Santa Barbara Drive in Newport Center, approximately 1.4 miles northeast of the project site. The NBPB provides emergency police response, non-emergency police response, routine police patrol, traffic violation enforcement, traffic accident investigation, animal control, and parking code enforcement. The NBPB is divided into 39 reporting districts and three divisions: Patrol/Traffic, Support Services, and Detectives. The NBPB staffing consists of 137 authorized sworn personnel and 74 non-sworn personnel. The NBPB also has an additional authorized full-time equivalent of 12 part-time personnel. First in responders are the sworn officers from the Patrol and Traffic Division.¹³ With a population of approximately 85,990¹⁴ in 2012, the ratio of officers to residents is currently 1.59¹⁵ officers per 1,000 residents. However, the NBPB does not have a law enforcement staffing standard.¹⁶

The most recent response times for the NBPB were collected during the 2011 calendar year. Response times are as follows: priority 1 calls (emergency), two minutes and 24 seconds; priority 2 calls (violent crimes just occurred), four minutes and 41 seconds; priority 3 calls (property crimes just occurred), six minutes and 56 seconds; priority 4 calls (routine calls for service), ten minutes and 31 seconds; and priority 5 calls (animal and parking control calls), four minutes and 36 seconds.¹⁷ Currently, there are no immediate or future plans for expansion of police facilities, staff, or equipment inventory.¹⁸ The NBPB has mutual aid agreements with the Cities of Costa Mesa, Fountain Valley, and Huntington Beach, and the Orange County Sheriff's Department (OCSD's) to provide organized interagency assistance and cooperation during local police incidents. The Cities of Newport Beach and Costa Mesa have short-term contracts with the City of Huntington Beach Police Department for helicopter services.¹⁹

(3) Parks and Recreational Services

Throughout its history, the City has been a major marine recreational center with over eight miles of sandy beaches that provide opportunities for sunbathing, volleyball, swimming, surfing, windsurfing and other recreational activities. The beaches include snack bars, showers, drinking fountains, restrooms, walkways, docks, benches, shade trees, and parking areas. Other coastal recreation opportunities include the 800-foot Newport Pier, located at the end of Newport Boulevard (McFadden Place) in McFadden Square and the 950-foot Balboa Pier, located at the end of Main Street in Balboa Village. The County of Orange and the State of California own four recreational areas within the City. The privately operated, but co-owned by the City and County, 110-acre Newport Dunes Aquatic Park provides opportunities for camping, boating, canoeing, kayaking, swimming, play areas for children, movies on the beach, fine dining, and other water and beach activities. Located on the Northstar Beach, the Newport Aquatic Center provides an opportunity for the public and members to kayak and canoe in Upper Newport Bay as well as advanced training facilities for world-class athletes. The Newport Bay and Harbor are used for a wide variety of recreational activities including boating, diving, excursions, fishing, kayaking, paddle boarding, parasailing, rowing, sailing, swimming, and windsurfing. The City provides ten public docks in the harbor which can be used for boat

¹³ Lieutenant Dennis Birch, Support Services Division, Newport Beach Police Department, Letter Correspondence, December 1, 2012.

¹⁴ State Department of Finance Estimates. City of Newport Beach Website, Population by Year. <http://www.newportbeachca.gov/index.aspx?page=966>, accessed December 5, 2012.

¹⁵ 85,990 persons/1,000 persons = 85.9. 137 sworn officers/85.9 = 1.59 officers per 1,000 residents.

¹⁶ Newport Banning Ranch Project Draft EIR, prepared by BonTerra Consulting, dated September 9, 2011.

¹⁷ Lieutenant Dennis Birch, Support Services Division, Newport Beach Police Department, Letter Correspondence, December 1, 2012.

¹⁸ *Ibid.*

¹⁹ Newport Banning Ranch Project Draft EIR, prepared by BonTerra Consulting, dated September 9, 2011.

launching and fishing. The 752-acre Upper Newport Bay State Marine Park (formerly Ecological Reserve) and the 140-acre Upper Newport Bay Nature Preserve provide opportunities for canoeing, kayaking, horseback riding, biking, and hiking. The Crystal Cove State Park also provides coastal recreation opportunities with 3.5 miles of beach and 2,000 acres of undeveloped woodland which is popular for hiking and horseback riding. Approximately 240 acres of the park is located within the City. Crystal Cove is used by mountain bikers inland and scuba and skin divers underwater. The beach is popular with swimmers and surfers and visitors can explore tide pools and sandy covers.²⁰

The City has approximately 286.4 acres of developed parks and 90.4 acres of active beach recreation for a combined total of 376.8 acres.²¹ In addition, the 14.3 acre Civic Center Park was recently completed in this service area in April 2013. Parklands range in size and type which include community parks, mini parks, neighborhood parks, view parks, and sport parks. School facilities also provide indoor and outdoor recreational opportunities in the City, while greenbelts and open space areas provide passive recreational opportunities or open space relief. The City's parks contain a variety of recreational facilities, with areas available for organized sports including soccer fields, baseball diamonds, tennis courts, volleyball courts, and basketball courts. Recreational opportunities exist for children in many of the play areas in the City's parks. Swimming pools are available to the public at aquatic facilities at the Marian Bergeson Aquatic Center and Newport Harbor High School through joint use agreements with the Newport-Mesa Unified School District (NMUSD). Additional recreational resources in the City include community centers, multipurpose recreation centers, a senior center, and two gymnasium facilities. Jogging trails, pedestrian trails, recreation trails, regional equestrian trails, pedestrian corridors, and bikeways are also available within the City. Bikeways within the City include bicycle lanes, bicycle routes, bicycle trails, backbone bikeways, and secondary bikeways. Private facilities, including yacht clubs, golf courses, and country clubs also serve the residents of the City.²²

The City is divided into 12 service areas with a goal that each geographic area contains adequate parklands and/or recreational opportunities to serve that specific portion of the community. The project site is located in Service Area 9, Newport Center.²³ There is a park surplus within this service area. A number of parks and recreational facilities are also located within the vicinity of the project site. The nearest park, Castaways Park, is located across the Upper Newport Bay Channel approximately 400 feet northwest from the project site. Refer below to **Table 4.L-3, Existing Newport Beach Parks and Recreational Facilities Near the Project Site**, for parks and recreational facilities located near the project site and a summary of their amenities/activities and approximate distance/direction from the project site

Existing walking trails located within the vicinity of the project site include the Castaways Trail, a 1.02 mile trail, located at Castaways Park. The trail follows a paved path shared by pedestrians and bicyclists. A majority of the trail overlooks the Upper Newport Bay as well as Newport Harbor with lookout points along the path. The Back Bay Trail, a 2.89 mile trail, is located northeast from the project site adjacent to the Upper Newport Bay. The Back Bay Trail is located along a paved road used mostly by pedestrians and bicyclists

²⁰ *City of Newport Beach General Plan, Chapter 8 Recreational Element, dated 2006.*

²¹ *Ibid.*

²² *City of Newport Beach General Plan, Chapter 8 Recreational Element, dated 2006.*

²³ *Jaime Murillo, City of Newport Beach Community Development Department, Email Correspondence, Dated October 31, 2012.*

Table 4.L-3

Existing Newport Beach Parks and Recreational Facilities Near the Project Site

Name	Location	Parks Amenities/Activities	Approximate Distance/Direction from project site ^a
Castaways Park	700 Dover Drive	bay view, ocean view, benches, parking lot	400 feet northwest
Bob Henry Park	900 Dover Drive	athletic field, 2 ball diamonds, play equipment, 4 picnic tables, benches, water fountains, restrooms, parking lot	1,700 feet north
Westcliff Park	Polaris Drive and Morning Star Lane	bay view, water fountains, parking lot	2,050 feet northeast
Back Bay View Park	1900 Back Bay Drive	bay view, benches	3,500 feet east
Newport Aquatic Center/Park	1 White Cliffs Drive	bay view, showers, restrooms, parking lot	3,970 feet northeast
North Star Beach Park	1 White Cliffs Drive	beach area	3,970 feet northeast
Newport Aquatic Center	1 White Cliffs Drive	bay view, showers, restrooms, parking lot	3,970 feet northeast
Galaxy View Park	1398 Galaxy Drive	bay view, benches, water fountains	5,170 feet northeast
Newport Dunes	1131 Back Bay Drive	bay view, benches, parking lot, play equipment, restrooms, recreational vehicle park, boat launching facilities, beach day use, trail	Directly adjacent east

^a Approximate distance/direction from project site in miles is a straight line distance, not a drive distance.

