CITY OF NEWPORT BEACH
CITY COUNCIL AGENDA

FEBRUARY 24, 2026
COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660

REGULAR CITY COUNCIL MEETING- 4:00 PM

LAUREN KLEIMAN, Mayor
NOAH BLOM, Mayor Pro Tem
MICHELLE BARTO, Councilmember
ROBYN GRANT, Councilmember
JOE STAPLETON, Councilmember
SARA J. WEBER, Councilmember
ERIK WEIGAND, Councilmember

SEIMONE JURJIS, City Manager
AARON C. HARP, City Attorney
LENA SHUMWAY, City Clerk

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT
Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the City Clerk 24 hours prior to the scheduled City Council meeting.

LEVINE ACT
Under the Levine Act, Section 84308 of the Government Code, a party to a proceeding before the City involving a contract (other than competitively bid, labor, or personal employment contracts), franchise, license, permit, or other entitlement for use, is required to disclose on the record of the proceeding any contribution in an amount of more than five hundred dollars ($500) made within the preceding 12 months by the party or the party's agent to any elected or appointed officer of the City. If you have made a qualifying contribution, please ensure to make this disclosure on the record.

PUBLIC HEARINGS
If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

NOTICE TO THE PUBLIC
Any times listed in this agenda are provided as a courtesy and the actual item may be heard before or after the time given.
This agenda was prepared by the City Clerk. Copies of the staff reports and supporting materials are on file with the City Clerk and are available for public inspection and copying at the City Clerk's Office or online at newportbeachca.gov/agendas. For questions or to request copies of any staff reports or other documentation related to items on this agenda, please contact the City Clerk's Office at 949-644-3005.
The City of Newport Beach's goal is to fully comply with the Americans with Disabilities Act (ADA). If you require special assistance to participate in this meeting, we will attempt to accommodate you in every reasonable manner. Please contact City Clerk staff prior to the meeting at 949-644-3005 or cityclerk@newportbeachca.gov so that reasonable accommodations can be made.

I. ROLL CALL - 4:00 p.m.

INVOCATION

Rev. Ray Jordan - Corona del Mar Community Church

PLEDGE OF ALLEGIANCE

II. PRESENTATIONS

- **Recognition of Newport-Mesa Unified School District Students**

PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

The City Council of Newport Beach welcomes and encourages community participation. Public comments are invited on items listed on the agenda and non-agenda items. Speakers must limit comments to three minutes per person to allow everyone to speak. Written comments are encouraged as well. The City Council has the discretion to extend or shorten the time limit on agenda or non-agenda items.

CITY COUNCIL ANNOUNCEMENTS AND ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

PUBLIC COMMENTS ON CONSENT CALENDAR

This is the time in which Councilmembers may pull items from the CONSENT CALENDAR for discussion (ITEMS 1 -9). Public comments are also invited on Consent Calendar items. Speakers must limit comments to three minutes. Before speaking, please state your name for the record. If any item is removed from the Consent Calendar by a Councilmember, members of the public are invited to speak on each item for up to three minutes per item.

All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. Councilmembers have received detailed staff reports on each of the items recommending an action. There will be no separate discussion of these items prior to the time the City Council votes on the motion unless members of the City Council request specific items to be discussed and/or removed from the Consent Calendar for separate action.

III. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. Reading of Ordinances

Waive reading in full of all ordinances under consideration for adoption and direct the City Clerk to read by title only.

2. Minutes for the February 10, 2026, City Council Meeting

Waive reading of subject minutes, approve as written, and order filed.

Minutes

ORDINANCES FOR ADOPTION

3. Ordinance No. 2026-2: Amending Various Sections of the Newport Beach Municipal Code to Address Illegal Activity During High-Risk Periods

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Conduct second reading and adopt Ordinance No. 2026-2, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Sections 1.04.060 (Safety Enhancement Zone) of Chapter 1.04 (Code Enforcement), Sections 5.95.045 (Conditions) and 5.95.065 (Suspensions and Revocations) of Chapter 5.95 (Short Term Lodging Permit), and Section 11.08.020 (Use of Shade Coverings) of Chapter 11.08 (Conduct on Beaches and Piers) of the Newport Beach Municipal Code to Address Illegal Activity During High-Risk Periods.*

Staff Report
Attachment A- Ordinance No. 2026-2

RESOLUTIONS FOR ADOPTION

4. Resolution No. 2026-13: Limiting the Parking of Vehicles on Certain City Streets

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution 2026-13, *A Resolution of the City Council of the City of Newport Beach, California, Limiting the Parking of Vehicles on Certain City Streets.*

Staff Report
Attachment A - Letter from Balboa Island Improvement Association
Attachment B - Resolution No. 2026-13

CONTRACTS AND AGREEMENTS

5. **Amendment No. One to On-Call Maintenance/Repair Services Agreement with South Coast Shipyard, Inc. for Rescue Boat Haul Out Services**

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Approve Amendment No. 1 to On-Call Maintenance/Repair Services Agreement with South Coast Shipyard, Inc. for Rescue Boat Haul Out Services (Contract No. 9428-1) to extend the term to June 30, 2028, and to increase the contract amount by $150,000, for a total not-to-exceed amount of $270,000, and authorize the Mayor and City Clerk to execute the Amendment.

Staff Report

Attachment A - Photos of Haul Out and Repair Services

Attachment B - Amendment No. One to On-Call MRSA with South Coast Shipyard, Inc.

6. **Newport Beach Fire Station No. 1 and Balboa Branch Library Project - Award of Contract No. 8865-5 (23F12)**

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Class 1 - Existing Facilities), Section 15302 (Class 2 - Replacement of Reconstruction), and 15303 (Class 3 - New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3;

b) Approve the project plans and specifications;

c) Approve Budget Amendment No. 26-054 appropriating $850,000 in new revenue and expenditures from a Federal Grant to Account Nos. 13501-431453-23F12 and 13501-980000-23F12, respectively;

d) Award Contract No. 8865-5 to AMG & Associates, Inc. for the total bid price of $13,178,000 for the Newport Beach Fire Station No. 1 and Balboa Branch Library Project, and authorize the Mayor and City Clerk to execute the contract; and

e) Establish a contingency of $1,317,800 (approximately 10% of total bid) to cover the cost of unforeseen work not included in the original contract.

Staff Report

Attachment A - Location Map

Attachment B - Budget Amendment

7. Amendment to Professional Services Agreement for Video Production and Programming Services with TV Pro Gear, Inc. (Contract No. 9488-1)

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Approve Amendment No. One to the Professional Services Agreement with TV Pro Gear, Inc. to increase the contract by $60,000 for a new not-to-exceed amount of $180,000 and authorize the Mayor and City Clerk to execute the amendment.

