

## **4.14 PUBLIC SERVICES AND FACILITIES**

This section describes existing public services for the Project area and identifies and addresses potential Project impacts related to the following services:

- Fire protection (City of Newport Beach),
- Police protection (City of Newport Beach),
- Public schools (Newport-Mesa Unified School District),
- Library services (City of Newport Beach),
- Solid waste (OC Waste & Recycling).

Recommended measures to mitigate potential significant Project impacts on public services are provided in Section 4.14.6. Cumulative impacts are addressed in Section 5.0.

### **4.14.1 FIRE PROTECTION**

#### **Introduction**

The following section focuses on impacts related to fire protection services associated with development proposed on the Project site. That portion of the Project site located within the City limits is currently served by the Newport Beach Fire Department (Fire Department). That portion of the Project site located in the City's Sphere of Influence would be served by the Fire Department following annexation.

#### **Regulatory Setting**

##### ***State***

The California Fire Plan (Fire Plan), finalized in March 1996, is the State's plan for reducing the risk of wildfire. The Fire Plan is a cooperative effort between the State Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection (CAL FIRE). By placing the emphasis on prevention, the Fire Plan looks to reduce firefighting costs and property losses; to increase firefighter safety; and to contribute to ecosystem health (CAL FIRE 2001). The Fire Plan sets up the structure of County-level plans. However, the Fire Plan is structured so that individual Fire Departments can establish plans and policies for land within their respective jurisdictions. Therefore, the State does not specify fire prevention plans or policies within, for example, Orange County or the City of Newport Beach.

Sections 51175–51189 of the *California Government Code* define responsibilities for CAL FIRE and for local agencies. In summary, Sections 51178 and 51181 define the CAL FIRE Director's responsibility to (1) identify very high fire hazard severity zones; (2) transmit this information to local agencies; and (3) periodically review the recommendations relative to identification of very high fire hazard severity zones. In part, Sections 51178.5 and 51179 define the local agency's responsibility to make the recommendation available for public review and to designate, by ordinance, very high fire hazard severity zones in its jurisdiction. Section 51176 identifies that land is classified in the State "in accordance with whether a very high fire hazard is present so that public officials are able to identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken". Sections 51175–51189 direct CAL FIRE to map areas of very high fire hazard within Local Responsibility Areas (LRAs). Wildland fire protection

in California is the responsibility of either the State, local government, or the federal government. LRAs include incorporated cities, cultivated agriculture lands, and portions of the desert with service typically provided by municipal fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government.

Mapping of the areas, referred to as Very High Fire Hazard Severity Zones (VHFHSZ), is based on relevant factors such as fuels, terrain, and weather. VHFHSZ maps were initially developed in the mid-1990s but are now being updated based on improved science, mapping techniques, and data. Mapping was prepared by CAL FIRE's Fire and Resource Assessment Program using data and models describing development patterns, potential fuels over a 30–50 year time horizon, expected fire behavior, and expected burn probabilities to quantify the likelihood and nature of vegetation fire exposure (including firebrands) to new construction. Based on the State "Draft Fire Hazard Severity Zones in LRA" Local Responsibility Area (LRA) map for Newport Beach dated July 27, 2010, the majority of the Project site is designated LRA High, and small portions of the site are designated LRA Moderate or are not designated at all. None of the Project site is designated LRA Very High (CAL FIRE 2007). As noted above, individual fire departments can prepare plans and policies for land within their respective jurisdictions to reduce the risk of wildfires. The analysis set forth in this EIR section is based on the City's requirements.

### ***City of Newport Beach***

#### Municipal Code

Title 9, Fire Code, of the City's Municipal Code, contains provisions that deal with a range of issues, including articulating fire flow requirements; providing automatic sprinkler systems in public buildings; requiring an accurate occupant count in public places; and providing emergency power in public assembly places (Newport Beach 2010b). 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, 2010 Edition; the California Fire Code, 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".

#### General Plan 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. This General Plan element specifically addresses coastal hazards, geologic hazards, seismic hazards, flood hazards, wildland and urban fire hazards, hazardous materials, aviation hazards, and disaster planning. As discussed below, the type and location of hazards have been identified in the Safety Element as have policies and programs to minimize impacts. The Project's consistency with applicable General Plan goals and policies is provided later in this section.<sup>1</sup>

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<sup>1</sup> For ease of reading, the policy tables are located at the end of this section.

## **Methodology**

The Newport Beach Fire Department was contacted to determine if the proposed Project would significantly impact the Fire Department's ability to provide fire protection services. To assist the Fire Department, the City retained the firm, Fire Force One, to evaluate the City's ability to provide adequate response to the Project site as well as to the West Newport area and the City as a whole. The Fire Force One report addresses the provision of fire protection services from existing as well as potential new and/or relocated fire stations within the City without the reliance on Mutual Aid Agreements. The Fire Force One report is included in this EIR as Appendix K.

## **Existing Conditions**

Approximately 361 acres of the 401.1-acre Project site are located in unincorporated Orange County within the City's Sphere of Influence. The Newport Beach Fire Department, the Costa Mesa Fire Department, and the Orange County Fire Authority (OCFA) provide fire protection services to the City of Newport Beach. The Newport Beach Fire Department provides fire protection for the majority of the City. The OCFA is a regional fire service agency that serves 22 cities in Orange County and all unincorporated areas (OCFA 2010). The Costa Mesa Fire Department provides fire protection services through an automatic aid agreement to the Newport Terrace residential community located north of 19<sup>th</sup> Street in the City of Newport Beach. The Newport Beach Fire Department is a participant in Metro Net, a multi-city dispatch center covering the Cities of Huntington Beach, Newport Beach, and Fountain Valley in South Orange County and multiple cities in North Orange County. The City of Newport Beach has individual automatic aid agreements with the Cities of Costa Mesa and Huntington 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 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.

### ***Newport Beach Fire Department***

The Fire Department is responsible for fire protection, prevention, hazards reduction, and emergency medical services for the City. Eight fire stations are located strategically throughout the City. Each fire station operates within a specific district that comprises its immediate surrounding geographical area. The Fire Department's eight fire station facilities and equipment are identified in Table 4.14-1.

The Fire Department operates three divisions: Fire Operations, Fire Prevention/Preparedness, and Lifeguards. The Fire Operations Division is the largest division, with 117 full-time fire fighters and is comprised of personnel and equipment that respond to emergency incidents (Newport Beach 2011). The Fire Department provides all paramedic and emergency transport service to the City.

The Fire Department divides its staff into 3 shifts with approximately 39 personnel each shift, for an overall total of 117 Fire Suppression and EMS personnel working at the 8 fire stations. Each station contains one engine company. Three stations have paramedic ambulances, and two have ladder trucks. Of the 117 employees, 8 paramedics serve per shift. There are always 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 (Newport Beach 2006a). A fire engine and paramedic ambulance responds to each emergency call.

**TABLE 4.14-1  
NEWPORT BEACH FIRE STATION FACILITIES**

Station	Address	Location Area	Equipment	Manpower
1	110 Balboa Blvd	Balboa Peninsula	1 Fire Engine	1 Captain, 1 Engineer, 1 Firefighter
2	475 32 <sup>nd</sup> St	Lido	1 Fire Engine	1 Captain, 1 Engineer, 1 Firefighter
			1 Ladder Truck	1 Captain, 1 Engineer, 1 Firefighter
			1 Paramedic Ambulance	2 Firefighter Paramedics
3	868 Santa Barbara	Newport Center/ Fashion Island	1 Fire Engine	1 Captain, 1 Engineer, 1 Firefighter
			1 Ladder Truck	1 Captain, 1 Engineer, 1 Firefighter
			1 Paramedic Ambulance	2 Firefighter Paramedics
			1 Battalion Chief	1 Battalion Chief
4	124 Marine Ave	Balboa Island	1 Fire Engine	1 Captain, 1 Engineer, 1 Firefighter
5	410 Marigold	Corona del Mar	1 Fire Engine	1 Captain, 1 Engineer, 1 Firefighter
			1 Paramedic Ambulance	1 Captain, 1 Engineer, 1 Firefighter
6	1348 Irvine	Mariners	1 Fire Engine	1 Captain, 1 Engineer, 1 Firefighter
7	2301 Zenith	Santa Ana Heights	1 Fire Engine	1 Captain, 1 Engineer, 1 Firefighter
8	6502 Ridge Park	Newport Coast	1 Fire Engine	1 Captain, 1 Engineer, 1 Firefighter Paramedic

Source: Newport Beach 2006a.

The Fire Department also employs 13 full-time lifeguards and part-time seasonal lifeguards. Lifeguard headquarters are located at the Newport Pier. The Fire Department also handles incidents associated with hazardous materials, including accidental release and improper handling, storage, transportation, and disposal of hazardous materials. Additionally, the Ocean Safety and Beach Rescue service allows the Fire Department to offer advanced technical rescue capabilities (Newport Beach 2006a).

Fire Department Response Times and Number of Calls for Service

The City of Newport Beach Fire Department’s *Policy Manual*, approved by the Fire Department in January 2010, identifies policies of the Fire Department related to operating procedures including but not limited to response time objectives. Policy 3.A.100, Department Goals, of the Fire Department’s *Policy Manual* identifies the standard operating procedures for the Fire Department and states “Provide a safe, effective and expeditious response to requests for assistance” (NBFD 2010).

Policy 3.A.201 establishes the Fire Department’s response time objectives for each type of emergency as well as unit performance expectations. It is the primary objective of the Fire Department’s “personnel to provide for the most expeditious response possible to requests for emergency assistance”. 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 Fire Department 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 Fire Department's total response time objectives for all types of emergencies:

1. **First Due Response requiring Personal Protective Equipment (PPE):** less than 5 minutes and 20 seconds 90 percent of the time.
2. **First Due Response without PPE:** less than 5 minutes 90 percent of the time.
3. **Advanced Life Support Response requiring PPE:** less than 9 minutes and 20 seconds 90 percent of the time.
4. **Advanced Life Support Response without PPE:** less than 9 minutes 90 percent of the time.
5. **Effective Response Force requiring PPE:** less than 9 minutes and 20 seconds 90 percent of the time.
6. **Effective Response Force without PPE:** less than 9 minutes 90 percent of the time.

The Fire Department's sub-component response time objectives are discussed below.