Source: City of Newport Beach Website, Recreation Facilities, <http://gis.newportbeachca.gov/gispub/recreation/facilities/default.aspx>, accessed December 5, 2012.

and occasionally a car, but the speed limit is only 15 miles per hour (mph). This trail includes scenic views of Upper Newport Bay and is popular for bird watching.²⁴

Existing bike facilities located within the vicinity of the project site include paved paths along Mayflower Road through Back Bay View Park connecting to Back Bay Drive and from Castaways Park through and around Bob Henry Park and North Star Beach. Marked bike lanes are located along East Coast Highway and Back Bay Drive.²⁵

(4) Schools

The proposed project would be served by the Newport-Mesa Unified School District (NMUSD). There are 32 schools in the district: 22 elementary school (kindergarten through sixth grade [K-6], with various grade

²⁴ City of Newport Beach Website, Walking Trails Maps, <http://www.newportbeachca.gov/index.aspx?page=1739>, accessed December 5, 2012.

²⁵ City of Newport Beach Website, Bike Facilities and Information, <http://www.newportbeachca.gov/index.aspx?page=1993>, accessed December 5, 2012.

Table 4.L-4**Newport-Mesa Unified School District School Capacity and Enrollment for 2010-2011**

School (Grade Level)	Net School Capacity	Enrollment	Available Capacity
Elementary (K-6)	12,112	11,528	584
Secondary (7-12)	11,361	10,275	1,086
District Total	23,473	21,803	1,670

Ungraded elementary and secondary students are included into calculations.

Source: Newport Banning Ranch Project Draft EIR, prepared by BonTerra Consulting, dated September 9, 2011.

configurations), two middle schools (grades 7-8), four comprehensive high schools (two of the high schools serve grades 7-12), two alternative high schools, a middle college, and an adult education center. District-wide enrollment for the 2010-2011 school year was 21,803 students with a total school capacity of 23,473 seats. The district has an enrollment of 11,528 students in grades K-6 and 10,275 students in grades 7-12. When enrollment is compared to school capacity aggregated by grade level, an estimated capacity surplus of approximately 1,670 seats is identified for grades K-12.²⁶ **Table 4.L-4, Newport-Mesa Unified School District School Capacity and Enrollment for 2010-2011**, summarizes these school capacity and enrollment estimates. Enrollment has been relatively stable, decreasing only slightly at a rate of one percent per year over the last five years.²⁷

The project site is located within the attendance boundaries of the Lincoln Elementary School and the Corona del Mar High School. The Lincoln Elementary School, K-6, is located at 3101 Pacific View Drive, Corona del Mar, approximately 2.5 miles east of the project site. The Corona del Mar High School, grades 7-12, is located at 2101 Eastbluff Drive, Newport Beach, approximately 1.75 miles northeast of the project site.

(5) Library Services

The Newport Beach Public Library (NBPL) provides library services to the City. The Newport Beach Public Library consists of a Central Library and three branch library facilities including the Donna & John Crean Mariners Branch, the Balboa Branch, and the Corona del Mar Branch. The project site is located within approximately three miles of all four libraries. The proposed project is located within the service area of the NBPL and would be primarily served by the Central Library and the John Crean Mariners Branch, approximately 1.84 miles southeast and 1.04 miles north of the project site, respectively. As part of City's Civic Center Project recently completed in April 2013, the Central Library added 17,000 square feet of space. A portion of this space is reserved for a café and additional library space.²⁸ The Newport Beach library facilities, size, collection, service area, staffing, and distance/direction to the project site are identified below in **Table 4.L-5, Newport Beach Library Facilities**.

²⁶ *Newport Banning Ranch Project Draft EIR, prepared by BonTerra Consulting, dated September 9, 2011.*

²⁷ *Ibid.*

²⁸ *Julie Duncan, Technical Processing Supervisor, City of Newport Beach Public Library, Letter Correspondence, Dated October 25, 2012.*

Table 4.L-5

Newport Beach Library Facilities

Name	Address	Size (square feet)	Collection (books)	Service Area (population)	Staffing Full Time Equivalents (FTE)	Approximate Distance/Direction from project site ^a
Central Library	1000 Avocado Avenue	54,000 + 17,000 addition completed in April 2013	201,653	85,990 (entire City)	41.27	1.84 miles southeast
Donna & John Crean Mariners Branch	1300 Irvine Avenue	15,305	65,096	17,043	11.81	1.04 miles north
Balboa Branch Library	100 E. Balboa Boulevard	6,000	37,949	5,372	2.86	0.88 miles south
Corona del Mar Branch	420 Marigold	3,795	16,303	2,009	2.48	2.42 southeast

^a Approximate distance/direction from project site in miles is a straight line distance, not a drive distance.

Source: Julie Duncan, Technical Processing Supervisor, City of Newport Beach Public Library, Letter Correspondence, Dated October 25, 2012.

3. PROJECT IMPACTS

a. Methodology

(1) Fire Protection and Emergency Medical Services

Fire protection and emergency medical service needs relate to the size of the population and geographic area served, the number and types of calls for service, and the characteristics of the community and the proposed project. Changes in these factors resulting from the proposed project may increase the demand for services. The Nbfd evaluates the demand for fire protection and emergency medical services on a project-by-project basis to review a project's emergency features and to determine if a proposed project would require additional equipment, personnel, new facilities, or alterations to existing facilities. Beyond the standards included in the CFC, the Fire Code, the Fire Prevention Guidelines, and the Nbfd's Policy Manual, consideration is given to the size of the proposed project, uses proposed, fire flow necessary to accommodate the proposed project, response time (an acceptable response time is generally five minutes), distance for engine and truck companies, fire hydrant sizing and placement standards, access, and the project's potential to use or store hazardous materials. Based on these factors, a determination is made as to whether the Nbfd would require a new or physically altered facility to maintain current service levels, the construction of which could result in a potentially significant environmental impact.

(2) Police Protection and Law Enforcement Services

The determination of significance relative to impacts on police protection and law enforcement services is based on the ability of the NBPD to adequately serve the existing and future population. Based on these criteria, a determination was made as to whether police facilities could accommodate the additional demand for police protection services resulting from the proposed project without the need for a new facility or the alteration of existing facilities.

(3) Parks and Recreational Services

The analysis identifies park and recreational facilities and resources within the project area, identifies the approximate net population growth that would result from the proposed project, and provides a conclusion regarding the effects of the proposed project on park and recreational facilities and resources based on the proximity of the project site to designated recreational facilities and the project's potential contribution to demand for future facilities.

(4) Schools

The analysis of enrollment effects on schools is based in part on the ability of NMUSD school facilities to accommodate the potential increase in students generated from development of the proposed project. The analysis estimates the number of students that would be generated by the proposed project using NMUSD student generation rates, and focuses on whether NMUSD school facilities expected to serve the proposed project would have sufficient available capacity to accommodate these students. The analysis addresses all levels of education facilities operated by the NMUSD (i.e., elementary, middle, and high schools); and focuses on the schools that would serve the project site. It also addresses state regulations, i.e. SB 50, and related development fees as a mechanism for providing new school facilities and addressing school impacts of the proposed project.

(5) Library Services

Potential project impacts on library services and facilities are determined based on identifying the primary service library or libraries that serve the project site, forecasting the number of residents generated by the proposed project, identifying the population within the library's service area at the time of project buildout, combining the project's resident population with the forecasted service area population, and comparing the combined population to the service population for the library as determined by NBPL.

(6) Consistency with Regulatory Framework

The evaluation of public services also compares the proposed project to the standards and policies set forth in existing plans and regulations. These include, but are not limited to the applicable policies of the Land Use Element, Safety Element, Circulation Element, and Recreation Element of the City's General Plan and requirements of the City's Municipal Code.

b. Significance Thresholds

Appendix G of the *CEQA Guidelines* provides a checklist of questions to assist in determining whether a proposed project would have a significant impact related to various environmental issues including public

services. Based on the following issue areas identified in Appendix G of the *CEQA Guidelines*, a significant impact relative to public services would occur if the project would result in the following:

Threshold 1: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, 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 and Emergency Medical Services (refer to Impact Statement 4.L-1 below);
- Police Protection and Law Enforcement Services (refer to Impact Statement 4.L-2 below);
- Parks and Recreational Services (refer to Impact Statement 4.L-3 below);
- Schools (refer to Impact Statement 4.L-4 below);
- Library Services (refer to Impact Statement 4.L-5 below).