Staff Report

Attachment A - Amendment No. One to the Professional Services Agreement with TV Pro Gear Inc.

MISCELLANEOUS

8. Irrigation Controller Replacement Phase 3 - Notice of Completion for Contract No. 9924-1 (26P02)

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

Staff Report

Attachment A - Location List

9. Cultural Arts Grants Fiscal Year 2025-26

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Approve recommended recipients for Fiscal Year 2025-26 Cultural Arts Grants as selected by the City Arts Commission in accordance with City Council Policy I-10, *Culture and Arts Grants.*

Staff Report

Attachment A - City Council Policy I-10, Culture and Arts Grants

ACTION: MOVE AFFIRMATIVE ACTION OF THE CONSENT CALENDAR, EXCEPT FOR THOSE ITEMS REMOVED

ITEMS REMOVED FROM THE CONSENT CALENDAR

IV. PUBLIC HEARINGS

10. Resolution No. 2026-14: Substantial Amendment to the 2025-2026 Annual Action Plan for the Federal Community Development Block Grant Program

a) Conduct a public hearing to receive comments on the Draft Substantial Amendment to the 2025-2026 Annual Action Plan;

b) Find the approval of the Substantial Amendment to the 2025-2026 Annual Action Plan exempt from the National Environmental Policy Act (NEPA) pursuant to 24 CFR Part 58, Section 58.34;

c) Find the approval of the Substantial Amendment to the 2025-2026 Annual Action Plan is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c), Class 2 (reconstruction of existing facility involving negligible or no expansion of capacity) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;

d) Adopt Resolution No. 2026-14, *A Resolution of the City Council of the City of Newport Beach, California, Approving a Substantial Amendment to the 2025-2026 Annual Action Plan for the Federal Community Development Block Grant Program*; and

e) Authorize the City Manager to: submit the Substantial Amendment to the 2025 -2026 Annual Action Plan to HUD; execute all related documents on behalf of the City; and authorize the Community Development Director, or his/her designee, to be the official representative of the City of Newport Beach, and to submit required environmental documentation for CDBG projects.

Staff Report
Attachment A - Resolution No. 2026-14

V. CURRENT BUSINESS

11. Approval of Proposed Revisions to Various Council Policies

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2026-15, *A Resolution of the City Council of the City of Newport Beach, California, Amending Various Provisions of the Newport Beach City Council Policies and Rescinding Council Policy D-4*

Staff Report
Attachment A - Resolution (including revised council policies)
Attachment B – Redline

12. Citywide ADA Improvements - Award of Contract No. 9943-1 (26R12)

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c), Class 2 (reconstruction of existing facility involving negligible or no expansion of capacity) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
b) Approve the project plans and specifications;
c) Approve Budget Amendment No. 26-051 appropriating $582,000 in new expenditures from the Community Development Block Grant to Account No. 12050502-821004-26R12;
d) Award Contract No. 9943-1 to Heed Engineering for the total bid price of $429,400 for the Citywide ADA Improvements project, and authorize the Mayor and City Clerk to execute the contract;
e) Establish a contingency of $86,000 (approximately 20% of total bid); and
f) Approve Contract Amendment No. One to the Professional Services Agreement with Michael Baker International, Inc. for annual CDBG Administration and Affordable Housing Monitoring (Contract No. 9932-1) to increase the total contract amount by $31,185 for labor compliance services for the Citywide ADA Improvement project, for a total not-to-exceed contract amount of $427,435, and authorize the City Manager and City Clerk to execute the amendment.

Staff Report
Attachment A - Location Map
Attachment B - Budget Amendment
Attachment C - Amendment No. One with Michael Baker International, Inc

VI. MOTION FOR RECONSIDERATION

A motion to reconsider the vote on any action taken by the City Council at either this meeting or the previous meeting may be made only by one of the Councilmembers who voted with the prevailing side.

PUBLIC COMMENTS ON CLOSED SESSION

VII. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION - INITIATION OF LITIGATION
Government Code § 54956.9 (d)(4): 1 matter.

B. CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION
Government Code § 54956.9 (d)(1): 1 matter.
Newport Beach Stewardship Association v. City of Newport Beach
Orange County Superior Court Case No. 30-2024-01428295
California Court of Appeals Case No. G065816

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code § 54956.8): 1 matter.
Property: Palm Street Parking Lot - 600 & 608 East Balboa Boulevard and 209 Washington Street
City Negotiators: Seimone Jurjis, City Manager and Lauren Wooding Whitlinger, Real Property Administrator.
Negotiating Parties: Henry Pyle, Chartwell Real Estate Development
Under Negotiation: Instruction to City Negotiators regarding price and terms of payment.

CLOSED SESSION REPORT

ADJOURNMENT

Written Comments Received on Agenda and Non-Agenda Items after Agenda Posting

Non Agenda - Correspondence
3 - Correspondence
Written Comments

Testimony given before the City Council is recorded.
The timer light will turn yellow when the speaker has one minute remaining.
The timer light will turn red when the speaker has 10 seconds remaining.

PLEASE TURN CELL PHONES OFF OR SET IN SILENT MODE.

CITY OF NEWPORT BEACH

City Council Meeting Minutes
Regular Meeting
February 10, 2026

I. ROLL CALL – 4:00 p.m.

Present: Mayor Lauren Kleiman, Mayor Pro Tem Noah Blom, Councilmember Michelle Barto, Councilmember Robyn Grant, Councilmember Joe Stapleton, Councilmember Sara J. Weber, Councilmember Erik Weigand

INVOCATION – Councilmember Stapleton

PLEDGE OF ALLEGIANCE – Councilmember Weber

PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Adam Leverenz expressed concern about the consent calendar process and requested Agenda Item 8 *(Resolution No. 2026-12: Establishing the Public Lands Trust Management Ad Hoc Committee to Review and Develop Recommendations Regarding the California State Lands Commission Report Regarding the City's Management of the Tidelands)* be considered separately for further discussion.

Jim Mosher noted the absence of the annual mayoral appointments and questioned whether Council authorized the $1.5 million budget amendment at the planning session meeting, asking for clarification on what the vote meant and whether expenditure authorization would come at a future meeting.

Todd Priest spoke in support of Agenda Item 3 *(Safety Enhancement Zones Expansion and Enforcement During Peak Activity Periods)* and recommended amending certain language within the ordinance.

Jason Schmitt complimented Council's work on e-bike safety and announced new monthly classes offered in Huntington Beach relating to scam tactics.