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 Fire Department has an expectation that a call will be processed completely within 50 seconds 90 percent of the time and within 90 seconds the remaining 10 percent of the time.
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 4 minutes 90 percent of the time and within 10 minutes the remaining 10 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 8 minutes 90 percent of the time and within 10 minutes the remaining 10 percent of the time. For an Effective Response Force, travel time should be completed within 8 minutes 90 percent of the time and within 15 minutes the remaining 10 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 NFPA Standard 1710 which states "the fire department'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 as established in Chapter 4" (Fire Force One 2010).

### Fire Hazard Zones

In addition to fire protection, prevention, hazards reduction, and emergency medical services for the City, the Fire Department's Fire Prevention Division works in conjunction with the City's Community Development Department to ensure that all new construction is built in compliance with local and State building and fire codes, including the provision of adequate emergency access and on-site fire protection measures (Newport Beach 2006a). The Fire Department designates land in the City and its Sphere of Influence according to wildfire susceptibility. The Project site lies within a Special Fire Protection Area, as defined in the Newport Beach Fire Code (i.e., Section 9.04.030, as adopted). A Special Fire Protection Area (SFPA) is defined as:

Any geographical area designated by the Fire Chief where structures directly abut wildland space or a fuel modification zone on one or more sides. Special Fire protection areas include, but are not limited to, Very High Fire Hazard Severity Zones. These areas are subject to a greater risk of wildland conflagration due to vegetation, topography, weather, density, access, and other relevant factors. Special Fire Protection Areas include both Fuel Modification Zones and Hazard Reduction Zones.

As previously noted, the State's draft Fire Hazards Severity Zones Map identifies the majority of the Project site as LRA High with smaller areas designated LRA Moderate or are not designated at all (CAL FIRE 2007).

### Project Design Features and Standard Conditions

#### ***Project Design Features***

**PDF 4.14-1** The Master Development Plan requires that the Project be designed to provide fire-resistant construction for all structures adjoining natural open space, including utilizing fire-resistant building materials and sprinklers.

#### ***Standard Conditions and Requirements***

**SC 4.14-1** Prior to the issuance of a building permit for the construction of residential and commercial uses, the Applicant shall pay the required Property Excise Tax to the City of Newport Beach, as set forth in its Municipal Code (§3.12 et seq.) for public improvements and facilities associated with the City of Newport Beach Fire Department, the City of Newport Beach Public Library, and City of Newport Beach public parks.

**SC 4.14-2** Prior to City approval of individual development plans for the Project, the Applicant shall obtain Fire Department review and approval of the site plan in order to ensure adequate access to the Project site.

**SC 4.14-3** Prior to the issuance of a building permit, the Applicant shall complete that portion of the approved fuel modification plan determined to be necessary by the City of Newport Beach Fire Department prior to the introduction of any combustible materials into the area. This generally involves removal and thinning of plant materials indicated on the approved fuel modification plan(s).

Prior to the issuance of a Certificate of Occupancy, fuel modification shall be installed, completed, and inspected by the Fire Department. This includes physical installation of features identified in the approved Precise Fuel Modification Plan (including but not limited to plant establishment, thinning, irrigation, zone markers, and access easements, among others). If satisfactory, a Newport Beach Fire Department Fire Code Official shall provide written approval of completion at the time of this final inspection.

If applicable, a copy of the approved plans shall be provided to the Homeowners Association (HOA). Fuel modification shall be maintained as originally installed and approved.

The applicable Property Owner, HOA, or other party that the City deems acceptable shall be responsible for all fuel modification zone maintenance. All areas shall be maintained in accordance with the approved Fuel Modification Plan(s). This generally includes a minimum of two growth reduction maintenance activities throughout the fuel modification areas each year (spring and fall). Other activities include maintaining irrigation systems, replacing dead or dying vegetation with approved materials, removing dead plant material, and removing undesirable species. The Fire Department shall conduct regular inspections of established fuel modification areas. Ongoing maintenance shall be conducted regardless of the date of these inspections.

### **Thresholds of Significance**

The following threshold criteria are from the City of Newport Beach Environmental Checklist. The Project would result in a significant impact related to fire and emergency medical services if it would:

**Threshold 4.14-1** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.

**Threshold 4.14-2** Conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

### **Environmental Impacts**

**Threshold 4.14-1** *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?*

## **Fuel Management**

As a part of the proposed Project, a Fire and Life Safety Program has been prepared as a component of the Newport Banning Ranch Master Development Plan (Master Development Plan).<sup>2</sup> The Program is intended to meet or exceed the requirements set forth in the City of Newport Beach Fire Code and all its amendments to the 2010 California Building Code; the 2010 California Fire Code; and the International Fire Code, 2009 Edition. The majority of the Project site is designated LRA High; small portions of the site are designated LRA Moderate and Other Unzoned.

The Project site has been designed to include fuel management zones consistent with the fire safety requirements for the Project. Fire protection in landscaped areas would be achieved by avoiding and reducing the use of highly flammable plant materials adjacent to proposed development. This would be accomplished by revegetating these areas with low fuel volume plantings; removing or pruning and thinning native plants; and/or using selective irrigation. The potential biological impacts associated with the creation of these zones are included in the overall biological impact assumptions set forth in this EIR. Please refer to Section 4.6, Biological Resources.

Generally, Fuel Management Areas are a composite of two or three successive fuel management zones, which progressively provide an increasing amount of fire protection as they become closer to residences or other habitable buildings that require protection. The Project's Fire and Life Safety Program establishes a 120-foot-wide minimum fuel management area that consists of Zone A, which is a minimum of 20 feet wide; Zone B, which is a minimum of 50 feet wide; and Zone C, which is a minimum of 50 feet wide. The fuel management zones are described below and depicted on Exhibit 4.14-1, Community Landscape Zones.

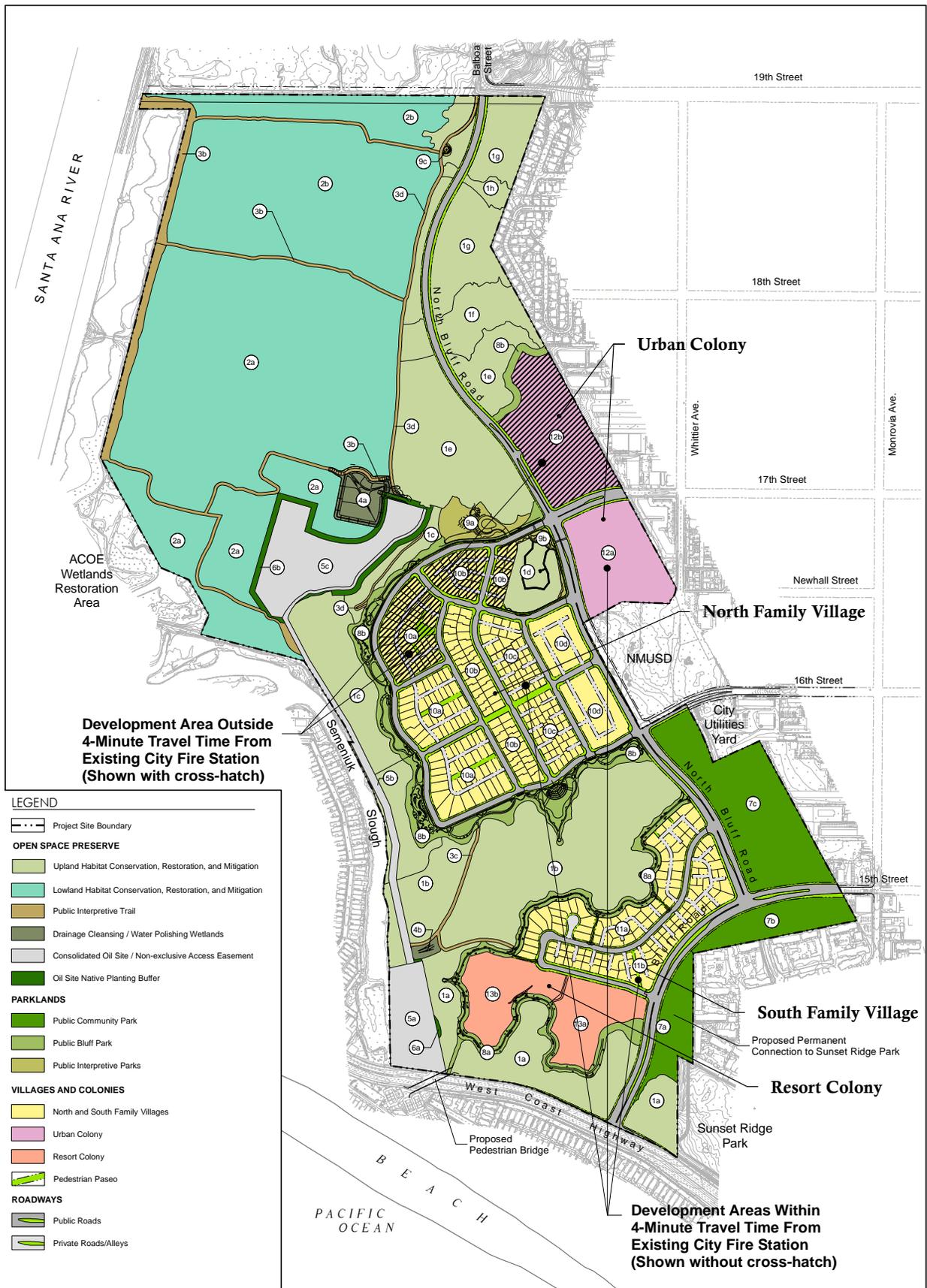
### Zone A

Zone A is a minimum 20-foot-wide area, immediately adjacent to Zone B located on the wildland exposure side of the Project, with irrigated landscaping and/or hardscape. It would be located within private residential lots, Bluff Park, and road rights-of-way. Combustible structures would be prohibited within Zone A. Existing vegetation within the zone determined by the Fire Department to be highly combustible or otherwise undesirable would be removed and replaced with plants listed in Master Landscape Plan's "Permitted Plant Palette for Zone A". The Master Landscape Plan is a component of the Master Development Plan and incorporates the landscape requirements identified in (1) the Project's proposed Habitat Restoration Plan, which includes, in particular, permitted native plants and invasive or otherwise prohibited plants; (2) the Fire and Life Safety Program, which includes, in particular, fuel management prohibitions on high fire-fuel plants in the community; and (3) the Newport Banning Ranch Planned Community Development Regulations (NBR-PC) (See Exhibit 3-20, Community Landscape Zones, in Section 3.0, Project Description). Depending upon the land use, Zone A would be maintained by individual property owners, an HOA, or similar community entity. Public roadways would be maintained by the City. There are no sensitive habitats within or adjacent to Zone A; thinning and/or removing non-approved landscape would be permitted throughout the year.