Threshold 2: Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (refer to Impact Statement 4.L-3 below); and

Threshold 3: Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (refer to Impact Statement 4.L-3 below); and

Threshold 4: Conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan and municipal code) adopted for the purpose of avoiding or mitigating an environmental effect. (refer to Impact Statement 4.L-6 below).

c. Project Design Features

Future development pursuant to the proposed project would comply with applicable State and local codes and building requirements related to fire safety and access for emergency vehicles in order to provide an adequate degree of fire and police protection through proper design and to allow for acceptable response times for fire, police, and emergency medical services. Water infrastructure within the project area would also be constructed as necessary to meet the minimum fire flow requirements of the NBFDF. The Back Bay Landing Community Development Plan (PCDP) provides development standards and design guidelines regulating vehicular circulation, project lighting, and enhanced site design to improve public safety and minimize the need for additional fire protection, police protection, and emergency medical services. Primary circulation within the development shall accommodate adequate fire truck turn-around radii and emergency vehicle access. The PCPD requires a detailed lighting plan to be submitted with the Site Development Review application for future on-site development. All outdoor lighting shall comply with Title 20, *Planning and Zoning*, Chapter 20.30, *Property Development Standards*, Section 20.30.070, *Outdoor Lighting*, of the Municipal Code.

The proposed project would further comply with all applicable State and local regulations related to parks and recreation services, schools, and library services. The PCDP requires a minimum of 75 square feet per dwelling unit for common open space (e.g., pool, patio, decking, barbecue areas, common meeting rooms). The PCDP would also allow for coastal-dependent and coastal-related uses, including up to 61,534 square feet of visitor-serving retail/restaurant/marine boat sales, rental and service repair and recreational commercial (kayak and stand up paddle board [SUP] rentals); a new 32,500-square-foot, full-service enclosed dry stack boat storage structure with racks or bays (up to a maximum of 140 boat spaces) and launching facilities. Further, the PCDP provides development standards and design guidelines regulating the bayfront promenade/trail as well as common open space areas. A 12-foot wide public bayfront promenade/trail would be constructed along the length of the seawall/bulkhead to the boundary with the Bayside Village Mobile Home Park, and continuing along the project entrance to Bayside Drive. The public bayfront promenade would comply with the following requirements:

1. An easement for public access shall be provided to the City along the entire length of the proposed public bayfront promenade.
2. The public bayfront promenade shall be accessible to pedestrians and bicyclists, and shall extend along the waterfront under the Coast Highway-Newport Bay Bridge and shall connect to an existing trail system on the south side of East Coast Highway.
3. The bayfront promenade shall interface with restaurants and outdoor dining areas, the coastal public view tower, the enclosed dry stack boat storage, residential and marine boat service areas to the maximum extent feasible. Amenities such as seating, coastal plazas, vista points, trash enclosures, lighting, and other pedestrian-oriented improvements shall be provided along its length where appropriate.
4. Bayside Drive shall be improved with new Class 1 (Off-road) and Class III (Shared Use) bikeway, as shown in Figures 2-10 and 2-11, to accommodate both cyclists and pedestrians. This improvement shall serve as an enhanced link between the new public bayfront promenade and the existing City and County trail systems and the Newport Dunes recreation area.
5. Trails shall be located and designed consistent with Coastal Land Use Plan (CLUP) Policy 3.1.1-1 and the Coastal Act, with appropriate routing to protect the privacy of existing Bayside Village Mobile Home Park residents, consistent with Public Resources Code section 30214 (the California Coastal Act).

d. Analysis of Project Impacts

(1) Fire Protection and Emergency Medical Services

Threshold	<p>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p> <ul style="list-style-type: none"> - Fire Protection and Emergency Medical Services?
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Impact 4.L-1 Implementation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction

of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection and emergency medical services. This impact is considered less than significant.

The proposed project would introduce 85,644 square feet of residential uses (up to 49 residential units) that would generate a new residential population of approximately 107 persons²⁹ and up to 94,034 square feet of visitor-serving commercial/marine-related uses and storage that would indirectly increase the population by approximately 120 persons³⁰ in the project area both on- and off-site for a total of 227 persons³¹. As described in the Existing Conditions section above, the City of Newport Beach has individual automatic aid agreements with the Cities of Costa Mesa, Huntington Beach, Laguna Beach and the OCFA. Together, all fire agencies provide personnel to any emergency. The closest emergency response unit is dispatched to the emergency, regardless of the jurisdictional boundary for any fire or large emergency response with multiple units.³² More specifically, the project site is located within approximately four miles of all eight Nbfd fire stations. The first in and backup responders would be Fire Stations 3, 4, 5, and 6, located 1.3 miles east, 1.15 miles southeast, 2.5 miles southeast, and 1 mile north, respectively. Either station might respond to the project site, depending on availability.³³ Due to the close vicinity to multiple stations, the response time to the project site would be within the Nbfd's response time goals consistent with the Nbfd's Policy Manual. Further, according to the California Department of Forestry and Fire Protection (CAL FIRE) "Draft Fire Hazard Severity Zones (FHSZ) in LRA" Local Responsibility Area (LRA) map for the City, dated July 27, 2010, the project site is designated as non-FHSZ. Therefore, no fuel modification for fire fuel management would be required.

As required by the CFC, the Fire Code, the Fire Prevention Guidelines (C.01 – Emergency Fire Access: Roadways, Fire Lanes, Gates and Barriers and C.02 – Identification of Fire Lanes), and the Nbfd, the proposed project shall include specific project design features such as roadways designed to meet or exceed minimum fire and emergency access requirements including ingress/egress, turning radii, and driveway width; adequate on-site space to park Nbfd apparatus; fire hydrant sizing, spacing and locations; fire protection systems; and approved building materials. As described in the Project Design Features section above, the PCPD provides development standards regulating vehicular circulation and enhanced site design to improve public safety and minimize the need for additional fire protection and emergency medical services. The PCPD requires the City of Newport Beach Public Works Department to determine the final location of project access during Site Development Review at the time a future development project is proposed; refer to **Figure 2-12, Vehicular Access Plan**, and **Figure 2-13, Proposed Circulation and Parking**, in Chapter 2, *Project Description*, of this Draft EIR. Primary circulation within the development shall accommodate adequate fire truck turn-around radii and emergency vehicle access. To further ensure safety of each project considered by the City, the Nbfd requires review and approval prior to site plan approval, of the site plans and project design features of new development before building permits are issued. In addition, an automatic sprinkler system shall be installed in all occupancies subject to the review and

²⁹ 49 residential units X 2.19 persons = 107.31 direct residents (per the average household size of 2.19 persons/household for the City of Newport Beach, U.S. Census Bureau, 2010 Census).

³⁰ 219 employees X .25 X 2.19 = 120 indirect residents. Indirect residents is one-quarter of the employees multiplied by 2.19 persons per household.

³¹ Total residents = 107 direct residents + 120 indirect residents = 227.

³² Newport Banning Ranch Project Draft EIR, prepared by BonTerra Consulting, dated September 9, 2011.

³³ Debbie Alcaraz, Administrative Assistant, Newport Beach Fire Department, email correspondence, dated December 13, 2012.

approval of the Nbfd. Conformance with these development/construction requirements and guidelines and implementation of the project design features reduces the risks associated with fire hazards.