Wade Womack expressed gratitude for maintaining Lower Castaways as a harbor-centric public park and expressed concern about a recent declaration of the site as surplus property.

Jaylee Hillcabaugh noted that the management of public tidelands has been an ongoing issue and expressed concerns regarding equity.

Laura Curran spoke about the proposed police station at the Civic Center and advocated for keeping the park.

Steven Gerard Sedlowski requested the inclusion of "USA personhood cities" in the City's charter.

Carmen Rawson inquired about Agenda Item 3 *(Safety Enhancement Zones Expansion and Enforcement During Peak Activity Periods)* and thought the staff report was incomplete.

Chris Bliss addressed the mooring fee issue and requested that stakeholders be included in decision-making.

Draft

CITY COUNCIL ANNOUNCEMENTS AND ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

Councilmember Weigand

- Reported on recent Orange County Vector Control District activities and presented slides.

Councilmember Grant

- Attended the 2025 Newport Beach Christmas Boat Parade and Ring of Lights Awards Reception and thanked the Commodores Club of Newport Beach for sponsoring the event.

Councilmember Stapleton

- Thanked the Central Newport Beach Community Association for inviting him to their annual meeting where he presented on District 1 activities.

PUBLIC COMMENTS ON CONSENT CALENDAR

Regarding Agenda Item 8 *(Resolution No. 2026-12: Establishing the Public Lands Trust Management Ad Hoc Committee to Review and Develop Recommendations Regarding the California State Lands Commission Report Regarding the City's Management of the Tidelands)* a representative from the Newport Beach Mooring Association urged Council to expand the composition of the Public Lands Trust Management Ad Hoc Committee.

Jennifer Creston read aloud two letters to the editor in Stu News.

Adam Leverenz was opposed to the idea of an ad hoc committee consisting of only two councilmembers.

Jim Mosher commented regarding additional corrections to Agenda Item 2 *(Minutes for the January 27, 2026 and January 31, 2026 City Council Meeting)* and spoke about Agenda Item 7 *(General Plan Update Steering Committee (GPUSC) Bi-Monthly Update to the City Council and Resolution No. 2026-11: Dissolving the GPUSC and GPAC)*.

Wade Womack advocated for including stakeholders as members of the Public Lands Trust Management Ad Hoc Committee.

II. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. **Reading of Ordinances**
   Waive reading in full of all ordinances under consideration and direct the City Clerk to read by title only.

2. **Minutes for the January 27, 2026 and January 31, 2026 City Council Meeting**
   Waive reading of subject minutes, approve as written, and order filed.

ORDINANCES FOR INTRODUCTION

3. **Pulled from the Consent Calendar**

ORDINANCES FOR ADOPTION

4. **Ordinance No. 2026-1: Amending Chapter 12.62 (Temporary Street Closure) and Chapter 12.63 (Solid Waste Management) of the Newport Beach Municipal Code Related to Solid Waste Hauling**

Draft

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
b) Conduct a second reading and adopt Ordinance No. 2026-1, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Chapter 12.62 (Temporary Street Closure) and Chapter 12.63 (Solid Waste Management) of the Newport Beach Municipal Code Related to Solid Waste Hauling*.

RESOLUTIONS FOR ADOPTION

5. Resolution No. 2026-9: Waiving City Council Policy B-8 to Permit the Pacific Coast Triathlon on Sunday, September 13, 2026

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
b) Adopt Resolution No. 2026-9, *A Resolution of the City Council of the City of Newport Beach, California, Waiving Council Policy B-8 to Permit the Pacific Coast Triathlon on Sunday, September 13, 2026.*

6. Resolution No. 2026-10: Initiating General Plan, Local Coastal Program, and Newport Beach Municipal Code Amendments to Implement Recommendations from the Corona del Mar Commercial Corridor Study (PA2024-0002)

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3; and
b) Adopt Resolution No. 2026-10, *A Resolution of the City Council of the City of Newport Beach, California, Initiating Amendments to the General Plan, Local Coastal Program, and Newport Beach Municipal Code to Implement the Recommended Actions from the Corona del Mar Commercial Corridor Study (PA2024-0002).*

7. General Plan Update Steering Committee (GPUSC) Bi-Monthly Update to the City Council and Resolution No. 2026-11: Dissolving the GPUSC and GPAC

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
b) Receive and file the report; and
c) Adopt Resolution No. 2026-11, *A Resolution of the City Council of the City of Newport Beach, California, Dissolving the General Plan Update Steering Committee and the General Plan Advisory Committee.*

8. Resolution No. 2026-12: Establishing the Public Lands Trust Management Ad Hoc Committee to Review and Develop Recommendations Regarding the California State Lands Commission Report Regarding the City's Management of the Tidelands

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
b) Adopt Resolution No. 2026-12, *A Resolution of the City Council of the City of Newport Beach, California, Establishing the Public Lands Trust Management Ad Hoc Committee to Review and Develop Recommendations Regarding the California State Lands Commission Report Regarding the City's Management of the Tidelands*; and
c) Appoint Mayor Pro Tem Noah Blom and Councilmember Joe Stapleton to serve on the Public Lands Trust Management Ad Hoc Committee.

Councilmember Weigand stated that he would be voting "No" on Agenda Item 8.

Draft

CONTRACTS AND AGREEMENTS

9. **Approval of On-Call Professional Services Agreements for Geotechnical and Material Testing Services**
   a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
   b) Approve On-Call Professional Services Agreements with Verdantas Inc., Geocon West, Inc., GMU Geotechnical, Inc. and Ninyo & Moore Geotechnical & Environmental Sciences Consultants for geotechnical and material testing services, with each agreement being for a term of three years and a total not-to-exceed amount of $500,000, and authorize the Mayor and City Clerk to execute the agreements.

10. **Professional Services Agreements for On-Call Professional Planning Services and Staff Augmentation with Sagecrest Planning and Environmental, Kimley-Horn and Associates, Psomas, and Moore Iacofano Goltsman**
   a) Determine these actions are exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
   b) Approve and authorize the Mayor and City Clerk to execute a three-year On-Call Professional Services Agreement with Sagecrest Planning and Environmental for Professional Planning Services and Staff Augmentation with a not-to-exceed amount of $450,000, in a form substantially similar to the agreement attached to the staff report;
   c) Approve and authorize the Mayor and City Clerk to execute a three-year On-Call Professional Services Agreement with Kimley-Horn and Associates, Inc., for Professional Planning Services and Staff Augmentation with a not-to-exceed amount of $300,000, in a form substantially similar to the agreement attached to the staff report;
   d) Approve and authorize the Mayor and City Clerk to execute a three-year professional On-Call Professional Services Agreement with Psomas, for Professional Planning Services and Staff Augmentation with a not-to-exceed amount of $300,000, in a form substantially similar to the agreement attached to the staff report; and
   e) Approve and authorize the Mayor and City Clerk to execute a three-year On-Call Professional Services Agreement with Moore Iacofono Goltsman, Inc., for Professional Planning Services and Staff Augmentation with a not-to-exceed amount of $300,000, in a form substantially similar to the agreement attached to the staff report.