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<sup>2</sup> The proposed Newport Banning Ranch Master Development Plan is posted on the City of Newport Beach website; is on file at the City of Newport Beach Community Development Department; and is available for review during regular business hours.

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Source: Forma 2011

# Fire Station Coverage Area

# Exhibit 4.14-1

Newport Banning Ranch EIR



## Zone B

Zone B would be a minimum 50-foot-wide fuel management zone located adjacent to Zone A and closer to native habitat areas (Exhibit 3-20). The zone would include trails, hardscape, and/or irrigated low-fuel volume native vegetation within the portion of Bluff Park adjacent to the Open Space areas. As with Zone A, combustible structures and construction are not allowed within Zone B.

Any existing vegetation within Zone B determined by the Fire Department to be highly combustible or otherwise undesirable would be removed and replanted with the permitted low fuel volume plants listed in the Master Landscape Plan's "Permitted Plant Palette for Zone B". Irrigation would be permitted to mimic normal/average rainfall and to provide necessary moisture to vegetation during dry periods or seasons.

There are no potentially sensitive habitats within Zone B; thinning and/or removing non-approved landscape would be permitted throughout the year. Zone B would be maintained by an HOA or similar community entity.

## Zone C

Zone C is proposed as a minimum 50-foot-wide area located between Zone B and existing or proposed native habitat (Exhibit 3-20). Zone C is within the proposed habitat restoration area set forth in the Habitat Restoration Plan. Combustible structures and construction are not allowed in this zone.

Existing non-native plants and species not permitted in the Habitat Restoration Plan for this area, including those on the Fire Department's Undesirable Plant Species list, would be removed prior to restoration planting. The Fire Department notes that certain plants are undesirable in landscapes because of characteristics that make them highly flammable. Should the species already exist in proposed fuel modification zones, they would be removed. The City identifies combustible plant species requiring removal to include but not be limited to artichoke thistle, mustard and black mustard, pampas grass, eucalyptus, juniper and pine trees, and common buckwheat.<sup>3</sup> Zone C would be composed of non-irrigated low grasses, succulents, cacti, and other low height/fuel volume native plant species, as listed in the Master Landscape Plan's "Permitted Plant Palette for Zone C". Zone C would be maintained by an HOA and/or a conservancy group.

As proposed in the Upland Open Space north of the Urban Colony and west of the City of Costa Mesa, a 100-foot-wide Zone C would be provided adjacent to existing neighborhoods, including California Seabreeze. Grasses, cacti, succulents, and open rock areas are proposed within the first 30 feet adjacent to the existing residences. Existing wetland vegetation within two arroyos that cross Zone C in this area does not contribute to fire fuel load and would not require fuel management beyond the periodic removal of dead plant material. No thinning or removal of existing vegetation would be required.

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<sup>3</sup> Additional information is available on the City of Newport Beach website at <http://www.newportbeachca.gov/index.aspx?page=1067>

## **Service Response**

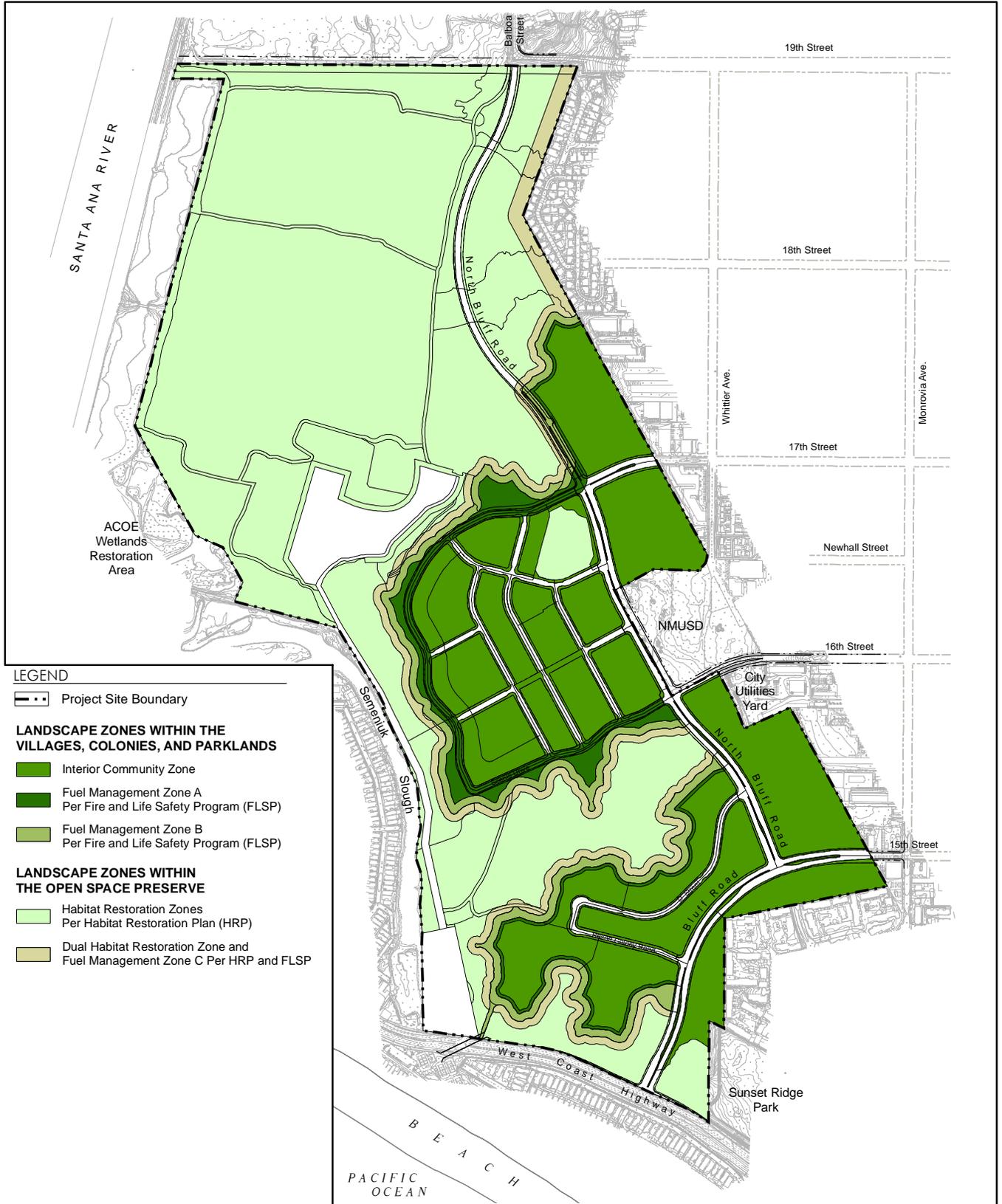
The Newport Beach General Plan Update EIR identifies that the development of the Newport Banning Ranch site as a Residential Village, when combined with existing and projected future growth in the City and its Sphere of Influence, “could require the addition of one new fire station to compensate for additional demand for fire protection services” (Newport Beach 2006b). General Plan Land Use Element Policy 3.2 states that “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”. With annexation by the City of that portion of the Project site located in the City’s Sphere of Influence, the demand for fire protection services would be assumed by the Newport Beach Fire Department for the entire Project site. Development of the proposed Project would introduce new residential, neighborhood commercial, resort inn, and recreational uses and increase population within the City.

In 2009, the City’s response call work load was 8,472 calls, which is an average of approximately 96 calls per 1,000 persons; the Statewide average is 90 to 100 calls per 1,000 persons (Fire Force One 2010). This EIR analysis assumes a “protected population” at buildout of approximately 4,000 persons, which includes residents, resort inn visitors, neighborhood retail employees, and visitors, among others. Therefore, at buildout, the proposed Project is expected to result in an increase in calls to the Project site from Station Number 2 by 384 calls per year (Fire Force One 2010).

The Fire Department retained a third-party consultant, Fire Force One, to help evaluate the City’s ability to provide adequate response to the proposed Project as well as its existing service area without the provision of an additional fire station. Based on the Fire Department’s review of the proposed Master Development Plan and the findings of Fire Force One, Station Number 2 could not serve the entirety of the proposed Project development within the City’s established response time standards (Fire Force One 2010). As identified on Table 4.14-2, Site Planning Area 12b, the northerly block of Site Planning Area 10a, and the northerly block of Site Planning Area 10b cannot be served by Station Number 2 within the established response time. There are other site planning areas that cannot be served by Station Number 2 within the established response time; however, these areas do not include development and are limited to habitat restoration, fuel modification, trails, and parks. Exhibit 4.14-2, Fire Station Coverage Area, shows the areas on the Project site that can currently be served and those areas that cannot be served by Station Number 2 within the established response time.

The City has prioritized the replacement of Newport Station Number 2 due to its age and seismic non-compliance. The City’s Facilities Replacement Plan prioritizes the replacement of aging public facilities, including fire stations, and the provision of new public facilities (source: Facilities Replacement Plan, City of Newport Beach). Newport Station Number 2 is the City’s second highest priority replacement facility in the Facilities Replacement Plan, ranking fourth in priority among the 16 facilities included in this Plan; two higher ranking projects are new facilities.

In order to maintain appropriate response times, a temporary fire station would be required on the Project site to serve those areas of the site that cannot be served by existing Station Number 2; the temporary fire station would be required unless a replacement fire station is operational in a location that provides appropriate response times. The temporary fire station would remain in operation until a replacement fire station is operational that could serve the Project in its entirety.