Another important component of ensuring fire protection services is the availability of adequate firefighting water flow. Fire flow requirements are closely related to land use. The quantity of water necessary for fire protection varies with the type of development, life hazard, occupancy, and the degree of fire hazard. In accordance with the Fire Prevention Guideline B.01, Determination of Required Fire Flow, a fire flow test shall be required to confirm that there is adequate pressure for the project’s fire system requirements³⁴ prior to the issuance of a building permit. The findings of the fire flow test shall determine whether or not new water facilities or mains would be required. The fire flow test shall be subject to supervision and approval of the Nbfd and the City of Newport Beach Public Works Department. The proposed project includes the replacement and realignment of a 1926 regional transmission water main (87 years old) which currently bisects the project site. Once future development begins, the project Applicant shall be responsible to show that the new alignment would continue to provide reliable water flow and capacity in case of an emergency subject to the approval of the Nbfd and the City of Newport Beach Public Works Department³⁵. Currently, the City does have adequate water capacity to meet the demands of similar facilities in the project site.³⁶ The ability of the water service provider to provide water supply to the project site is further discussed in Section 4.N, *Utilities and Service Systems*.

No new fire protection facilities would be necessary as a result of project implementation.³⁷ To ensure that the provision of fire and emergency medical services is not eroded by future development, prior to the issuance of a building permit for the construction of residential and commercial/marine-related uses, the project Applicant shall pay the required Property Excise Tax to the City of Newport Beach, as set forth in its Municipal Code (Section 3.12) for the public improvements and facilities associated with the Nbfd. These fees would be utilized to fund additional services and improvements that may be required to provide adequate fire protection to the project area.

As such, the incremental increase in population and commercial/marine-related uses would not be substantial enough to significantly impact fire and emergency medical services on a daily or annual basis. Overall, compliance with applicable regulatory requirements of the CFC, the Fire Code, the Fire Prevention Guidelines, the Nbfd, and implementation of the project design features, impacts related to fire protection and emergency medical services and facilities would be less than significant.

(2) Police Protection and Law Enforcement Services

Threshold	<p>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p> <ul style="list-style-type: none"> - Police Protection and Law Enforcement Services?
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³⁴ *Kathryne Cho, Project Engineer, City of Newport Beach Public Works Department, Letter Correspondence, dated November 15, 2012.*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

Impact 4.L-2 Implementation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection and law enforcement services. This impact is considered less than significant.

As described above in the Existing Conditions section, the NBPD has mutual aid agreements with the Cities of Costa Mesa, Fountain Valley, and Huntington Beach, and the OCSD to provide organized interagency assistance and cooperation during local police incidents.³⁸ The project site is serviced by the NBPD. The City's police station is located at 870 Santa Barbara Drive in Newport Center, approximately 1.4 miles northeast of the project site. The NBPD staffing consists of 137 authorized sworn personnel and 74 non-sworn personnel. The NBPD also has an additional authorized full-time equivalent of 12 part-time personnel. First in responders to the project site are the sworn officers from the Patrol and Traffic Division.³⁹ With a population of approximately 85,990⁴⁰ in 2012, the ratio of officers to residents is currently 1.59⁴¹ officers per 1,000 residents. However, the NBPD does not have a law enforcement staffing standard. Currently, there are no immediate or future plans for expansion of police facilities, staff, or equipment inventory.

As described above, the proposed project would generate a new residential population of approximately 227 persons (107 from direct growth from proposed residential uses and 120 from indirect growth associated with proposed non-residential uses). This incremental increase of population would not create a need for expanding or existing facilities or staff, construction of a new facility, or adversely impact types of services provided. The PCDP provides development standards regulating vehicular circulation including emergency vehicle access as well as enhanced site design including project lighting to improve public safety. The PCPD requires a detailed lighting plan to be submitted with the Site Development Review application for future on-site development. All outdoor lighting shall comply with Title 20, Planning and Zoning, Chapter 20.30, Property Development Standards, Section 20.30.070, Outdoor Lighting of the Municipal Code.

The NBPD'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-based expansion. Tax-base expansion from development of the proposed project would generate funding for police protection and law enforcement services. As such, compliance with applicable regulatory requirements of the NBPD and implementation of the project design features, impacts related to police protection and law enforcement services would be less than significant.

(3) Parks and Recreational Services

Threshold	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
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³⁸ *Newport Banning Ranch Project Draft EIR, prepared by BonTerra Consulting, dated September 9, 2011.*

³⁹ *Lieutenant Dennis Birch, Support Services Division, Newport Beach Police Department, Letter Correspondence, December 1, 2012.*

⁴⁰ *State Department of Finance Estimates. City of Newport Beach Website, Population by Year. <http://www.newportbeachca.gov/index.aspx?page=966>, accessed December 5, 2012.*

	- Parks and Recreational Services?
Threshold	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
Threshold	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Impact 4.L-3 Implementation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives parks and recreational facilities. Further, the proposed project would not 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, and the proposed project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. This impact is considered less than significant.

The City has approximately 286.4 acres of developed parks and 90.4 acres of active beach and marine recreation for a combined total of 376.8 acres.⁴² In addition, the 14.3 acre Civic Center Park was recently completed in this service area in April 2013. Additional recreational resources in the City include community centers, multipurpose recreation centers, a senior center, and two gymnasium facilities. Jogging trails, pedestrian trails, recreation trails, regional equestrian trails, pedestrian corridors, and bikeways are also available within the City. Bikeways within the City include bicycle lanes, bicycle routes, bicycle trails, backbone bikeways, and secondary bikeways. Private facilities, including yacht clubs, golf courses, and country clubs also serve the residents of the City.⁴³ The project site is located in Service Area 9, Newport Center.⁴⁴ This service area has a park surplus, which includes the Civic Center Park. As described above in the Existing Conditions section, a number of parks and recreational facilities are located within the vicinity of the project site. The nearest park, Castaways Park, is located across the Upper Newport Bay Channel approximately 400 feet northwest from the project site. Existing walking trails located within the vicinity of the project site include the Castaways Trail located at Castaways Park and the Back Bay Trail located northeast from the project site adjacent to the Upper Newport Bay.⁴⁵ Existing bike facilities located within the vicinity of the project site include paved paths along Mayflower Road through Back Bay View Park connecting to Back Bay Drive and from Castaways Park through and around Bob Henry Park and North Star Beach. Marked bike lanes are located along East Coast Highway and Back Bay Drive.⁴⁶

⁴¹ 85,990 persons/1,000 persons = 85.9. 137 sworn officers/85.9 = 1.59 officers per 1,000 residents.

⁴² City of Newport Beach General Plan, Chapter 8 Recreational Element, dated 2006.

⁴³ Ibid.

⁴⁴ Jaime Murillo, City of Newport Beach Community Development Department, Email Correspondence, Dated October 31, 2012.

⁴⁵ City of Newport Beach Website, Walking Trails Maps, <http://www.newportbeachca.gov/index.aspx?page=1739>, accessed December 5, 2012.

⁴⁶ City of Newport Beach Website, Bike Facilities and Information, <http://www.newportbeachca.gov/index.aspx?page=1993>, accessed December 5, 2012.

As described above in the Existing Conditions section, the City has a total of 391.1⁴⁷ acres of combined developed parks and active beach recreation. An estimated total of 429.5⁴⁸ acres of parklands are needed within the City to accommodate the City's existing population of 85,990.⁴⁹ Thus, this represents a total deficit of 38.4⁵⁰ acres of combined park and beach acreage citywide. However, two planned parks, Sunset Ridge Park and Marina Park would help alleviate the citywide park deficit. Refer below to **Table 4.L-6, Proposed Newport Beach Parks and Recreational Facilities**, for proposed parks and recreational facilities within the City and a summary of their amenities and expected construction completion dates.

In addition to a deficit in combined park and active beach recreation acreage, there is a shortage in active playfields. Many of the service areas within the City may have a park surplus, but are still experiencing a deficit in active playfields. It is difficult to provide playfields due to the large amount of land required for sports fields, the lack of vacant land, and the high cost of such land within the City. The City also has a shortage in marine recreation and facilities which include boating facilities and shoreline access.⁵¹

Table 4.L-6

Proposed Newport Beach Parks and Recreational Facilities

Name	Size (acres)	Location	Parks Amenities/Activities	Expected Completion
Sunset Ridge Park	13.67	Northwest corner of Pacific Coast Highway (PCH) and Superior Avenue in the West Newport Community	pony league baseball field, soccer fields, children play area, picnic shelter, view areas	mid-2014
Marina Park	10.45	Balboa Peninsula	24,000-square-foot multi-purpose community and sailing program building, 5,500-square-foot Girl Scout building, visitor-serving marina including 23 slips and a 200-foot-long side tie area, public bay front beach, basketball half-courts, children play area, restrooms, 157-space public parking area	late-2015

Source: Jaime Murillo, City of Newport Beach Community Development Department, Email Correspondence, Dated October 31, 2012.