MISCELLANEOUS

11. **Pulled from the Consent Calendar**

Motion by Mayor Pro Tem Blom, seconded by Councilmember Weber, to approve the Consent Calendar, including amendments to Agenda Item No. 2, the Minutes, excluding agenda items 3 and 11, and a "no" vote on agenda item 8 by Councilmember Weigand.

The Motion carried by the unanimous vote: 7-0-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

3. **Safety Enhancement Zones Expansion and Enforcement During Peak Activity Periods**
   a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;

Draft

b) Adopt Resolution No. 2026-8, *A Resolution of the City Council of the City of Newport Beach, Designating a Geographical Area in West Newport and the Peninsula and a Portion of Corona del Mar as "Safety Enhancement Zones During the Designated Spring Break Period Beginning on March 14th Through April 12th, Which Designation is Necessary to Address Illegal Activity During these High-Risk Periods*; and
c) Introduce Ordinance No. 2026-2, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Sections 1.04.060 (Safety Enhancement Zone) of Chapter 1.04 (Code Enforcement), Sections 5.95.045 (Conditions) and 5.95.065 (Suspensions and Revocations) of Chapter 5.95 (Short Term Lodging Permit), and Section 11.08.020 (Use of Shade Coverings) of Chapter 11.08 (Conduct on Beaches and Piers) of the Newport Beach Municipal Code to Address Illegal Activity During High-Risk Periods*, and pass to second reading on February 24, 2026.

Councilmember Weigand explained he pulled the item due to a previous public comment and wanted to give Council the opportunity to discuss the ordinance's verbiage.

City Attorney Aaron Harp clarified that the language in sections 9a and 9b of the ordinance makes permit revocation mandatory only for certain serious crimes.

PUBLIC COMMENTS

Jim Mosher expressed confusion about the noticing language changes and recommended holding off on approving the item.

Denys Oberman expressed support for geographic extension of safety enhancement zones.

Carmen Rawson thought the ordinance needed further review.

Wade Womack raised concerns about the safety enhancement zone administrative fines being higher than allowed by State statute.

Councilmember Grant asked about remedy processes if permits are mistakenly pulled.

City Attorney Harp explained mandatory revocation only applies if specific crimes are proven by preponderance of evidence.

Councilmember Stapleton emphasized this responds directly to District 1 residents' concerns and stated the need to give code enforcement and officers the tools to enforce regulations.

Motion by Mayor Pro Tem Blom, seconded by Councilmember Stapleton, to a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; b) Adopt Resolution No. 2026-8, *A Resolution of the City Council of the City of Newport Beach, Designating a Geographical Area in West Newport and the Peninsula and a Portion of Corona del Mar as "Safety Enhancement Zones During the Designated Spring Break Period Beginning on March 14th Through April 12th, Which Designation is Necessary to Address Illegal Activity During these High-Risk Periods*; and c) Introduce Ordinance No. 2026-2, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Sections 1.04.060 (Safety Enhancement Zone) of Chapter 1.04 (Code Enforcement), Sections 5.95.045 (Conditions) and 5.95.065 (Suspensions and Revocations) of Chapter 5.95 (Short Term Lodging Permit), and Section 11.08.020 (Use of Shade Coverings) of Chapter 11.08 (Conduct on Beaches and Piers) of the Newport Beach Municipal Code to Address Illegal Activity During High-Risk Periods*, in Section 5.95.065 Suspensions and Revocations, subsection A (9) (b): b. For purposes of this subsection, a "high-risk period" shall include the following: (1) from 12:01 a.m. on the Friday before the Memorial Day Holiday in May until 11:59 p.m. on Memorial Day ("Memorial Day")**;** and pass to second reading on February 24, 2026.

Draft

11. Proposed Traffic Calming and Public Safety Measures in the Bayview Heights Neighborhood

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
b) Waive City Council Policy L-26 - Traffic Management Policy and install two speed cushions on Orchid Street within the Bayview Heights neighborhood, conditional on staff verification of residents' written support directly adjacent and fronting proposed speed cushion location; and
c) Approve Budget Amendment No. 26-050 appropriating $10,850 in increased expenditures in Account No. 01035355-811008 from the General Fund unappropriated fund balance and appropriating $49,000 in increased expenditures in Account No. 01201927-980000-25T03 from the General Fund Capital Improvement Program unappropriated fund balance to fund identified improvements.

Councilmember Weigand asked for a brief staff report.

Public Works Director Dave Webb explained two speed cushion locations on Orchid Street are supported by residents, but one location received only 4 of the required 6 signatures due to one vacant house and one unresponsive resident. He requested a waiver for this requirement given the circumstances.

PUBLIC COMMENTS

Jennifer Creston inquired about speed bumps in residential areas affecting fire department equipment.

Ryan Schlager explained that a monument would help transition from commercial to residential area and preferred a roundabout concept with foliage and signage in the area.

Motion by Mayor Pro Tem Blom, seconded by Councilmember Weber, to a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; b) Waive City Council Policy L-26 - Traffic Management Policy and install two speed cushions on Orchid Street within the Bayview Heights neighborhood, conditional on staff verification of residents' written support directly adjacent and fronting proposed speed cushion location; and c) Approve Budget Amendment No. 26-050 appropriating $10,850 in increased expenditures in Account No. 01035355-811008 from the General Fund unappropriated fund balance and appropriating $49,000 in increased expenditures in Account No. 01201927-980000-25T03 from the General Fund Capital Improvement Program unappropriated fund balance to fund identified improvements.

City Clerk Lena Shumway read the ordinance title for Agenda Item 4.

III. PUBLIC HEARINGS

12. Status of City of Newport Beach Vacancies and Retention Efforts for Fiscal Year 2025/26, Pursuant to Government Code Section 3502.3

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
b) Receive and consider the Status of City of Newport Beach Vacancies and Retention Efforts for Fiscal Year 2025/26 pursuant to Government Code Section 3502.3.

Mayor Kleiman opened the public hearing at 5:15 p.m.

Draft

There were no public comments.

Deputy Human Resources Director Sarah Rodriguez referenced a PowerPoint presentation and provided a brief update.