**LEGEND**

Project Site Boundary

**LANDSCAPE ZONES WITHIN THE VILLAGES, COLONIES, AND PARKLANDS**

- Interior Community Zone
- Fuel Management Zone A Per Fire and Life Safety Program (FLSP)
- Fuel Management Zone B Per Fire and Life Safety Program (FLSP)

**LANDSCAPE ZONES WITHIN THE OPEN SPACE PRESERVE**

- Habitat Restoration Zones Per Habitat Restoration Plan (HRP)
- Dual Habitat Restoration Zone and Fuel Management Zone C Per HRP and FLSP

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Source: FORMA 2011

**Community Landscape Zones**

**Exhibit 4.14-2**

*Newport Banning Ranch EIR*



**TABLE 4.14-2  
NEWPORT BEACH FIRE STATION SERVICE COVERAGE**

Land Use District	Site Planning Area	Site Planning Area Description	Served by Existing Station #2?
<b>Open Space Preserve</b>			
<b>1. Habitat Conservation, Restoration, And Mitigation Areas</b>			
UOS/PTF	1a	West Coast Hwy Bluff Area	Yes
UOS/PTF	1b	Large Arroyo CSS/Grassland Area	Yes
UOS/PTF	1c	Scenic Bluff CSS/Grassland Area	Yes
UOS/PTF	1d	Vernal Pool Preservation Area	Yes
UOS/PTF	1e	South Upland CSS/Grassland Area	Yes
UOS/PTF	1f	Medium Arroyo Grassland Area	Yes
UOS/PTF	1g	North Upland CSS/Grassland Area	Yes
UOS/PTF	1h	Small Arroyo Grassland Area	Yes
LOS/PTF	1i	Wet Meadow Area	Yes
<b>2. Third-Party Reserve Area</b>			
LOS/PTF	2a	Wetland Area	Yes
<b>3. Public Interpretive Trails</b>			
LOS/PTF	3a	Bluff Toe Trail	Yes
LOS/PTF	3b	Lowland Interpretive Trail	Yes
UOS/PTF	3c	Large Arroyo Trail	Yes
UOS/PTF	3d	Upland Interpretive Trail	Yes
<b>4. Drainage Cleansing And Water Polishing Areas</b>			
LOS/PTF	4a	Wetlands Restoration/Drainage Cleansing/Polishing Area	Yes
UOS/PTF	4b	Wetlands Restoration/Drainage Cleansing/Polishing Area	Yes
<b>5. Consolidated Oil Sites (Interim Use)</b>			
OF	5a	Oil Operations Site (South Area)	Yes
OF	5b	Oil Access Road	Yes
OF	5c	Oil Consolidation Site (North Area)	Yes
<b>6. Oil Site Native Planting Buffers</b>			
OF	6a	Oil Operations Site: native planting buffer	Yes
OF	6b	Oil Operation Site: native planting buffer	Yes
<b>Parklands</b>			
<b>7. Public Community Parks</b>			
CP	7a	South Community Park	Yes
CP	7b	Central Community Park	Yes
CP	7c	North Community Park	Yes
<b>8. Public Bluff Park</b>			
BP	8a	South Bluff Park	Yes
BP	8b	North Bluff Park	Yes
<b>9. Public Interpretive Parks</b>			
IP	9a	Nature Center	Yes
IP	9b	Vernal Pool Interpretive Area	Yes
IP	9c	Talbert Trailhead	Yes

**TABLE 4.14-2 (Continued)**  
**NEWPORT BEACH FIRE STATION SERVICE COVERAGE**

Land Use District	Site Planning Area	Site Planning Area Description	Served by Existing Station #2?
<b>Villages and Colonies</b>			
<b>10. North Family Village</b>			
L	10a	Single-Family Detached Residential	Yes: southerly two blocks only
LM	10b	Single-Family Detached Residential	Yes: southerly two blocks only
M	10c	Single-Family Detached Residential	Yes
M	10d	Multi-Family Attached Residential	Yes
<b>11. South Family Village</b>			
L	11a	Single-Family Detached Residential	Yes
M	11b	Single-Family Detached Residential	Yes
<b>12. Urban Colony</b>			
MU/R	12a	Multi-Family Attached Residential/Mixed-Use Commercial	Yes
MU/R	12b	Multi-Family Attached Residential/Mixed-Use Commercial	No
<b>13. Resort Colony</b>			
VSR/R	13a	Resort Inn	Yes
VSR/R	13b	Multi-Family Attached Residential	Yes
Source: Fire Force One 2010.			

As previously noted, the Fire Force One study did not take into account the City's participation in Metro Net, a multi-city dispatch center covering Huntington Beach, Newport Beach, Fountain Valley, and multiple cities in North Orange County. Nor did the report take into consideration the City's individual automatic aid agreement with the Cities of Costa Mesa, and Huntington Beach, and the OCFA. Together, all fire agencies provide personnel to any emergency.

With respect to the City of Costa Mesa, the Costa Mesa Fire Department has six fire stations that provide firefighting, emergency medical assistance, fire investigation, public assistance, and building inspection services (Costa Mesa 2011). Currently, there are four paramedic engine companies, two truck companies, one urban search and rescue squad, and a Battalion Chief on duty year round. The closest Costa Mesa fire station to the Project site is Station Number 3 located at 1865 Park Avenue.

The City of Huntington Beach Fire Department has eight fire stations that provide firefighting, emergency medical assistance, fire investigation, public assistance, and building inspection services (Huntington Beach 2011). Currently, fire operations include eight paramedic engine companies and three reserve paramedic engine companies, four ambulances and three reserve ambulances, and two truck companies and one reserve truck company. The closest Huntington Beach fire station to the Project site is Station Number 4 located at 21441 Magnolia Street.

Therefore, the Project can be adequately served through the use of existing/future City of Newport Beach fire and emergency medical services, a temporary fire station on the Project site, as well use of fire and emergency medical services provided through the City's mutual aid agreement with adjacent jurisdictions, the latter as needed.

**Impact Summary:** **Less Than Significant With Mitigation.** Site Planning Area 12b, the northerly block of Site Planning Area 10a, and the northerly block of Site Planning Area 10b cannot be served by Station Number 2 within the established response time. Existing and forecasted funding will be available to replace the fire station within a reasonable time. Occupancy permits will not be issued for those portions of the proposed Project site identified in Exhibit 4.14-2 until either the replacement station is in place or a temporary fire station is provided on the project site, whichever occurs first. The Project would be required to comply with PDF 4.14-1, SCs 4.14-1, 4.14-2, and 4.14-3, and MMs 4.14-1, 4.14-2, and 4.14-3.

**Threshold 4.14-2** **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, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

Tables 4.14-9 through 4.14-11, presented at the end of the section, evaluate the consistency of the proposed Project with any applicable fire protection goals and policies of the Southern California Association of Governments (SCAG), the City's General Plan, and the Coastal Act, respectively.

**Impact Summary:** **No Impact.** As identified in Tables 4.14-9 through 4.14-11, the proposed Project would not conflict with any goals or policies of SCAG, the *City of Newport Beach General Plan*, or the Coastal Act related to the provision of fire protection services.

## 4.14.2 POLICE PROTECTION

### Introduction

The following section focuses on impacts related to police protection services associated with development proposed on the Project site. Upon annexation, the Project would be served by the Newport Beach Police Department (Police Department).

### Regulatory Setting

There are no federal, State, or local regulations related to police protection that are applicable to this Project. The Project's consistency with applicable goals and policies is provided in Tables 4.14-9 through 4.14-11.

### Methodology

The Police Department was contacted to determine if the proposed Project would significantly impact its ability to provide services. The following analysis is based on information provided by the Police Department.

### Existing Conditions

Because all but 40 acres of the Project site are in unincorporated Orange County, a majority of the Newport Banning Ranch property is served by the North Operations Division of the Orange County Sheriff's Department and the Costa Mesa Police Department. The nearest Sheriff's

station is located at 550 North Flower Street in the City of Santa Ana. The Costa Mesa Police Department is located at 99 Fair Drive; the nearest substation is located at 565 W. 18<sup>th</sup> Street. The City of Newport Beach Police Department currently provides service to the incorporated portion of Project site (approximately 40 acres).

The Newport Beach Police Department provides emergency police response, non-emergency police response, routine police patrol, traffic violation enforcement, traffic accident investigation, animal control, and parking code enforcement. The Police Department currently employs 285 personnel, including 1 chief, 3 captains, 8 lieutenants, 22 sergeants, 115 sworn officers, 92 civilian personnel, and 44 seasonal and part-time personnel. The City has authorization for 149 sworn officers. The ratio of officers to residents is currently 1.3 officers per 1,000 residents. However, the Police Department does not have a law enforcement staffing standard. The Police Department is divided into 3 divisions (including Support Services, Patrol/Traffic, and Detectives) and 39 Reporting Districts with officers assigned to each Reporting District. The Project site is located within the service area for Reporting District 24. Current response times for police services in the City average approximately 4 minutes for high priority calls and 16 minutes for low priority calls. Response times vary depending on the nature of the call. Response times for Priority 1 calls are currently being met in all parts of the City, including the Project area. There were an average of 74,000 calls dispatched within the City between August 2008 and August 2009. Currently, there are no immediate or future plans for expansion of police facilities, staff, or equipment inventory (Newport Beach 2006a). The Newport Beach Police Department has mutual aid agreements with the Cities of Costa Mesa, Fountain Valley, and Huntington Beach, and the Orange County Sheriff's Department 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.

## **Project Design Features and Standard Conditions**

### ***Project Design Features***

No project design features are identified by the Applicant for police protection services.

### ***Standard Conditions and Requirements***

**SC 4.14-4** Prior to issuance of building permits, the City of Newport Beach Police Department shall review development plans for the incorporation of defensible space concepts to reduce demands on police services. Public safety planning recommendations shall be incorporated into the Project plans. The Applicant shall prepare a list of Project features and design components that demonstrate responsiveness to defensible space design concepts. The Police Department shall review and approve all defensible space design features incorporated into the Project prior to initiating the building plan check process.

**SC 4.14-5** Prior to the issuance of the first grading permit and/or action that would permit Project site disturbance, the Applicant shall provide evidence to the City of Newport Beach Police Department that a construction security service or equivalent service shall be established at the construction site along with other measures, as identified by the Police Department and the Public Works Department, to be instituted during the grading and construction phase of the Project.

## **Thresholds of Significance**

The following threshold criteria are from the City of Newport Beach Environmental Checklist. The Project would result in a significant impact related to police protection services if it would:

**Threshold 4.14-3** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.

**Threshold 4.14-4** Conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

## **Environmental Impacts**

**Threshold 4.14-3** *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?*

Because all but 40 acres of the Project site are in unincorporated Orange County, a majority of the Newport Banning Ranch property is currently served by the North Operations Division of the Orange County Sheriff's Department located at 550 North Flower Street in the City of Santa Ana. The Project proposes that the remaining 361 acres of the Project site would be annexed into the City, upon which time all police services would be assumed by City's Police Department (Newport Beach 2006a).