⁴⁷ 376.8 acres of combined developed parks and active beach recreation + 14.3 acre Civic Center Park = 391.1 total parkland.

⁴⁸ 85,990 persons/1,000 persons = 85.9. 85.9 x 5 acres of parkland = 429.5 acres of needed parkland.

⁴⁹ State Department of Finance Estimates. City of Newport Beach Website, Population by Year. <http://www.newportbeachca.gov/index.aspx?page=966>, accessed December 5, 2012.

⁵⁰ 429.5 acres of needed parkland - 391.1 acres of existing parkland = 38.4 acres of parkland deficit.

⁵¹ City of Newport Beach General Plan, Chapter 8 Recreational Element, dated 2006.

The project site is located in Service Area 9, Newport Center.⁵² According to the General Plan Recreation Element, Service Area 9 includes 19 acres of existing parkland, zero acres of existing active beach recreation, and needs 10.9 acres of parkland for a parkland excess of 8.1 acres. Therefore, Service Area 9 has no identified park and recreation needs.⁵³

According to the Municipal Code Section 19.52.040 Parkland Standard, per figures from the 2000 Federal census and the City of Newport Beach General Plan Recreation Element, the amount of neighborhood and community park acreage in the City is five and one-tenth (5 1/10) acres per one thousand (1,000) population. The proposed project would directly generate a new on-site residential population of approximately 107 persons, which would incrementally increase demand for park and recreational facilities in the project vicinity.⁵⁴ As described in the Project Design Features section above, the PCDP proposes a 12-foot-wide public bayfront promenade/trail to be constructed along the length of the seawall/bulkhead to the boundary with the Bayside Village Mobile Home Park, and continuing along the project entrance to Bayside Drive, as illustrated in **Figure 2-10, Public Spaces**, **Figure 2-11, Coastal Access and Regional Trail Connections**, and **Figure 2-12, Public Bayfront Access and Trails**. The public bayfront promenade would comply with the following requirements of the PCDP:

1. An irrevocable offer of dedication of a public access easement shall be provided to the City along the entire length of the proposed public bayfront promenade.
2. The public bayfront promenade shall be accessible to pedestrians and bicyclists, and shall extend along such bayfront under the Coast Highway-Newport Bay Bridge along the project site connecting to the existing trail system on the south side of East Coast Highway.
3. The bayfront promenade shall be designed to interface with restaurants and outdoor dining areas, the coastal public view tower, the enclosed dry stack boat storage, residential and marine boat service areas to the maximum extent feasible. Amenities such as seating, coastal plazas, vista points, trash enclosures, lighting, and other pedestrian-oriented improvements shall be provided along its length where appropriate.
4. Bayside Drive shall be improved with new Class 1 (Off-road) and Class III (Shared Use) bikeway, as shown in Figures 2-11 and 2-12, to accommodate both cyclists and pedestrians. This improvement shall serve as an enhanced link between the new public bayfront promenade and the existing City and County trail systems and the Newport Dunes recreation area.
5. Trails shall be located and designed consistent with Coastal Land Use Plan (CLUP) Policy 3.1.1-1 and the Coastal Act, with appropriate routing to protect the privacy of existing Bayside Village Mobile Home Park residents, consistent with Public Resources Code section 30214 (the California Coastal Act).

The PCPD further requires a minimum of 75 square feet per dwelling shall be provided for common open space (e.g., pool, patio, decking, and barbecue areas, common meeting rooms, etc.). In addition, the PCDP

⁵² Jaime Murillo, City of Newport Beach Community Development Department, Email Correspondence, Dated October 31, 2012.

⁵³ City of Newport Beach General Plan, Chapter 8 Recreational Element, Table R-1, Parkland Acreage Needs, page 8-10, dated 2006.

⁵⁴ Direct residential population increase is estimated based on the following: 49 residential units X 2.19 persons = 107.31 direct residents (per the average household size of 2.19 persons/household for the City of Newport Beach, U.S. Census Bureau, 2010 Census).

would allow for coastal-dependent and coastal-related uses, including up to 61,534 square feet of visitor-serving retail/restaurant/marine boat sales, rental and service repair and recreational commercial (kayak and stand up paddle board [SUP] rentals); a new 32,500-square-foot, full-service enclosed dry stack boat storage structure with racks or bays (up to a maximum of 140 boat spaces) and launching facilities. Due to the proximity of the project site to numerous parks and recreational facilities, the effect on any one park would be nominal and distributed over the local vicinity, resulting in no increase in demand to any one recreational facility and would not be sufficient to substantially deteriorate, or accelerate the deterioration of recreational facilities or resources.

The project Applicant shall comply with the City Park Dedication and Fees Ordinance and/or the Property Excise Tax. If the residential units are developed as condominiums, the Applicant shall be allowed to pay an in-lieu park fees for the provision of rehabilitation of parks and recreational facilities that would serve the proposed project.⁵⁵ As such, compliance with applicable regulatory requirements of the Municipal Code and implementation of the project design features, impacts related to park and recreational facilities would be less than significant.

(4) Schools

Threshold	<p>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p> <ul style="list-style-type: none"> - Schools?
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Impact 4.L-4 Implementation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. This impact is considered less than significant.

As described in the Existing Conditions section above, the project site would be served by the NMUSD within the attendance boundaries of the Lincoln Elementary School and the Corona del Mar High School, approximately 2.5 miles east and 1.75 miles northeast of the project site, respectively. The proposed project would directly generate a new on-site residential population of approximately 107 persons. Based upon the NMUSD student generation factors, the proposed project would generate approximately two elementary age students, one middle school student, and one high school student for a total of four school aged children; refer to **Table 4.L-7, Newport-Mesa Unified School District Student Generation Factors.**⁵⁶

⁵⁵ Jaime Murillo, City of Newport Beach Community Development Department, Email Correspondence, Dated October 31, 2012.

⁵⁶ Newport Banning Ranch Project Draft EIR, prepared by BonTerra Consulting, dated September 9, 2011.

As shown in Table 4.L-4 above, the total enrollment for the 2010-2011 school year for grades K-6 was 11,528 students with an available capacity of 584 students. Total enrollment for grades 7-12 was 10,275 students with an available capacity of 1,086 students. Therefore, the projected four school aged children would not exceed the student capacity for the Lincoln Elementary School or the Corona del Mar High School. To ensure less than significant impacts related to the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, the project Applicant shall pay the required SB 50 development fees pursuant to Section 65995 of the California Government Code. The fees would be utilized to fund additional school facilities and school improvements that may be required to provide adequate school services to the project area. Therefore, impacts to school services and facilities would be less than significant.

Table 4.L-7

Newport-Mesa Unified School District Student Generation Factors

School	Student Generation Rate	
	Per Attached Single-Family Attached Residential Unit	Project Total ^a
Lincoln Elementary School	Elementary Schools (K-6): 0.045	2
3101 Pacific View Drive, Corona del Mar	Middle School (7-8): 0.016	1
Corona del Mar High School	High School (9-12): 0.019	1
2101 Eastbluff Drive, Newport Beach		

^a Student generation rate multiplied by the proposed 49 single-family attached residential units.

Source: Newport Banning Ranch Project Draft EIR, prepared by BonTerra Consulting, dated September 9, 2011.

(5) Library Services

Threshold	<p>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p> <ul style="list-style-type: none"> - Library Services?
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Impact 4.L-5 Implementation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for library services. This impact is considered less than significant.

Due to the incremental population increase of the proposed project, the impact on library services is anticipated to be minimal and would not affect the NBPL's ability to provide library services. As described above in the Existing Conditions section, the project site is located within approximately three miles of all four libraries. The proposed project is located within the service area of the NBPL and would be primarily served by the Central Library and the John Crean Mariners Branch, approximately 1.84 miles southeast and 1.04 miles north of the project site, respectively. As part of City's Civic Center Project recently completed in April 2013, the Central Library added 17,000 square feet of space. A portion of this space is reserved for a

café and additional library space.⁵⁷ Due to the proximity of the project site to the NBPLs, the effect of any one library would be nominal and distributed over the local vicinity. As such, the proposed project would not be expected to affect the NBPL. To ensure that the library services are not eroded by future development, prior to the issuance of a building permit for the construction of residential and commercial/marine-related uses, the project Applicant shall pay the required Property Excise Tax to the City of Newport Beach, as set forth in its Municipal Code (Section 3.12) for the public improvements and facilities associated with the NBPL. These fees would be utilized to fund additional services and improvements that may be required to provide adequate library services to the project area. Therefore, impacts to library services and facilities would be less than significant.