Mayor Kleiman closed the public hearing at 5:20 p.m.

Motion by Councilmember Weigand, seconded by Mayor Pro Tem Blom, to a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and b) Receive and consider the Status of City of Newport Beach Vacancies and Retention Efforts for Fiscal Year 2025/26 pursuant to Government Code Section 3502.3.

The Motion carried by the unanimous vote: 7-0-0.

VI. MOTION FOR RECONSIDERATION – None

PUBLIC COMMENTS ON CLOSED SESSION

Jim Mosher thought closed session items should be more detailed.

Wade Womack thought parties involved should be listed under each item.

City Attorney Harp read the closed session items.

Councilmember Grant announced a conflict of interest on Closed Session Item B and recused herself from that item.

V. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION
Government Code § 54956.9 (d)(1): 4 matters.

Stephanie Korour v. City of Newport Beach
Orange County Superior Court Case No. 30-2025-0157023-CU-PA-NJC

Devon Fitzgerald v. the City of Newport Beach
Workers' Compensation Appeals Board Case No. ADJ11815084
Workers' Compensation Appeals Board Case No. ADJ17114735

Newport Beach Stewardship Association v. City of Newport Beach
Orange County Superior Court Case No. 30-2024-01428295
California Court of Appeals Case No. G065816

B. CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION - INITIATION OF LITIGATION
Government Code § 54956.9 (d)(4): 2 matters.

CLOSED SESSION REPORT

City Attorney Harp announced that there was no closed session report.

Draft

ADJOURNMENT – In Memory of Dan Hamilton.

Meeting adjourned at 6:48 p.m.

The agenda was posted on the City's website and on the City Hall electronic bulletin board located in the entrance of the City Council Chambers at 100 Civic Center Drive, Newport Beach, on February 5, 2026, at 10:30 a.m.

_____
Lauren Kleiman
Mayor

_____
Lena Shumway
City Clerk

Draft

CITY OF

NEWPORT BEACH

City Council Staff Report

February 24, 2026
Agenda Item No. 3

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Tara Finnigan, Assistant City Manager - 949-644-3001, tfinnigan@newportbeachca.gov
PREPARED BY:	Lorig Yaghsezian, Management Analyst - 949-644-3028, lyaghsezian@newportbeachca.gov
TITLE:	Ordinance No. 2026-2: Amending Various Sections of the Newport Beach Municipal Code to Address Illegal Activity During High-Risk Periods

ABSTRACT:

For the City Council's consideration is the adoption of Ordinance No. 2026-2. This ordinance amends the Newport Beach Municipal Code (NBMC) to enhance public safety during identified high-risk periods associated with increased visitor activity, including spring break and the Fourth of July. Ordinance No. 2026-2 was introduced and considered at the City Council's regular meeting on February 10, 2026.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Conduct second reading and adopt Ordinance No. 2026-2, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Sections 1.04.060 (Safety Enhancement Zone) of Chapter 1.04 (Code Enforcement)*, *Sections 5.95.045 (Conditions) and 5.95.065 (Suspensions and Revocations) of Chapter 5.95 (Short Term Lodging Permit), and Section 11.08.020 (Use of Shade Coverings) of Chapter 11.08 (Conduct on Beaches and Piers) of the Newport Beach Municipal Code to Address Illegal Activity During High-Risk Periods.*

DISCUSSION:

On February 10, 2026, the City Council introduced Ordinance No. 2026-2 to address recurring public safety concerns during periods of elevated visitor activity, such as spring break and summer holidays, including the Fourth of July. During these high-risk periods, the City of Newport Beach has experienced increased calls for service and NMBC violations related to large gatherings, excessive noise, alcohol-related offenses, illegal fireworks, and violations associated with short-term lodging units, particularly in West Newport, the Balboa Peninsula and Corona del Mar.

The primary purpose of this ordinance is to strengthen public safety during periods of high visitor activity and major holiday weeks in Newport Beach. The City's goal is to enhance safety by clearly informing residents, businesses, and visitors of heightened safety regulations, increased enforcement, and stricter penalties for violations of the Municipal Code during these peak times. Priority will be given to enforcing those code provisions where violations directly threaten public safety.

Newport Beach remains a visitor-friendly community that welcomes guests year-round, including day visitors, guests of residents, hotel patrons, and those staying in permitted short-term lodging properties. Most visitors respect local laws and positively contribute to the community and local economy through tax revenues that support essential City services such as police and fire protection.

The City expects hosts, whether homeowners, renters, hotels, or short-term lodging operators, to partner in maintaining public safety. Short-term lodging owners and operators are responsible for informing guests of applicable local laws and taking reasonable steps to promote compliance, particularly with respect to regulations that directly impact safety. Failure to properly guide guests, especially during high-risk periods, can negatively affect the broader community.

At the same time, the City recognizes that even responsible short-term lodging owners and operators may encounter guests who refuse to comply with local laws despite good-faith efforts. Accordingly, while the ordinance provides for the most severe penalties in situations where serious criminal activity is occurring and directly impacting the community, those penalties for short-term lodging owners are intended to apply where an owner or operator fails to fulfill their obligations as a responsible operator, by not taking reasonable measures to ensure guests understand and comply with applicable laws, or by failing to take immediate and effective corrective action when unlawful or unsafe conduct occurs.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Ordinance No. 2026-2

ORDINANCE NO. 2026-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING SECTION 1.04.060 (SAFETY ENHANCEMENT ZONE) OF CHAPTER 1.04 (CODE ENFORCEMENT), SECTIONS 5.95.045 (CONDITIONS) AND 5.95.065 (SUSPENSIONS AND REVOCATIONS) OF CHAPTER 5.95 (SHORT TERM LODGING PERMIT), AND SECTION 11.08.020 (USE OF SHADE COVERINGS) OF CHAPTER 11.08 (CONDUCT ON BEACHES AND PIERS) OF THE NEWPORT BEACH MUNICIPAL CODE TO ADDRESS ILLEGAL ACTIVITY DURING HIGH-RISK PERIODS

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, the City Council recognizes that certain periods of high public activity ("high-risk periods") including, but not limited to, Memorial Day, Fourth of July, and Labor Day weekends, as well as Spring Break, have historically been associated with increased public safety risks, including noise disturbances, illegal fireworks, overcrowding, and other violations of the law;

WHEREAS, during the Fourth of July weekend in 2025, law enforcement issued over 285 citations for violations of the Newport Beach Municipal Code ("NBMC"), including 16 citations for use and possession of illegal fireworks, 24 citations for use of the beach after hours, 27 citations related to loud and unreasonable noise; and over 160 citations related to possession of open containers of alcohol or drinking in public;