## ***Construction-related Impacts***

With implementation of the Project, the Newport Beach Police Department would be responsible for providing general law enforcement services for the Project site. During development, construction may require services from the Police Department in the cases of trespassing, theft, and vandalism. Provision of private security, provided by the Applicant, in construction areas within the Project site would reduce the need for police protection services. With these services, short-term, construction-related impacts would be less than significant.

## ***Operational Impacts***

Policy LU 2.8 of the General Plan provides that only land uses that can be adequately supported by the City's public services should be accommodated. Project implementation would introduce new residential, retail, resort inn, and recreational uses and increase population in the City. According to Section 4.7, Population, Housing, and Employment, buildout of the proposed Project would generate approximately 3,012 residents. Based on the City's current ratio of officers to residents (which is 1.3 officers per 1,000 residents), implementation of the proposed

Project would result in the demand for 3 additional police officers. It should be noted that the ratio of 1.3 officers per 1,000 residents is not an established standard.

Proposed neighborhood commercial development, resort inn, and recreational uses would also impact the Police Department's ability to adequately serve the community. No planning generation factors are used by the Police Department to determine the effects of non-residential development. Although the exact number and frequency of calls cannot be calculated since there is no development currently, implementation of the Project is expected to result in an increase in calls for service for non-residential development.

As previously discussed, the Police Department does not have any immediate or future plans to expand police facilities. Although the Project would increase demand for the City's police protection services, this demand would not require the construction of new facilities, nor would it require the expansion of existing facilities that would result in physical environmental impacts. The City is almost fully built out, with most new development occurring as infill development or redevelopment. The proposed Project is reflected in the 2006 Orange County Projections' growth estimates and has been taken into account in long-range planning efforts undertaken by agencies such as Police Department.

The Police Department's operating budget is generated through tax revenues, penalties and service fees, and allowed government assistance. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. Tax-base expansion from development of the proposed Project would generate funding for the police protection services. Implementation of SCs 4.14-4 and 4.14-5 related to site security and building and site safety design recommendations would ensure adequate police protection services can be provided to the Project site. Therefore, the Project's impact on police protection services would be less than significant.

**Impact Summary:** **Less Than Significant Impact.** Police protection services can be provided to the Project site without significantly impacting existing and planned development within the City. SCs 4.14-4 and 4.14-5 are applicable to the Project.

**Threshold 4.14-4** **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, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

Tables 4.14-9 through 4.14-11 evaluate the consistency of the proposed Project with the applicable police protection goals and policies of SCAG, the City's General Plan, and the Coastal Act, respectively.

**Impact Summary:** **No Impact.** As identified in Tables 4.14-9 through 4.14-11, the proposed Project would not conflict with any goals or policies of SCAG, the *City of Newport Beach General Plan*, or the Coastal Act related to the provision of police protection services.

### 4.14.3 SCHOOLS

#### Introduction

The following section focuses on school impacts associated with development proposed on the Project site.

#### Regulatory Setting

##### ***Funding***

The Newport-Mesa Unified School District (NMUSD or School District) is under the State government's jurisdiction; is subject to *California Education Code* regulations; and is under the governance of the State Board of Education. School facility funds come from State funding, State bonds, local General Obligation bonds, developer fees, surplus property sale proceeds, and School Facility Improvement and Community Facilities Districts (CFDs). Little or no funding is available for school facilities from the federal government.

##### ***State Funding and Developer Fees***

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

Senate Bill (SB) 50, which passed in 1998, provides a comprehensive school facilities financing and reform program, and enables a statewide bond issue to be placed on the ballot. The provisions of SB 50 allow the State to offer funding to school districts to acquire school sites, construct new school facilities, and modernize existing school facilities. SB 50 also establishes a process for determining the amount of fees developers may be charged to mitigate the impact of development on school facilities resulting from increased enrollment. Under this legislation, a school district could charge fees above the statutory cap only under specified conditions, and then only up to the amount of funds that the district would be eligible to receive from the State. According to Section 65996 of the *California Government Code*, development fees authorized by SB 50 are deemed to be "full and complete school facilities mitigation".

SB 50 establishes three levels of Developer Fees that may be imposed upon new development by the governing board of a school district depending upon certain conditions within a district. These three levels are as follows:

**Level 1:** Level 1 fees are the base statutory fees. These amounts are the maximum that can be legally imposed upon new construction projects by a school district unless the district qualifies for a higher level of funding.

Pursuant to Section 65995 of the *California Government Code*, as of January 2008, the statutory maximum Level 1 school fees that may be levied by a school district on new development is a maximum of \$2.97 per assessable square foot of residential construction and a maximum of \$0.47 per square foot of enclosed and covered space for commercial/industrial development. These rates are

established by the State Allocation Board, and may be increased to adjust for inflation based upon a statewide cost index for Class B construction.

The NMUSD currently implements a Level 1 fee of \$1.84 per square foot of new residential development. This means the School District has not updated the study since Level 1 fees were at the statewide level of \$1.84.

**Level 2:** Level 2 fees allow the school district to impose developer fees above the statutory level, up to 50 percent of new school construction costs. To implement Level 2 fees, the governing board of the school district must adopt a School Facilities Needs Analysis (SFNA) and meet other pre-requisites in accordance with Section 65995.6 of the *California Government Code*.

The purpose of an SFNA is to determine the need for new school facilities attributable to growth from new residential development (*California Government Code* §65995.6). An SFNA documents that the district has met prerequisite eligibility tests and calculates the fee per square foot of new development. If the school district is eligible for State new construction funding, the State will match the Level 2 fees if funds are available. According to the Office of Public School Construction, although they are currently not being released for spending, State funds for new school construction are available from existing bond measures (OPSC 2010).

**Level 3:** Level 3 fees apply if the State runs out of bond funds, allowing the school district to impose 100 percent of the cost of the school facility or mitigation minus any local dedicated school monies. If the State runs out of bond funds, the NMUSD would be eligible to charge Level 3 fees.

### **Local Funding**

In accordance with SB 50, the construction of new schools requires a school district to match State funds. The local match is typically provided by such funds as developer fees, local General Obligation bonds, and/or Mello-Roos CFD ("Special Taxes" that can be levied on property owners of newly constructed homes within a CFD). The NMUSD participates in the State funding program and obtained funding for expansion of Sonora Elementary in Costa Mesa in 2008.<sup>4</sup>

In November 2005, residents within the boundaries of the NMUSD passed a local Measure F authorizing the sale of \$282 million in General Obligation bonds. In a resolution adopted by the School Board on June 13, 2006, the School District approved the tax rate of \$18.87 for every \$100,000 of assessed values for the repayment of the bonds. Measure F is the second successful General Obligation bond in the School District. Measure A was passed by the NMUSD voters in June 2000 and authorized the sale of \$110 million in General Obligation bonds. Measure A funds are used by the School District to modernize every school campus throughout the district and to expand school capacity district-wide.

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<sup>4</sup> Although the application for funding of the Sonora Elementary School expansion was approved, funding has not been released due to the State budget crisis.

### **School Size**

The amount of land needed to support a school's educational program corresponds to the school's proposed programs, stated goals of the school district, and recommendations set by the California Department of Education.

### **Classroom Size**

The State is also involved in deciding the structure of local schools. For example, in August 1996, the State Senate passed SB 1777 (1996–1997 Class Size Reduction Program) and SB 1789 (Class Size Reduction Facilities Funding Program). These programs together (1) provide incentive monies to local school districts to lower class sizes for kindergarten through the third grades (K–3) to a ratio of 20 students to 1 teacher and (2) provide funds for additional teaching stations. However, the loading factor that the State uses to calculate school building capacity is 25 students per elementary classroom (K–6) and 27 students per middle and high school classroom (grades 7–12) (OPSC 2008). The NMUSD implements Class Size Reduction policies in grades K–3. For the purposes of analyzing school impacts herein, NMUSD's Net Capacity is used. It is defined as the total number of classrooms with 25 students in each classroom; these classrooms do not include protected program classrooms (Zareczny 2009).<sup>5</sup>

### **Interdistrict Transfers Regulation**

According to State law (AB 149 and AB 2071), parents may elect to enroll their children in public school districts whose boundaries encompass the parent's place of work rather than the parent's place of residence. The interdistrict transfer program applies to kindergarten through middle school (i.e., grades K–8) students. "Sending" and "receiving" school districts may refuse interdistrict transfers. However, grounds for such refusals include findings that the requested transfer (1) would be detrimental to a school district that is operating at full capacity; (2) would negatively impact a district's desegregation plan; or (3) would, due to the additional cost of educating a student, cause the school to exceed the amount of additional State aid received as a result of the transfer. Districts cannot arbitrarily refuse transfers (e.g., on the basis of race, ethnicity, sex, parental income, or scholastic achievement).

### **Newport Beach General Plan Land Use Element**

The General Plan Land Use Element presents goals and policies pertaining to how the existing development is to be maintained and enhanced and how new development is to be implemented. The *City of Newport Beach General Plan* establishes criteria and standards for land use development in the City and its Sphere of Influence, including the ability to accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure and public services (e.g., schools). The Project's consistency with applicable General Plan goals and policies is addressed later in this section.

### **Methodology**

This assessment addresses the potential impacts of the proposed Project on the public school system only, as it is directly responsible (and mandated) to serve new student populations generated from implementation of the Project. Private institutions and higher education

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<sup>5</sup> Protected program classroom uses include special education, science labs, resource support programs, music, libraries, and computer labs.

institutions are not evaluated since they are privately funded and/or are not mandated to provide services; therefore, these schools are not discussed herein.

The methodology used in this analysis assumes that the number of new students generated from the proposed Project is directly related to the type and amount of the proposed Project's residential construction within the boundaries of the school district. Where the existing capacity of each school appears to be inadequate for Project-generated students, the analysis includes an evaluation of the existing school sites' capabilities to add new classroom capacity that would accommodate Project-generated students, if needed.