(6) Consistency With Regulatory Framework

Threshold	Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan and municipal code) adopted for the purpose of avoiding or mitigating an environmental effect?
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Impact 4.L-6 Implementation of the proposed project would not conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan and Municipal Code). This impact is considered less than significant.

(a) City of Newport Beach General Plan

The City’s General Plan contains a number of policies that are relevant to public services, including policies contained in the Land Use Element, Circulation Element, Recreation Element, and the Safety Element. As discussed below in **Table 4.L-8, General Plan Consistency Analysis**, the proposed project would not conflict with the applicable policies of the City of Newport Beach General Plan. As such, impacts would be less than significant.

Table 4.L-8

General Plan Consistency Analysis

Applicable Policies	Project Consistency Statement
<i>Land Use Element</i>	
Uses to be Accommodated (“What Uses Contribute to Our Community?”)	
Policy LU 2.1: Resident-Serving Land Uses. Accommodate uses that support the needs of Newport Beach’s residents including housing, retail, service, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.	Consistent. The PCDP provides development standards and design guidelines that would require a village orientation of the project at Bayside Drive and East Coast Highway, designed not only to attract visitors to the mixed-use waterfront village, but also to encourage significant new public waterfront access to and along the bay front, between Balboa Marina to the south and Newport Dunes and the regional trail system to the east. The PCDP proposes a 12-foot-wide public bayfront promenade/trail to be constructed along the length of the seawall/bulkhead to the boundary with the Bayside

⁵⁷ Julie Duncan, Technical Processing Supervisor, City of Newport Beach Public Library, Letter Correspondence, Dated October 25, 2012.

Table 4.L-8 (Continued)

General Plan Consistency Analysis

Applicable Policies	Project Consistency Statement
	<p>Village Mobile Home Park, and continuing along the project entrance to Bayside Drive. The public bayfront promenade/trail would comply with the following requirements:</p> <ol style="list-style-type: none"> 1. An easement for public access shall be provided to the City along the entire length of the proposed public bayfront promenade. 2. The public bayfront promenade shall be accessible to pedestrians and bicyclists, and shall extend along the waterfront under the Coast Highway-Newport Bay Bridge and shall connect to an existing trail system on the south side of East Coast Highway. 3. The bayfront promenade shall interface with restaurants and outdoor dining areas, the coastal public view tower, the enclosed dry stack boat storage, residential and marine boat service areas to the maximum extent feasible. Amenities such as seating, coastal plazas, viewpoints, trash enclosures, lighting, and other pedestrian-oriented improvements shall be provided along its length where appropriate. 4. Bayside Drive shall be improved with new Class 1 (Off-road) and Class III (Shared Use) bikeway, as shown in Figures 2-10 and 2-11, to accommodate both cyclists and pedestrians. This improvement shall serve as an enhanced link between the new public bayfront promenade and the existing City and County trail systems and the Newport Dunes recreation area. 5. Trails shall be located and designed consistent with Coastal Land Use Plan (CLUP) Policy 3.1.1-1 and the Coastal Act, with appropriate routing to protect the privacy of existing Bayside Village Mobile Home Park residents, consistent with Public Resources Code section 30214 (the California Coastal Act). <p>The PCPD further requires a minimum of 75 square feet per dwelling shall be provided for common open space (e.g., pool, patio, decking, and barbecue areas, common meeting rooms, etc.). In addition, the PCDP would allow for coastal-dependent and coastal-related uses, including up to 61,534 square feet of visitor-serving retail/restaurant/marine boat sales, rental and service repair and recreational commercial (kayak and stand up</p>

Table 4.L-8 (Continued)

General Plan Consistency Analysis

Applicable Policies	Project Consistency Statement
	paddle board [SUP] rentals); a new 32,500-square-foot, full-service enclosed dry stack boat storage structure with racks or bays (up to a maximum of 140 boat spaces) and launching facilities. The proposed project would also provide public parking, public launching facilities for small vessels, public restrooms, and a public coastal view tower with interpretive features.
<p>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).</p>	<p>Consistent. The proposed project is consistent with this policy, which requires that only land uses that can be adequately supported by the City’s public services should be accommodated. With respect to the provision of fire, police, park, school, and library facilities, as addressed in this section of the EIR, the proposed project can be adequately served.</p>
<p>Organization and Form of Uses (“How are Land Uses Distributed?”)</p>	
<p>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.</p>	<p>Consistent. With respect to public services, the analysis provided in this section of the EIR demonstrates that the proposed land uses can be adequately served.</p>
<p>Harbor and Bay Element</p>	
<p>Diversity of Land Uses</p>	
<p>Policy 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:</p> <ul style="list-style-type: none"> ▪ 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 	<p>Consistent. Please refer to response for Policy LU 2.1. The project proposes a mixed-use bayfront village that would introduce 85,644 square feet of residential uses (up to 49 residential units) and 61,534 square feet of visitor-serving retail/restaurant/marine boat sales, rental and service repair and recreational commercial (kayak and stand up paddle board [SUP] rentals); a new 32,500 square-foot, full-service enclosed dry stack boat storage structure with racks or bays (up to a maximum of 140 boat spaces) and launching facilities. Included within the 61,534 square feet of visitor-serving commercial retail us up to 4,000 square feet of replacement storage area (resident and boater lockers) and marina restrooms with laundry facilities. Additionally, a gated entry with new</p>

Table 4.L-8 (Continued)

General Plan Consistency Analysis

Applicable Policies	Project Consistency Statement
<p>restaurants and retail stores.</p> <ul style="list-style-type: none"> ▪ 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. 	<p>parking spaces would provide parking for existing marina tenants and mobile home resident guests, along with significant new coastal access and “view” improvements.</p>
<p>Policy HB 1.2: Waterfront Public Spaces. Encourage the creation of waterfront public spaces and beaches, with adjacent water access and docking facilities that serves as the identity and activity “centers” of Newport Harbor for special events of community/regional interest.</p>	<p>Consistent. Please refer to the response for Policy LU 2.1 and Policy HB 1.1.</p>
<p>Policy HB 2.1: Design of New Development. Site and design new development to avoid impacts to existing and potential water-dependent and water-related uses.</p>	<p>Consistent. Please refer to the response for Policy LU 2.1 and Policy HB 1.1.</p>
<p>Policy HB 2.2: Land Use Changes. Consider the impact on water-dependent and water-related land uses when reviewing proposals for land use changes, considering both the subject property and adjacent properties.</p>	<p>Consistent. Please refer to the response for Policy LU 2.1 and Policy HB 1.1. The proposed project is developed as mixed-use with a minimum amount of non-residential gross floor area shall be developed on-site, ensuring the continuation of these types of uses. Further, existing water dependent uses and water-related uses will be maintained in the development and expanded. The PCDP includes marine and boat sales, boat rentals, boat service/repair, and recreational commercial uses as priority uses in Planning Area 1 and Planning Area 2.</p>
<p>Policy HB 2.3: Marine Support Uses. Encourage the preservation and enhancement of existing marine support uses serving the needs of existing waterfront uses and the boating community.</p>	<p>Consistent. Please refer to the response for Policy LU 2.1 and Policy HB 1.1. The existing marina and marina parking, kayak rental and floating fish market are water-dependent uses that will remain and further enhanced with the new enclosed dry stack boat storage facility and additional mariner-related uses.</p>
<p>Policy HB 2.6: Public Access Facilities. Ensure that new or improved public access facilities are compatible with existing, permitted land uses and consistent with the availability of supporting infrastructure, such as parking and restrooms.</p>	<p>Consistent. Please refer to the response for Policy LU 2.1 and Policy HB 1.1.</p>
<p>Policy HB 3.1: Building Improvements and Programs. Preserve and/or enhance existing water-enhanced, water-related and water-dependent commercial uses and marine oriented commercial areas through building improvements and programs that preserve the design and character of the Harbor.</p>	<p>Consistent. Please refer to the response for Policy LU 2.1 and Policy HB 1.1. The existing marina and marina parking, kayak rental and floating fish market are water-dependent uses that will remain and further enhanced with the new enclosed dry stack boat storage facility and additional mariner-related uses.</p>
<p>Diversity of Water Uses</p>	
<p>Policy HB 4.1: Passenger Vessels. Support continued operation of passenger/sightseeing boats, passenger</p>	<p>Consistent. Please refer to the response for Policy LU 2.1 and Policy HB 1.1. Passenger vessels are not currently</p>