WHEREAS, on the Fourth of July in 2025, there were over 450 citations issued for violations of the NBMC and state laws, including 11 citations for violations of the Loud and Unruly Gathering Ordinance ("LUGO"), as well as 602 calls for service, and 43 arrests, with many of these citations, calls for service and arrests occurring outside of the current West Newport Safety Enhancement Zone, primarily concentrated between the current boundaries of the West Newport Safety Enhancement Zone and the area around the Balboa Pier;

WHEREAS, over the Fourth of July weekend, many of the problems encountered by law enforcement stemmed from short-term lodging units including, but not limited to, the issuance of LUGO and other citations to transient users of short-term

lodging units or property owners on 28th Street, 33rd Street, W. Balboa Boulevard, E. and W. Oceanfront, and Seashore Drive in Newport Beach;

WHEREAS, the City has also seen increased violations during other high-risk periods, especially during those periods designated as Spring Break for schools in Arizona and Nevada;

WHEREAS, the City Council has previously established the West Newport Safety Enhancement Zone to promote public safety, regulate illegal activity, and ensure compliance with applicable laws and regulations;

WHEREAS, extending the West Newport Safety Enhancement Zone to include the areas of the peninsula from the current boundary to the area adjacent to Balboa Pier is necessary to address documented incidents of high-risk behavior, including large gatherings, unruly parties, and other activities that threaten public health, safety, and welfare;

WHEREAS, during high-risk periods, the beaches experience significant crowding, and the use of shade structures can obstruct clear lines of sight for public safety personnel, conceal unsafe behavior from view, and impede the safe movement of pedestrians and emergency vehicles;

WHEREAS, many short term lodging units are being rented by adults for occupancy by individuals under the age of twenty-five during high-risk periods;

WHEREAS, requiring the owner or owner's agent and the adult transient user on the rental agreement to respond promptly to a short term lodging unit when there has been a good faith determination that there has been a violation of the law or the short-term lodging permit conditions, will enhance enforcement, prevent escalation of unsafe activities, and ensure accountability of both property owners and transient users;

WHEREAS, the violation of laws and permit conditions related to short-term lodgings including, but not limited to, illegal fireworks, excessive noise, drug or alcohol offenses, and unruly gatherings, during high-risk periods poses a significant threat to public health, safety, and welfare;

WHEREAS, the City Council finds that the mandatory revocation of a short-term lodging permit is an appropriate and necessary enforcement tool when significant violations have occurred during high-risk periods because it ensures accountability, deters future violations, and protects the community from recurring safety risks; and

WHEREAS, the City Council seeks to balance public enjoyment of beaches and recreational areas with the protection of residents, visitors, and public safety personnel from unsafe or unlawful activities.

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: Section 1.04.060 (Safety Enhancement Zone) of the Newport Beach Municipal Code is hereby amended to read as follows:

Section 1.04.060 Safety Enhancement Zone.

A. Designation Process. The City Council may designate a specific geographical area as a Safety Enhancement Zone by ordinance or by resolution upon finding that the area is subject to unique conditions during a specific period creating a significant threat to the public health, safety and welfare. The ordinance or resolution establishing a Safety Enhancement Zone shall contain the following provisions: (1) a description of the geographical area comprising the zone; (2) the date and time the designation is in effect; (3) the factual basis for the designation; (4) the manner in which general notice of the Safety Enhancement Zone and applicable penalties for violations shall be provided; and (5) the manner in which specific notice of additional duties, responsibilities or restrictions shall be provided to owners of property within the zone.

B. West Newport Safety Enhancement Zone. The City Council hereby designates the area bounded by West Coast Highway on the north, Newport Boulevard from West Coast Highway to West Balboa Boulevard and from West Balboa Boulevard to East Balboa Boulevard ending at B Street on the east, the Pacific Ocean on the south, and 54th Street and Jo Anne Place on the west as a Safety Enhancement Zone. General notice of the Safety Enhancement Zone, as provided for in subsection (E), shall be provided at no less than three locations along West Coast Highway, two locations along Newport Boulevard, two locations on West and East Balboa Boulevard, one location on C Street, four locations along Oceanfront Walk/Seashore Drive and two locations along 54th Street or Jo Anne Place.

C. Corona del Mar Safety Enhancement Zone. The City Council hereby designates the portions of Corona del Mar bounded by the Pacific Ocean and Newport Harbor on the south, Buck Gully from the Pacific Ocean to Fifth Avenue on the east, Fifth Avenue to Dahlia Avenue (north of East Coast Highway), Dahlia Avenue (north of East Coast Highway) to East Coast Highway, and East Coast Highway to Avocado Avenue on the north, and the east side of Avocado Avenue (and its extended alignment) from East Coast Highway to Newport Harbor on the west, which area shall include Pirate’s Cove, Corona del Mar State Beach, and Little Corona Beach as well as the immediately

adjacent parking lots, roads, stairs, and paths that provide ingress and egress thereto as a Safety Enhancement Zone. General notice of the Safety Enhancement Zone, as provided for in subsection (E), shall be provided at no less than three locations along East Coast Highway, at least one location on MacArthur Boulevard south of San Miguel Drive, one location on Marguerite Avenue south of San Joaquin Hills Road, and at Pirate's Cove, Corona del Mar State Beach and Little Corona Beach.

D. The designation for the West Newport and Corona del Mar Safety Enhancement Zones shall be effective: (1) from 12:01 a.m. on the Friday before the Memorial Day Holiday in May until 11:59 p.m. on Memorial Day ("Memorial Day"); (2) from 12:01 a.m. on Friday until 11:59 p.m. on Monday when the Fourth of July falls on a Friday, Saturday, Sunday or Monday; (3) from 12:01 a.m. on July 4th to 3:00 a.m. on July 5th when the Fourth of July falls on a Tuesday, Wednesday or Thursday; (4) from 12:01 a.m. on the Saturday before the first Monday in September until 11:59 p.m. on the first Monday in September ("Labor Day"); (5) from 12:01 a.m. on the date designated by resolution of the City Council as first day of any Spring Break until the 11:59 p.m. on the last day of any designated Spring Break ("Spring Break"); and (6) at other times when designated by ordinance or resolution upon a finding that unique conditions during a specific period of time create a significant threat to the public health, safety and welfare. The factual basis for this designation is found in Ordinances 2026-__, 2025-3 and 2003-5.

E. General notice of the designation of the Safety Enhancement Zone shall be provided at the locations specified in subsections B and C no later than 6:00 p.m. on the day preceding the effective date of the Safety Enhancement Zone, as set forth in subsection D.