**Existing Conditions**

***Newport-Mesa Unified School District***

The Project would be served by the NMUSD. There are 32 schools in the School District: 22 elementary schools (K–6, with various grade configurations), 2 middle schools (7–8), 4 comprehensive high schools (2 of the high schools serve grades 7–12), 2 alternative high schools, a middle college,<sup>6</sup> 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 (NMUSD 2010). Based on the information provided by the District staff, the School District had an enrollment of 11,528 students in grades K–6 and 10,275 in grades 7–12 (NMUSD 2010). 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. Table 4.14-3 summarizes these school capacity estimates. Enrollment has been relatively stable, decreasing only slightly at a rate of one percent per year over the last five years.

**TABLE 4.14-3  
NEWPORT-MESA UNIFIED SCHOOL DISTRICT  
SCHOOL CAPACITY AND ENROLLMENT FOR 2010–2011**

School (Grade Level)	Net School Capacity <sup>a</sup>	Enrollment <sup>b</sup>	Available Capacity
Elementary (K–6)	12,112	11,528	584
Secondary (7–12)	11,361	10,275	1,086
<b>District Total</b>	<b>23,473</b>	<b>21,803</b>	<b>1,670</b>
<sup>a</sup> Zareczny 2010 <sup>b</sup> Zareczny 2010. Note: Ungraded elementary and secondary students are included into calculations.			

Exhibit 4.14-3, School District Boundaries and Schools, depicts the district boundaries as well as boundaries of schools that are located nearest to the Project site. Existing NMUSD schools located closest to the Project site are Newport, Newport Heights, Pomona, Rea, Victoria, and Whittier Elementary Schools; Ensign Middle School; and Newport Harbor High School. Table 4.14-4 provides the available capacity at each of these schools based on enrollment figures during the 2010–2011 school year. Based on these enrollment figures, there are 149 middle and 333 high school seats available. At the elementary level, there are available seats at Newport, Rea, and Whittier Elementary School; the remaining schools have no current capacity.

<sup>6</sup> The “middle college” high school model is designed as a college prep program.



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**School District Boundaries and Schools**

**Exhibit 4.14-3**

Newport Banning Ranch EIR



**TABLE 4.14-4  
AVAILABLE CAPACITY AT EXISTING NEWPORT-MESA UNIFIED SCHOOL  
DISTRICT SCHOOLS NEAREST TO THE PROJECT SITE**

School Name	Net School Capacity <sup>a</sup>	Enrollment <sup>b</sup>	Available Capacity	Distance to the Project Site (mi)
<b>Elementary Schools</b>				
Newport Elementary	437	429	8	2.2
Newport Heights Elementary	553	637	(84)	2.8
Pomona Elementary	483	518	(35)	2.6
Rea Elementary	530	445	85	2.8
Victoria Elementary	345	384	(39)	3.2
Whittier Elementary	806	799	7	2.4
<b>Middle Schools</b>				
Ensign Middle	1,228	1,079	149	2.0
<b>High School</b>				
Newport Harbor High	2,844	2,511	333	2.3
<i>Subtotal Elementary Schools</i>	<i>3,154</i>	<i>3,212</i>	<i>(58)</i>	<i>N/A</i>
<i>Subtotal Middle Schools</i>	<i>1,228</i>	<i>1,079</i>	<i>149</i>	<i>N/A</i>
<i>Subtotal High School</i>	<i>2,844</i>	<i>2,511</i>	<i>333</i>	<i>N/A</i>
<b>Total Capacity</b>	<b>7,226</b>	<b>6,802</b>	<b>424</b>	<b>N/A</b>
Note: The distances were taken from the crossing of West Coast Highway at Industrial Park Way in Newport Beach.				
<sup>a.</sup> Zareczny 2010.				
<sup>b.</sup> Zareczny 2010 (Ungraded elementary and secondary students are included into calculations).				

## **Project Design Features and Standard Conditions**

### ***Project Design Features***

No project design features are identified for schools.

### ***Standard Conditions and Requirements***

**SC 4.14-6** Pursuant to Section 65995 of the *California Government Code*, the Applicant shall pay developer fees to the Newport-Mesa Unified School District at the time building permits are issued; payment of the adopted fees would provide full and complete mitigation of school impacts.

**SC 4.14-7** New development within the Project site shall be subject to the same General Obligation bond tax rate as already applied to other properties within the Newport-Mesa Unified School District for Measure F (approved in 2005) and Measure A (approved in 2000) based upon assessed value of the residential and commercial uses.

## **Thresholds of Significance**

The following significance criteria are from the City of Newport Beach Environmental Checklist. The Project would result in a significant impact related to schools if it would:

**Threshold 4.14-5** Result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable levels of service ratios or other performance objectives for public school facilities.

**Threshold 4.14-6** Conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

## **Environmental Impacts**

**Threshold 4.14-5** *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable levels of service ratios or other performance objectives for public school facilities?*

## **Student Generation Rates**

The student generation rates were developed by the School District's demographic consulting firm, DecisionInsite, based on Project information provided by the Applicant. The student generation rates are based on the actual number of students generated from housing products located within the School District that are similar to the products proposed to be developed as a part of the Project.<sup>7</sup> Table 4.14-5 provides the student generation rates used in this analysis and divides the rates by housing type.

**TABLE 4.14-5  
NEWPORT-MESA UNIFIED SCHOOL DISTRICT  
STUDENT GENERATION RATES**

<b>Dwelling Unit Type</b>	<b>K-6</b>	<b>7-8</b>	<b>9-12</b>	<b>Total</b>
Detached Residential (SFD)	0.336	0.074	0.134	<b>0.544</b>
Attached Residential (SFA)	0.045	0.016	0.019	<b>0.080</b>
Source: DecisionInsite 2010.				

At Project buildout, the Project may include up to 1,375 residential dwelling units. The Project also includes 75,000 square feet of commercial uses and a 75-room resort hotel. It is anticipated that only residential uses would generate school impacts. Using the NMUSD school generation rates (Table 4.14-5), the proposed Project is anticipated to generate 268 K-12 students. Table 4.14-6 identifies the number of students per product type and student

<sup>7</sup> Similar products are located in Newport Coast, Bonita Canyon, and Newport Ridge.

generation rate. As discussed below, the students would predominantly attend existing schools nearest to the Project site.

**TABLE 4.14-6  
NEWPORT-MESA UNIFIED SCHOOL DISTRICT  
DWELLING UNITS AND STUDENTS YIELD**

Dwelling Unit Type	Units	K-6	7-8	9-12	Total
Low-Medium Density Residential (SFD)	339	114	25	45	184
Medium-Density Residential (SFA)	1,036	47	17	20	84
<b>TOTAL</b>	<b>1,375</b>	<b>161</b>	<b>42</b>	<b>65</b>	<b>268</b>
SFD: single-family detached; SFA: single-family attached; MF: multi-family.					
Note: Totals may not add up due to rounding.					

### Elementary School

At buildout, the Project would generate approximately 161 elementary school students. The Project site is within the school boundaries of Newport Elementary School (Table 4.14-4). However, no additional classroom facilities can be provided at the Newport Elementary School because of the school's proximity to the beach and Pacific Ocean (Justus 2011). Other elementary schools are also located in the vicinity of the Project site. Based on current enrollment figures, additional classroom facilities would be required and could be provided at any of the elementary schools to accommodate students associated with the proposed Project. Payment of mandated school fees as required by SC 4.14-6 and 4.14-7 serves to fully mitigate Project impacts on schools.

### Middle School

At buildout, the Project would generate 42 middle school students. Students from the Project would attend Ensign Middle School, which currently has 149 available seats (Table 4.14-4). No significant impacts are anticipated.

### High School

At buildout, the Project would generate 65 high school students. Students from the Project would attend Newport Harbor High School, which currently has 333 available seats (Table 4.14-4). No significant impacts are anticipated.

### **School Finance**

Based on data about available capacity, the NMUSD would not require funds to construct additional capacity to serve the Project-generated students at the middle and high school level. At the elementary school level, based on the current enrollment data, additional portable or permanent classrooms may be required to accommodate Project students. However, the NMUSD has a Level 1 fee program in place, and the Project would be subject to payment of applicable developer fees. Payment of the adopted developer fees by the Applicant would, in accordance with Section 65995(h) of the *California Government Code*, fully and completely mitigate all school impacts. Additionally, new development on the Project site would be subject to taxes from both General Obligation bond measures approved by the NMUSD. The Project would be required to comply with SC 4.14-6 and SC 4.14-7. SC 4.14-5 requires the payment of State-mandated school fees. SC 4.14-6 identifies that the Project would be subject to

Measure F and Measure A General Obligation taxes as applied to other properties within the NMUSD.

**Impact Summary:** *Less Than Significant.* Compliance with mandated fee programs identified in SC 4.14-6 and SC 4.14-7 would preclude significant impacts to the NMUSD.

**Threshold 4.14-6** *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, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

Tables 4.14-9 through 4.14-11 evaluate the consistency of the proposed Project with the applicable public school goals and policies of SCAG, the City's General Plan, and the Coastal Act, respectively.

**Impact Summary:** *No Impact.* As identified in Tables 4.14-9 through 4.14-11, the proposed Project would not conflict with any goals or policies of SCAG, the *City of Newport Beach General Plan*, or the Coastal Act related to the provision of public school services.

#### 4.14.4 LIBRARY SERVICES

##### Introduction

The following section focuses on impacts related to library services associated with development proposed within the Project site. The Project would be served by the Newport Beach Public Library system.

##### Regulatory Setting

There are no federal, State, or local regulations applicable to this Project related to library services. The Project's consistency with applicable General Plan goals and policies is provided later in this section.

##### Methodology

The Newport Beach Public Library system was contacted to determine if the proposed Project would significantly impact the library's ability to provide services.

##### Existing Conditions

The Newport Beach Public Library provides library services to the City of Newport Beach. The Newport Beach Public Library consists of a Central Library and three branch library facilities, including the Mariners Branch, the Balboa Branch, and the Corona Del Mar Branch. The Central Library, located on Avocado Avenue, is a 54,000 square foot (sf) building that serves as a public library. The 4 libraries serve 71,784 active borrowers, and the system circulates over 1,701,400 items annually (Newport Beach 2009a). The Newport Beach Public Library system is staffed by approximately 90 employees (Newport Beach 2006a). Table 4.14-7 identifies the existing library facilities near the Project site.

At this time, the Newport Beach Public Library has no immediate plans to expand existing facilities with the exception of the Central Library located on Avocado Avenue. As a part of the approved Newport Beach City Hall and Park Development project, the City is expanding the Central Library by 20,000 square feet (sf). The library expansion is expected to be completed in late 2012/early 2013.