Table 4.L-8 (Continued)

General Plan Consistency Analysis

Applicable Policies	Project Consistency Statement
fishing boats (“day boats”), and long-term boat rentals and sales.	provided within the proposed project. However, within the boat storage use, opportunity exists for boat rentals operations.
Policy HB 4.2: Small Vessels. Support continued short-term rental of small boats while encouraging vendors to teach customers how to safely operate the watercraft.	Consistent. Please refer to the response for Policy LU 2.1, Policy HB 1.1, and Policy HB 4.1.
Policy HB 5.1: Marinas and Dry Boat Storage Facilities. Protect and, where feasible through the use of new designs and technology, enhance and expand marinas and dry boat storage facilities.	Consistent. Please refer to the response for Policy LU 2.1 and Policy HB 1.1. The project proposes a new 32,500-square-foot, full-service enclosed dry stack boat storage structure with racks or bays (up to a maximum of 140 boat spaces) and launching facilities.
Public Access	
Policy HB 6.1: Provision of Public Coastal Access. Provision and maintenance of public access for recreational purposes to the City’s coastal resources (Goal R9).	Consistent. Please refer to the response for Policy LU 2.1 and Policy HB 1.1.
<p>Policy HB 6.4: Enhancement of Guest and Public Facilities. Protect and, where feasible, expand, and enhance:</p> <ul style="list-style-type: none"> ▪ Waste pump-out stations ▪ Vessel launching facilities ▪ Low-cost public launching facilities ▪ Marinas and dry boat storage facilities ▪ Guest docks at public facilities, yacht clubs and at privately owned marinas, restaurants and other appropriate locations ▪ Facilities and services for visiting vessels ▪ Facilities necessary to support vessels berthed or moored in the harbor, such as boat haul out facilities ▪ Existing harbor support uses serving the needs of existing waterfront uses, recreational boaters, the boating community, and visiting vessels. (Policy R8.5) 	Consistent. Please refer to the response for Policy LU 2.1 and Policy HB 1.1. The PCDP would allow for coastal-dependent and coastal-related uses, including up to 61,534 square feet of visitor-serving retail/restaurant/marine boat sales, rental and service repair and recreational commercial (kayak and stand up paddle board [SUP] rentals); a new 32,500-square-foot, full-service enclosed dry stack boat storage structure with racks or bays (up to a maximum of 140 boat spaces) and launching facilities. The PCDP would also require the development of a public launch area for kayaks and other small vessels, and public parking for coastal access.
Circulation Element	
Alternative Transportation Modes	
Policy CE 5.1.1: Trail System. Promote construction of a comprehensive trail system.	Consistent. Please refer to response for Policy LU 2.1 and HB 1.1. The PCDP proposes a 12-foot-wide public bayfront promenade/trail to be constructed along the length of the seawall/bulkhead to the boundary with the Bayside Village Mobile Home Park, and continuing along the project entrance to Bayside Drive. The public bayfront promenade/trail would comply with the following

Table 4.L-8 (Continued)

General Plan Consistency Analysis

Applicable Policies	Project Consistency Statement
	<p>requirements:</p> <ol style="list-style-type: none"> 1. An easement for public access shall be provided to the City along the entire length of the proposed public bayfront promenade. 2. The public bayfront promenade shall be accessible to pedestrians and bicyclists, and shall extend along the waterfront under the Coast Highway-Newport Bay Bridge and shall connect to an existing trail system on the south side of East Coast Highway. 3. The bayfront promenade shall interface with restaurants and outdoor dining areas, the coastal public view tower, the enclosed dry stack boat storage, residential and marine boat service areas to the maximum extent feasible. Amenities such as seating, coastal plazas, viewpoints, trash enclosures, lighting, and other pedestrian-oriented improvements shall be provided along its length where appropriate. 4. Bayside Drive shall be improved with new Class 1 (Off-road) and Class III (Shared Use) bikeway, as shown in Figures 2-10 and 2-11, to accommodate both cyclists and pedestrians. This improvement shall serve as an enhanced link between the new public bayfront promenade and the existing City and County trail systems and the Newport Dunes recreation area. 5. Trails shall be located and designed consistent with Coastal Land Use Plan (CLUP) Policy 3.1.1-1 and the Coastal Act, with appropriate routing to protect the privacy of existing Bayside Village Mobile Home Park residents, consistent with Public Resources Code section 30214 (the California Coastal Act).
<p>Policy CE 5.1.3: Pedestrian Improvements in New Development Projects. Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.</p>	<p>Consistent. Please refer to response for Policy LU 2.1, Policy HB 1.1, and Policy CE 5.1.1.</p>
<p>Policy CE 5.1.4: Linkages to Citywide Trail System and Neighborhoods. Require developers to construct links to the planned trail system, adjacent areas, and communities</p>	<p>Consistent. Please refer to response for Policy LU 2.1, Policy HB 1.1, and Policy CE 5.1.1.</p>

Table 4.L-8 (Continued)

General Plan Consistency Analysis

Applicable Policies	Project Consistency Statement
where appropriate.	
Recreation Element	
Park and Recreation Facilities	
<p>Policy R.1.1: New Residential Subdivisions. Require developers of new residential subdivision 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.</p>	<p>Consistent. If the residential units are developed as condominiums, the project Applicant shall comply with the City of Newport Beach Park Dedication and Fees Ordinance, as set forth in the Municipal Code (Chapter 19.52.040) and/or the Property Excise Tax, as set forth in the Municipal Code (Section 3.12). The City’s tentative map review authority shall determine whether land dedication, an in lieu fee, or a combination of the two shall be required in conjunction with its approval of a tentative map.</p>
<p>Policy 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 observation by Recreation and Senior Services staff.</p>	<p>Consistent. Please refer to the response for Policy LU 2.1 and Policy R.1.1.</p>

Source: PCR Services Corporation, 2013

(b) California Coastal Act

The California Coastal Act includes several policies that relate to public services. An analysis of the proposed project’s consistency with each of the applicable policies contained in the California Coastal Act is presented below in **Table 4.L-9, California Coastal Act Consistency Analysis**. As indicated in Table 4.L-9, the proposed project would be consistent with the applicable policies of the California Coastal Act with respect to public services. As such, impacts in this regard would be less than significant.

Table 4.L-9

California Coastal Act Consistency Analysis

Applicable Goals/Policies/Programs	Project Consistency Statement
Public Access	
<p>Section 30210 Access; recreational opportunities; posting In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which</p>	<p>Consistent. The PCDP provides development standards and design guidelines that would require a village orientation of the project at Bayside Drive and East Coast Highway, designed not only to attract visitors to</p>

Table 4.L-9 (Continued)