F. Specific Notice advising of the Safety Enhancement Zone designation and the fines, penalties and provisions shall be sent before the date set forth in the City Council resolution that designates any Spring Break, and before April 15th, June 15th, and August 15th, to each property owner within the zone, based on the most recent property tax records.

Section 2: Subsection (A) of Section 5.95.045 (Conditions) of the Newport Beach Municipal Code is hereby amended to add subsection (24), which shall read as follows:

24. If a City law enforcement officer, fire official, code enforcement officer, or other authorized City official makes a good-faith determination that a violation of any law, ordinance, regulation or permit condition is occurring at a unit and provides verbal notice of the violation to any person occupying the site and to the owner's local contact, the following persons shall appear in person at the unit within two (2) hours of such

notice being provided: the owner of the property or the owner's agent; and a transient user who is 25 years or older and whose name appears on the rental agreement for the unit.

Section 3: Section 5.95.065 (Suspensions and Revocations) of the Newport Beach Municipal Code is hereby amended to read as follows:

5.95.065 Suspensions and Revocations.

In addition to any fine or penalty that may be imposed pursuant to any provision of this Code, a short term lodging permit for a unit may, or where required shall, be suspended or revoked as provided in this section.

A. Suspensions/Revocations.

1. If any person violates any short term lodging permit condition two or more times in any twelve (12) month period or any other provision of this Code, state law or federal law, two or more times in any twelve (12) month period, and the violation relates in any way to the unit that has a short term lodging permit, the short term lodging permit for the unit may be suspended for a period of six months in accordance with subsection (B) of this section.

2. In the case of a short term lodging permit for a unit that is located in a safety enhancement zone, if there is a violation of any provision of this Code during the period that the safety enhancement zone is in effect, the short term lodging permit for the unit may be suspended for a period of one year or revoked in accordance with subsection (B) of this section.

3. If a lodging unit that is subject to a short term lodging permit has been the location of two or more loud or unruly gatherings, as defined in Chapter 10.66, while the lodging unit was occupied on a short term basis, within any twenty-four (24) month period, the permit may be suspended for a period of one year or revoked in accordance with subsection (B) of this section. A loud or unruly gathering that occurred prior to the passage of fourteen (14) days from the mailing of notice to the owner in compliance with Section 10.66.030(D) shall not be included within the calculation of the two or more loud or unruly gatherings required to revoke a short term lodging permit.

4. If a person violates Section 5.95.020 regarding any unit that has had a short term lodging permit suspended pursuant to subsection (B) of this section, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.

5. If any person violates any short term lodging permit condition or any other provision of this Code, state or federal law within six (6) months of having a previously suspended short term lodging permit reinstated for a unit, and the violation relates in any way to the unit that has the short term lodging permit, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.

6. If any person violates any short term lodging permit condition three or more times in any twelve (12) month period or provision of this Code, state or federal law three or more times in any twelve (12) month period, and the violation relates in any way to the unit that has a short term lodging permit, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.

7. If any person fails to collect and remit transient occupancy tax or the visitor service fee in accordance with the requirements of this chapter, Chapter 3.16 or 3.28 in regards to any unit that has a short term lodging permit, two or more times within any thirty-six (36) month period, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.

8. If any person is determined to have provided false information on an application for an annual short term lodging permit, or renewal thereof, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.

9. If the preponderance of the evidence shows that any person has violated any of the rules, regulations or laws set forth in subsection (A)(9)(a) during a high-risk period, as defined in subsection (A)(9)(b) of this section, and the violation relates in any way to the unit that has a short term lodging permit, the short term lodging permit for the unit shall be revoked in accordance with subsection (B) of this section.

a. For purposes of this subsection, the applicable rules, regulations and laws are as follows: Chapters 6.40 (Prohibition of Sale Distribution and Use of Nitrous Oxide), 10.24 (Discharge of Weapons-Permission Required), 10.28 (Loud and Unreasonable Noise), 10.58 (Police Services at Large Parties, Gatherings or Events on Private Property), or 10.66 (Loud and Unruly Gatherings) of this Code; Sections 5.95.045 (A) (2), (4), (5), (6), (10), (12), (17), (18), (21), or (24) (Conditions), 5.95.047 (A) (1), (4), (5), or (6) (Violations of Permit Conditions by Transient User, Occupant or Guest), 9.04.420 (Amendments to Section 5601.1.3 Fireworks), or 10.12.020 (Interference) of this Code; California Business and Professions Code Section 25658; California Penal Code Sections 69, 148(a), 148.9, 243 (b) (c), 272, 415, 416, 29610, 22210, or 21510; Health and Safety Code Sections 12677, or 11357; and any law punishable as a felony.

b. For purposes of this subsection, a “high-risk period” shall include the following: (1) from 12:01 a.m. on the Friday before the Memorial Day Holiday in May until 11:59 p.m. on Memorial Day (“Memorial Day”); (2) from 12:01 a.m. on Friday until 11:59 p.m. on Monday when the Fourth of July falls on a Friday, Saturday, Sunday or Monday; (3) from 12:01 a.m. on July 4th to 3:00 a.m. on July 5th when the Fourth of July falls on a Tuesday, Wednesday or Thursday; (4) from 12:01 a.m. on the Saturday before the first Monday in September until 11:59 p.m. on the first Monday in September; (5) from 12:01 a.m. on the date designated by resolution of the City Council as first day of any Spring Break until the 11:59 p.m. on the last day of any designated Spring Break; and (6) at other times when designated by ordinance or resolution upon a finding that unique conditions during a specific period of time create a significant threat to the public health, safety and welfare.

Where a violation or set of violations qualifies for suspension or revocation under more than one subsection, the subsection that imposes the most severe penalty, including mandatory revocation, shall control.

B. Permits shall be suspended or revoked only in the manner provided in this section.

1. The Administrative Services Director shall investigate whenever he or she has reason to believe that an owner has submitted an application that contains false information or committed a violation of a permit condition, this Code, or state or federal law related to a permitted unit. Such investigation may include, but is not limited to, on-site property inspections. Should the investigation reveal substantial evidence to support a finding that warrants a suspension or revocation of the short term lodging permit, the Administrative Services Director shall issue written notice of intention to suspend or revoke the short term lodging permit. The written notice shall be served on the owner in accordance with Section 1.08.080, and shall specify the facts which, in the opinion of the Administrative Services Director, constitute substantial evidence to establish grounds for imposition of the suspension and/or revocation, and specify the proposed time the short term lodging permit shall be suspended and/or that the short term lodging permit shall be revoked within thirty (30) days from the date the notice is given, unless the owner files with the Administrative Services Director, before the suspension or revocation becomes effective, a request for hearing before a hearing officer, who shall be retained by the City, and pays the fee for the hearing established by resolution of the City Council. Subject to subsection (E) of this section, failure to file a timely request for hearing and pay all applicable fees shall result in the suspension or revocation of the permit.