**TABLE 4.14-7  
EXISTING LIBRARY FACILITIES NEAR THE PROJECT SITE**

Name	Address	Date of Construction	Size (sf)	Approximate Distance from the Project Site
John and Donna Crean Mariners Branch Library	1300 Irvine Ave Newport Beach, CA 92660	2006	15,305	5 miles
Balboa Branch Library	100 East Balboa Blvd Balboa, CA 92661	1925 (remodeled in 1960)	6,000	4 miles

Source: Hetherton 2010.

The library is interested in expanding services to accommodate Project residents (Hetherton 2010). Libraries typically assess their needs on a ratio of volumes per measure of population. However, recent changes in the type of resources used at Newport Beach Public Library facilities have made it increasingly difficult to predict the type and amount of resources required to adequately serve residents (Newport Beach 2006a). The Library has indicated that current assessment factors include demographics, economic data, community opinion, comparison with peer systems, and library standards (Hetherton 2010).

### **Project Design Features and Standard Conditions**

#### ***Project Design Features***

No project design features are identified for library services.

#### ***Standard Conditions and Requirements***

SC 4.14-1, which requires the payment of Property Excise Tax to the City for public improvements and facilities associated with the City of Newport Beach Public Library, is applicable to library services.

### **Thresholds of Significance**

The following threshold criteria are from the City of Newport Beach Environmental Checklist. The Project would result in a significant impact related to library services if it would:

**Threshold 4.14-7** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for library services.

**Threshold 4.14-8** Conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

### **Environmental Impacts**

**Threshold 4.14-7** *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for library services?*

As stated previously, the proposed Project is anticipated to generate approximately 3,012 new residents, thereby increasing the demand on the Newport Beach Public Library system. Libraries typically assess their needs on a ratio of volumes per measure of population. However, recent changes in the type of resources used at the Newport Beach Public Library facilities have made it increasingly difficult to predict the type and amount of resources required to adequately serve residents (Newport Beach 2006a). The Library has indicated that current assessment factors include demographics, economic data, community opinion, and comparison with peer systems (Hetherington 2010). However, no standards have been adopted by the City and no data on these factors are available.

Although the public is able to use any of the branches throughout the City, future residents of the proposed Project would be primarily served by the Mariners and Balboa Branch Libraries. Library staff have indicated that all the City's library facilities are heavily used and there has been a trend of increasing demand for Newport Beach Library services, not only from Newport Beach residents but also residents of surrounding communities. While expanded library services may be needed to meet this growing demand and the new population expected from the Project, the Library staff has not identified any negative impacts resulting directly from the proposed Project. The Library has also indicated that the Project would not create a need for new or expanded library facilities. As a result, there would be no significant physical impacts to library facilities resulting from the proposed Project. As identified in SC 4.14-1, the Applicant shall pay the required Property Excise Tax to the City for public improvements and facilities associated with the City of Newport Beach Public Library.

**Impact Summary:** *No Impact.* SC 4.14-1 applies to the Project. Library services can be provided to the Project site without significantly impacting existing and planned development within the City.

**Threshold 4.14-8** *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, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

Tables 4.14-9 through 4.14-11 evaluate the consistency of the proposed Project with the applicable public library service goals and policies of SCAG, the City's General Plan, and the Coastal Act, respectively.

**Impact Summary:** **No Impact.** As identified in Tables 4.14-9 through 4.14-11, the proposed Project would not conflict with any goals or policies of SCAG, the *City of Newport Beach General Plan*, or the Coastal Act related to the provision of public library services.

#### 4.14.5 SOLID WASTE

##### Introduction

The following section focuses on impacts related to solid waste associated with development proposed within the Project site. The Project would be served by the City of Newport Beach General Services Department Refuse Division and OC Waste & Recycling.

##### Regulatory Setting

###### ***California Integrated Waste Management Act (AB 939)***

The California Integrated Waste Management Act of 1989 (AB 939) requires all Counties to prepare an Integrated Waste Management Plan. The California Integrated Waste Management Board (CIWMB) requires that all Counties have an approved Countywide Integrated Waste Management Plan (CIWMP) that demonstrates sufficient solid waste disposal capacity for a minimum of 15 years. In compliance with AB 939, the County prepared a CIWMP, which it keeps current, demonstrating the required 15-year disposal capacity. Under AB 939, each City and County is also required to reduce by 50 percent the amount of waste going to landfills, based on 1990 levels. Waste haulers are working with various jurisdictions on recycling programs and other measures to comply with this mandate.

##### Methodology

OC Waste & Recycling was contacted to determine if the proposed Project would significantly impact the County's ability to provide landfill capacity service.

##### Existing Conditions

The City of Newport Beach General Services Department Refuse Division provides residential solid waste collection to approximately 27,000 residential units in the City (Newport Beach 2009a). The remaining solid waste is collected by franchised waste haulers. Collected material is then transferred to a Materials Recovery Facility (MRF), where it is sorted for recyclables. Data shows that the City has a diversion rate of 60 percent (the last reporting year available) (CalRecycle 2010).

Solid waste generated from the Project would be disposed of at the Frank R. Bowerman (FRB) Landfill, which is part of the Orange County landfill system operated by OC Waste & Recycling. The landfill is located at 11002 Bee Canyon Access Road in the City of Irvine. The permitted daily maximum at FRB is 11,500 tons of solid waste per day and currently accepts an average of approximately 6,000 tons of solid waste per day (Arnau 2010). The landfill is projected to close in 2053 and, as of June 30, 2009, the landfill has an estimated remaining airspace capacity of 201 million cubic yards. According to OC Waste & Recycling, long-range strategic planning is necessary to ensure that waste generated by the County is safely disposed of and that the County's future disposal needs are met. The Regional Landfill Options for Orange County (RELOOC) is a 40-year strategic plan that was developed to evaluate options for waste disposal for Orange County.

## **Project Design Features and Standard Conditions**

### ***Project Design Features***

The following Greenhouse Gas Emissions PDF identified by the Applicant is applicable to solid waste services.

- PDF 4.11-5** The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan require that the following measures be implemented during initial project grading activities and will be incorporated into all grading permit applications submitted to the City:
- a. Construction waste diversion will be increased by 50 percent from 2010 requirements.
  - b. To the extent practical, during the oilfield clean-up and remediation process, the Landowner/Master Developer will be required to recycle and reuse materials on site to minimize off-site hauling and disposal of materials and associated off-site traffic.

### ***Standard Conditions and Requirements***

No standard conditions and requirements are identified for solid waste services.

### **Thresholds of Significance**

The following threshold criteria are from the City of Newport Beach Environmental Checklist. The Project would result in a significant impact related to solid waste services if it would:

- Threshold 4.14-9** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for solid waste services.
- Threshold 4.14-10** Conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

### **Environmental Impacts**

- Threshold 4.14-9** *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for solid waste services?*

During the oilfield remediation and oil well closure process, it is estimated that up to approximately 25,000 cubic yards (cy) of material would not be suitable for use on the Project

site. Site remediation is discussed in Section 4.5, Hazards and Hazardous Materials. Any hydrocarbon-impacted soil that cannot be treated on site would be transported to an off-site recycling/treatment facility; such facilities accessible for use within Southern and Central California.<sup>8</sup>

Table 4.14-8 shows that, based on solid waste generation rates provided by the California Integrated Waste Management Board, the proposed Project would generate an estimated 19,456.3 pounds of solid waste per day or approximately 3,540.5 tons of solid waste annually.

**TABLE 4.14-8  
NEWPORT BANNING RANCH ESTIMATED SOLID WASTE GENERATION  
WITHOUT WASTE DIVERSION**

Land Use	Area	Generation Factor	Estimated Generation (lbs/day)
Residential	1,375 du	12.23 lbs./household/day	16,816.3
Commercial	75,000 sf	3.12 lbs./100 sf/day	2,340.0
Resort Inn	75 rooms	4 lbs./room/day	300.0
<b>Total Estimated Solid Waste Generation</b>			<b>19,456.3 lbs/day (9.7 tons/day)</b>
du: dwelling units; sf: square feet; lbs: pounds.			
Source: CIWMB 2009			

The development level proposed by the Project is consistent with the growth projections in the Orange County Projections 2006 (OCP-2006), which are used by the County of Orange in their long-term planning for landfill capacity. The County's landfill system has capacity in excess of the required 15-year threshold established by the California Integrated Waste Management Board (CIWMB). Based on the remaining capacity of the FRB Landfill and the County's long-term planning programs required to meet CIWMB's requirements, there would be adequate waste disposal capacity within the permitted County's landfill system to meet the needs of the proposed Project (Arnau 2010). No significant impacts are anticipated. In addition, PDF 4.11-5, in Section 4.11, Greenhouse Gas Emissions, requires that construction waste diversion be increased by 50 percent from 2010 requirements and that the oilfield clean-up and remediation process recycle and reuse materials on site to minimize off-site hauling and disposal of materials. This PDF would further reduce the amount of solid waste generated by the Project.

**Impact Summary:** *Less than Significant Impact.* Solid waste services can be provided to the Project without significantly impacting existing and planned development within the City.

**Threshold 4.14-10** *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, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

Tables 4.14-9 through 4.14-11 evaluate the consistency of the proposed Project with the applicable solid waste goals and policies of SCAG, the City's General Plan, and the Coastal Act, respectively.

<sup>8</sup> Facilities include but are not limited to Thermal Remediation Solutions in the City of Azusa, Belridge Producing Complex in Kern County, and Clean Harbors in Kern County.

**Impact Summary:** **No Impact.** As identified in Tables 4.14-9 through 4.14-11, the proposed Project would not conflict with any goals or policies of SCAG, the *City of Newport Beach General Plan*, or the Coastal Act related to the provision of solid waste disposal services.

#### 4.14.6 MITIGATION PROGRAM

##### **Project Design Features**

No project design features are identified by the Applicant for police protection services, schools, or libraries.

##### ***Fire***

PDF 4.14-1 requires fire-resistant construction for all structures adjoining natural open space.

##### ***Solid Waste***

Greenhouse Gas PDF 4.11-5 requires construction waste diversion to be increased by 50 percent from 2010 requirements and to recycle and reuse materials on site during oilfield cleanup and remediation to the extent practical.