California Coastal Act Consistency Analysis

Applicable Goals/Policies/Programs	Project Consistency Statement
<p>shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.</p>	<p>the mixed-use waterfront village, but also to encourage significant new public waterfront access to and along the bay front, between Balboa Marina to the south and Newport Dunes and the regional trail system to the east. The PCDP proposes a 12-foot-wide public bayfront promenade/trail to be constructed along the length of the seawall/bulkhead to the boundary with the Bayside Village Mobile Home Park, and continuing along the project entrance to Bayside Drive. The public bayfront promenade/trail would comply with the following requirements:</p> <ol style="list-style-type: none"> 1. An easement for public access shall be provided to the City along the entire length of the proposed public bayfront promenade. 2. The public bayfront promenade shall be accessible to pedestrians and bicyclists, and shall extend along the waterfront under the Coast Highway-Newport Bay Bridge and shall connect to an existing trail system on the south side of East Coast Highway. 3. The bayfront promenade shall interface with restaurants and outdoor dining areas, the coastal public view tower, the enclosed dry stack boat storage, residential and marine boat service areas to the maximum extent feasible. Amenities such as seating, coastal plazas, vista points, trash enclosures, lighting, and other pedestrian-oriented improvements shall be provided along its length where appropriate. 4. Bayside Drive shall be improved with new Class 1 (Off-road) and Class III (Shared Use) bikeway, as shown in Figures 2-10 and 2-11, to accommodate both cyclists and pedestrians. This improvement shall serve as an enhanced link between the new public bayfront promenade and the existing City and County trail systems and the Newport Dunes recreation area. 5. Trails shall be located and designed consistent with Coastal Land Use Plan (CLUP) Policy 3.1.1-1 and the Coastal Act, with appropriate routing to protect the privacy of existing Bayside Village Mobile Home Park residents, consistent with Public Resources Code section 30214 (the California Coastal Act). <p>The PCPD further requires a minimum of 75 square feet per dwelling shall be provided for common open space (e.g., pool, patio, decking, and barbecue areas, common meeting rooms, etc.). In addition, the PCDP would allow</p>

Table 4.L-9 (Continued)

California Coastal Act Consistency Analysis

Applicable Goals/Policies/Programs	Project Consistency Statement
	for coastal-dependent and coastal-related uses, including up to 61,534 square feet of visitor-serving retail/restaurant/marine boat sales, rental and service repair and recreational commercial (kayak and stand up paddle board [SUP] rentals); a new 32,500-square-foot, full-service enclosed dry stack boat storage structure with racks or bays (up to a maximum of 140 boat spaces) and launching facilities. The proposed project would also provide public parking, public launching facilities for small vessels, public restrooms, and a public coastal view tower with interpretive features.
<p>Section 30212.5 Public facilities; distribution Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.</p>	<p>Consistent. Please refer to the response to Policy Section 30210. Public parking and regional trail connection areas would be provided within the project site.</p>
<p>Recreation</p>	
<p>Section 30222 Private lands; priority of development purposes The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.</p>	<p>Consistent. Please refer to the response to Policy Section 30210.</p>
<p>Development</p>	
<p>Section 30250 Location; existing developed area. a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of</p>	<p>Consistent. The analysis for fire, police, schools, and libraries provided within this section of the EIR demonstrates that the proposed land uses can be adequately served.</p>

Table 4.L-9 (Continued)

California Coastal Act Consistency Analysis

Applicable Goals/Policies/Programs	Project Consistency Statement
attraction for visitors.	
Land Resources	
<p>Section 30252 Maintenance and enhancement of public access The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.</p>	<p>Consistent. Please refer to the response to Policy Section 30210.</p> <p>Based on the City’s Park Dedication and Fee Ordinance (Municipal Code Chapter 19.52) and consistent with the Quimby Act, the project would be required to dedicate park acreage, pay fees in lieu thereof, or a combination of both dedication and fees. If the residential units are developed as condominiums, the project Applicant would be required to pay an in-lieu park fees for the provision of rehabilitation of parks and recreational facilities that would serve the proposed project. Further, the project is located adjacent to the bus stop at East Coast Highway and Bayside; is located in a service area that has a park surplus; and located near several aquatic parks. The proposed project includes design guidelines that requires public promenade and trail connections and includes on-site recreational amenities and access to the bay.</p>

Source: PCR Services Corporation, 2013

(c) California Fire Code (CFC)

As noted previously, specific CBC regulations have been incorporated by reference in the Municipal Code. Chapter 7 of the CBC, regarding the use of fire-resistant building materials, fire suppression systems, and other fire safety elements related to the design and construction of new buildings, and Chapter 9 of the CBC regarding fire protection systems, are incorporated by reference in the Municipal Code. As these regulations for fire safety have been incorporated into the City’s building code, and would therefore be incorporated into future developments on-site, the proposed project would be consistent with the CFC and impacts would be less than significant.

(d) Quimby Act

If developed as a residential subdivision (for-sale units), the proposed project would be required to pay Development Fees to fund public facilities within the City, which at the discretion of the City, can include park facilities. As such, the proposed project would be consistent with the Quimby Act and impacts would be less than significant in this regard.

(e) California Education Code (CEC) and Senate Bill 50 (SB 50)

The proposed project would be subject to the requirements of the California Education Code (CEC) and SB 50 regarding the provision and funding of necessary school facilities within school district boundaries. As the proposed project would pay requisite fees for all future development projects on-site, it would not conflict with the CEC or SB 50 and impacts would be less than significant.

(f) City of Newport Beach Municipal Code

Future development of on-site uses would be subject to all applicable requirement of the Municipal Code, including those related to fire safety, lighting, and emergency vehicle access, which are intended to minimize demands on fire, emergency medical, and law enforcement services within the City. Future development would also be subject to pay all applicable Property Excise Tax and/or development fees for the public improvements and facilities associated with public services. As the proposed project would comply with applicable provisions of the Municipal Code, impacts would be less than significant with regard to public services.

4. CUMULATIVE IMPACTS**(1) Fire Protection and Emergency Medical Services**

The proposed project, in combination with other cumulative projects would increase the population and introduce structures that would create increased demand for fire protection and emergency medical services in the City. This cumulative demand for fire protection and emergency medical services would require additional personnel and resources within the Nbfd to provide adequate service levels and to maintain existing response times. Individual developments are required to comply with pertinent provisions and standard conditions of the CFC, the Fire Code, the Fire Prevention Guidelines, and the Nbfd to minimize the potential for fire hazards, to promote fire safety, and to facilitate emergency response. Cumulative projects would be required to pay the Property Excise Tax to the City as set forth in the Municipal Code (Section 3.12) for public improvements and facilities associated with the Nbfd. As such, compliance with the CFC, the Fire Code, the Fire Prevention Guidelines, and the Nbfd, and required payment of the Property Excise Tax, cumulative impacts would be less than significant and the project's contribution to such impacts would not be considerable.

(2) Police Protection and Law Enforcement Services

The proposed project, in combination with other cumulative projects would increase the population and introduce structures that would generate an increased demand for police protection and law enforcement services in the City. Annual evaluation of police protection services by the City would determine the adequacy of police protection and law enforcement services and the necessary resources to meet the public safety needs. Individual cumulative projects would be subject to review by the NBPD to determine ways to reduce the potential for crime incidences and demand for police protection and law enforcement services. As such, cumulative impacts would be less than significant and the project's contribution to such impacts would not be considerable.

(3) Parks and Recreational Services

Deterioration of recreational facilities and resources within the local project vicinity as a result of local and regional population growth would be repaired and replaced with funding such as in-lieu fees for parks or donations of parkland pursuant to the City of Newport Beach Park Dedication and Fees Ordinance, as set forth in the Municipal Code (Chapter 19.52.040) and/or the Property Excise Tax, as set forth in the Municipal Code (Section 3.12). Individual development projects would be reviewed to determine their potential impact on recreational facilities and resources. The actual parkland dedication calculations and credit determinations would be based on the subdivision maps submitted for each residential development among the cumulative projects. As such, with the required payment of the Park Dedication and Fees Ordinance and/or the Property Excise Tax, cumulative impacts would be less than significant and the project's contribution to such impacts would not be considerable.

(4) Schools

The proposed project, in conjunction with other cumulative projects would impact school facilities and services. Cumulative impacts on schools would be less than significant with payment of fees in accordance with SB 50 on a project-by-project basis. As such, cumulative impacts would be less than significant and the project's contribution to such impacts would not be considerable.

(5) Library Services

The proposed project, in combination with other cumulative projects would increase the demand for library services. The increased demand for library services would be distributed over the City, resulting in a nominal increase in demand to any one library facility. Further, cumulative projects would be required to pay the Property Excise Tax to the City as set forth in the Municipal Code (Section 3.12) for public improvements and facilities associated with the NBPL system. As such, with required payment of the Property Excise Tax, cumulative impacts would be less than significant and the project's contribution to such impacts would not be considerable.

5. MITIGATION MEASURES

All impacts related to public services would be less than significant; as such, no mitigation measures are required.

6. LEVEL OF SIGNIFICANCE AFTER MITIGATION

Project-related and cumulative impacts associated with public services would be less than significant