##### **Standard Conditions and Requirements**

No standard conditions and requirements are identified for solid waste services.

##### ***Fire***

SCs 4.14-1 through 4.14-3 are applicable to the Project with respect to fire service and fire safety.

##### ***Police***

SCs 4.14-4 and 4.14-5 are applicable to the Project with respect to police protection services.

##### ***Schools***

SCs 4.14-6 and 4.14-7 are applicable to the Project with respect to schools.

##### ***Libraries***

SC 4.14-1, which requires the payment of Property Excise Tax to the City for public improvements and facilities associated with the City of Newport Beach Public Library, is applicable to library services.

##### **Mitigation Measures**

No mitigation measures are required for police protection, schools, libraries, or solid waste.

##### ***Fire***

**MM 4.14-1** Certificates of occupancy shall not be issued by the City of Newport Beach for any residential dwelling unit, the resort inn, or any commercial structure in Site

Planning Area 10a (northerly block only), Site Planning Area 10b (northerly block only), and Site Planning Area 12b until Fire Station Number 2 is rebuilt at the existing City Hall site at 23300 Newport Boulevard or at another location that the Newport Beach Fire Department has determined is sufficient to provide fire response within the Fire Department's established response time standards.

The construction of a replacement Fire Station Number 2 within the boundaries of the existing City Hall site at the northeastern corner of Newport Boulevard at 32<sup>nd</sup> Street or at an alternative location would be the subject of separate, subsequent environmental review. The replacement Fire Station could only be constructed upon the demolition of existing permanent and temporary structures on the City Hall site. Potential environmental impacts associated with the replacement Fire Station Number 2 would be associated with demolition of the existing Fire Station, and the construction and operation of the replacement Fire Station. Potential environmental effects are anticipated to include short-term construction-related traffic, air quality, and noise impacts during demolition and construction. Because of the proximity between the existing and proposed Fire Stations (approximately 500 feet), this relocation is not anticipated to result in new significant operational impacts.

**MM 4.14-2** The Applicant shall pay the City of Newport Beach a fire facilities impact fee equal to its fair share of the need for a relocated Fire Station Number 2. The fair share fee shall be based on total number of Project dwelling units as a ratio of the total number of dwelling units within the service area of relocated Fire Station Number 2. The proportionate fee shall be paid prior to the issuance of a building permit for any residential dwelling unit.

**MM 4.14-3** Should a replacement station for Fire Station 2 not be operational prior to the development of any combustible structures in Site Planning Area 10a (northerly block only), Site Planning Area 10b (northerly block only), and Site Planning Area 12b, the Applicant shall provide and improve a site within the Project site boundaries for a temporary facility of sufficient size to accommodate one engine company and one paramedic ambulance of at least three firefighters on a 7-day/24-hour schedule prior to the issuance of building permit for any combustible structures in the said site planning areas. The temporary fire station site shall be within the Project limits of disturbance approved as a part of the Project such that no new environmental effects would occur.

#### **4.14.7 LEVEL OF SIGNIFICANCE AFTER MITIGATION**

No significant impacts to, police protection services, schools, libraries, or solid waste service would occur. Impacts to fire service can be mitigated to a less than significant level.

**TABLE 4.14-9  
SCAG REGIONAL POLICY CONSISTENCY ANALYSIS**

Relevant Principles	Consistency Analysis
<b>Regional Comprehensive Plan Policies (Voluntary)<sup>a</sup>: Solid Waste</b>	
<p><b>Solid Waste</b></p> <p>SW-14 Developers and local governments should integrate green building measures into project design and zoning including, but not limited to, those identified in the U.S. Green Building Council's Leadership in Energy and Environmental Design, Energy Star Homes, Green Point Rated Homes, and the California Green Builder Program. Construction reduction measures to be explored for new and remodeled buildings include:</p> <ul style="list-style-type: none"> <li>• Reuse and minimization of construction and demolition (C&amp;D) debris and diversion of C&amp;D waste from landfills to recycling facilities.</li> <li>• An ordinance that requires the inclusion of a waste management plan that promotes maximum C&amp;D diversion.</li> <li>• Source reduction through (1) use of building materials that are more durable and easier to repair and maintain, (2) design to generate less scrap material through dimensional planning, (3) increased recycled content, (4) use of reclaimed building materials, and (5) use of structural materials in a dual role as finish material (e.g. stained concrete flooring, unfinished ceilings, etc.).</li> <li>• Reuse of existing building structure and shell in renovation projects.</li> </ul> <p>Building lifetime waste reduction measures that should be explored for new and remodeled buildings include:</p> <ul style="list-style-type: none"> <li>• Development of indoor recycling program and space.</li> <li>• Design for deconstruction.</li> <li>• Design for flexibility through use of moveable walls, raised floors, modular furniture, moveable task lighting and other reusable components.</li> </ul>	<p>The Project is consistent with this policy. The Project's Green and Sustainable Program includes measures and design elements to address this issue. PDF 4.11-5 requires construction waste diversion to be increased by 50% from 2010 requirements, and to recycle and reuse materials on site during oilfield cleanup and remediation to the extent practical.</p>
<p><sup>a</sup> All SCAG Regional Comprehensive Plan policies listed are voluntary local government and developer practices.</p>	

**TABLE 4.14-10  
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS**

City of Newport Beach General Plan Relevant Goals, Policies, and Programs	Consistency Analysis
<b>Land Use Element</b>	
<b>Policies</b>	
<p><b>LU Policy 2.8: Adequate Infrastructure</b> 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>The 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, school, and library facilities, as addressed in this section, the Project can be adequately served. Please also refer to Section 4.8, Recreation and Trails, and Section 4.15, Utilities.</p>
<b>Policies</b>	
<p><b>LU Policy 3.2: Growth and Change</b> 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>The Project is consistent with this policy. With respect to public services (fire, police, schools, and libraries), the analysis provided in this section of the EIR demonstrates that the proposed land uses can be adequately served. Please also refer to Section 4.1, Land Use and Related Planning Programs; Section 4.9, Transportation and Circulation; and Section 4.15, Utilities.</p>
<b>Land Use Element Goal LU 4</b>	
<p>Management of growth and change to protect and enhance the livability of neighborhoods and achieve distinct and economically vital business and employment districts, which are correlated with supporting infrastructure and public services and sustain Newport Beach's natural setting.</p>	<p>The Project is consistent with this goal. 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>
<b>Natural Resources Element</b>	
<b>Policies</b>	
<p><b>NR Policy 6.1: Walkable Neighborhoods</b> Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.</p>	<p>The Project is consistent with this policy. With respect to schools and libraries, the Project does not require the construction of any new schools or libraries. Existing NMUSD schools that are expected to serve the Project include Newport Elementary School (2.2 miles); Ensign Middle School (2.0 miles); and Newport Harbor High School (2.3 miles). The Mariners Branch Library is located approximately 5 miles from the Project site. Approximately 51.4 gross acres of parks would be provided on the Project site. Please also refer to Section 4.1, Land Use and Related Planning Programs; Section 4.8, Recreation and Trails; and Section 4.9, Transportation and Circulation.</p>

**TABLE 4.14-10 (Continued)**  
**CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS**

City of Newport Beach General Plan Relevant Goals, Policies, and Programs	Consistency Analysis
<b>Safety Element</b>	
<b>Safety Element Goal S 6</b>	
Protection of human life and property from the risks of wildfires and urban fires.	The Project is consistent with this goal. As a part of the proposed Project, a Fire and Life Safety Program has been prepared. The Program is intended to meet or exceed the requirements set forth in the City of Newport Beach Fire Code and all its amendments to the 2010 California Building Code; the 2010 California Fire Code; and the International Fire Code, 2009 Edition. The Project includes fuel management zones consistent with the fire safety requirements for the Project. The fuel management zones are further described in Section 3.0, Project Description.
<b>Policies</b>	
<b>S Policy 6.2: Development in Interface Areas</b> Apply hazard reduction, fuel modification, and other methods to reduce wildfire hazards to existing and new development in urban wildland interface areas.	The Project is consistent with this policy. As part of Project, fuel management zones consistent with the fire safety requirements for the Project would be provided. The fuel management zones are described in Section 4.14.1.
<b>S Policy 6.3: New Development Design</b> Site and design new development to avoid the need to extend fuel modification zones into sensitive habitats.	The Project is consistent with this policy. There are no potentially sensitive or sensitive habitats within Zones A or B. Zone C would be composed of native grasslands and/or cactus areas consistent of non-irrigated native plant species that contain low fuel loads. Zone C would be a minimum of 50 feet wide in most areas connecting Zone B or to existing potential special-status habitats. As identified in this EIR section, the potential biological impacts associated with the creation of these zones are assumed in the overall biological impact assumptions set forth in this EIR. Please refer to Section 4.6, Biological Resources.
<b>S Policy 6.4: Use of City-Approved Plant List</b> Use fire-resistive, native plant species from the City-approved plant list in fuel modification zones abutting sensitive habitats.	The Project is consistent with this policy. The Master Landscape Plan is a component of the Master Development Plan and incorporates the landscape requirements identified in the Project's proposed Habitat Restoration Plan (in particular permitted native plants and invasive or otherwise prohibited plants); the Fire and Life Safety Program (in particular fuel management prohibitions on high fire-fuel plants in the community); and the NBR-PC (Exhibit 3-20, Community Landscape Zones, in Section 3.0, Project Description). Please also refer to Section 4.6, Biological Resources.
<b>S Policy 6.5: Invasive Ornamental Plant Species</b> Prohibit invasive ornamental plant species in fuel modification zones abutting sensitive habitats.	The Project is consistent with this policy. Please refer to the response to S Policy 6.4.
NBR-PC: Newport Banning Ranch Planned Community Development Standards.	

**TABLE 4.14-11  
CALIFORNIA COASTAL ACT CONSISTENCY ANALYSIS**

Relevant California Coastal Act Policies	Consistency Analysis
<b>Development</b>	
<p><b>Section 30250 Location; existing developed area</b></p> <p>(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.</p> <p>(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.</p> <p>(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 attraction for visitors.</p>	<p>The Project is consistent with this section. With respect to public services (fire, police, schools, and libraries), the analysis provided in this section of the EIR demonstrates that the proposed land uses can be adequately served. Please also refer to Sections 4.1, Land Use and Related Planning Programs, and Section 4.15, Utilities.</p>

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