2. If the owner requests a hearing and pays the hearing fee, established by resolution of the City Council, within the time specified in subsection (B)(1) of this

section, the Administrative Services Director shall serve written notice on the owner, pursuant to Section 1.08.080, setting forth the date, time and place for the hearing. The hearing shall be scheduled not less than fifteen (15) days, nor more than sixty (60) days, from the date on which notice of the hearing is served by the Administrative Services Director. The hearing shall be conducted according to the rules normally applicable to administrative hearings. At the hearing, the hearing officer will preside over the hearing, take evidence and then submit proposed findings and recommendations to the City Manager. The City Manager shall suspend or revoke the short term lodging permit only upon a finding that a violation has been proven by a preponderance of the evidence, and that the suspension or revocation is consistent with the provisions of this section. The City Manager shall render a decision within thirty (30) days of the hearing, and the decision shall be final as to the City but subject to judicial review pursuant to California Code of Civil Procedure Section 1094.5.

C. If a short term lodging permit is suspended, it shall be the owner's responsibility to vacate any future bookings and remove all advertisements related to the short term rental of the unit during the term of the suspension. If a short term lodging permit is revoked, it shall be the owner's responsibility to vacate any future bookings and remove all advertisements related to the short term rental of the unit.

D. After any suspension, the owner may reapply for reinstatement of the short term lodging permit which shall be processed in accordance with Section 5.95.030, provided the owner has paid the City all amounts owed the City in accordance with this chapter and Chapters 3.16 and 3.28.

E. The Administrative Services Director may extend the deadlines set forth in this section if the Administrative Services Director determines that good cause has been shown to extend the deadline.

Section 4: Section 11.08.020 (Use of Shade Coverings) of the Newport Beach Municipal Code is hereby amended to read as follows:

11.08.020 Use of Shade Coverings.

A. Unless authorized by the City Council, City Manager, authorized City personnel or a special event permit, no person shall install, erect or maintain any shade covering on any ocean beach, bay beach, public park adjacent to an ocean or bay beach, or tideland that:

1. Is connected, attached, or tied in any manner to another shade covering.

2. Is positioned so that both the base and the outer edge of the canopy, fabric, or covering are located less than five (5) feet from the base or outer edge of any

other shade covering. The required separation shall be measured horizontally from the closest point of the canopy, fabric or covering and from the closest point of the base, pole, frame, or anchoring point.

3. Is grouped, arranged or positioned to allow multiple shade coverings to function as a single structure or to expand the usable shaded area, regardless of whether the individual shade covering meets the spacing requirements set forth in this section.

4. Is not sufficiently anchored to prevent displacement by wind or tides. No ropes, cords, guy lines, stakes, or similar devices may extend beyond the perimeter of the shade covering, and improvised anchors including, but not limited to, concrete blocks, buckets, coolers, or water-filled containers, are prohibited.

5. Exceeds six (6) feet in height or six (6) feet in width at its widest point.

6. Is closed to public view on more than one side or obstructs line-of-sight access from the surrounding beach or shoreline.

7. Is located within fifty (50) feet of any lifeguard tower, emergency access point, or public access point. Proximity shall be measured horizontally from the nearest point of the shade covering to the base/edge of any lifeguard tower, emergency access point, or public access point.

8. Interferes with a lifeguard's ability to observe the water or adjacent lifeguard towers.

9. Prohibits reasonable ingress and egress on any ocean beach, bay beach, public park adjacent to an ocean or bay beach, or tideland. Such areas shall be clearly marked by City personnel or City contractors through signage, cones, flags, painted markings, or other visible means indicating that the area is reserved for ingress and egress.

10. Is placed in proximity to a fire ring so as to create a fire hazard. The reasonableness of proximity shall be determined by existing conditions. Under no condition shall a shade covering be within ten (10) feet of any exposed fire.

B. Shade coverings shall only be erected, maintained, or occupied on any ocean beach, bay beach, public park adjacent to an ocean or bay beach, or tideland during daytime hours (6:00 a.m. to 7:00 p.m.) and only when a responsible person is present in the immediate vicinity.

C. A shade covering shall be immediately removed during hazardous weather conditions, high wind advisories, emergency operations, or when otherwise directed by

a fire official, lifeguard, law enforcement officer, or other authorized City personnel for public safety reasons.

D. Any shade covering that violates subsections A (7) through A (10) or C of this section, shall be immediately relocated at the request of a fire official, lifeguard, law enforcement officer, or other authorized City personnel. Failure to immediately comply with a request to relocate shall constitute a violation of this section.

E. For purposes of this section the term “shade covering” shall include any umbrella, canopy, or other shade structure.

Section 5: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 6: If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 7: The City Council of the City of Newport Beach finds the introduction and adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, which states that an activity is not subject to CEQA if “[t]he activity will not result in a direct or reasonably foreseeable indirect physical change in the environment”.

Section 8: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 9: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414 and shall become final thirty (30) days after adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 10th day of February 2026, and adopted on the 24th day of February 2026, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

_____
Lauren Kleiman, Mayor

ATTEST:

_____
Lena Shumway, City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp, City Attorney

CITY OF

NEWPORT BEACH

City Council Staff Report

February 24, 2026
Agenda Item No. 4

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov
PREPARED BY:	Kevin Riley, City Traffic Engineer - 949-644-3329, kriley@newportbeachca.gov
TITLE:	Resolution No. 2026-13: Limiting the Parking of Vehicles on Certain City Streets

ABSTRACT:

The Balboa Island Improvement Association (BIIA), with support from the Balboa Island Merchant Association and the Little Island Homeowners Association, is seeking City Council approval to implement an on-street golf cart parking time limit of two hours between 8 a.m. and 6 p.m. on the southside of Park Avenue and the northside of Balboa Avenue, just west of Marine Avenue where the parking is striped for golf carts. The request is due to concerns related to long-term golf cart parking and the lack of available parking for other island residents and visitors.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2026-13, *A Resolution of the City Council of the City of Newport Beach, California, Limiting the Parking of Vehicles on Certain City Streets*.

DISCUSSION:

The BIIA contacted the Public Works Department with concerns related golf carts being parked long term in the designated street spaces striped for these types of vehicles on the first block west of Marine Avenue on Park Avenue and Balboa Avenue. These golf cart spaces are adjacent to restaurants and other commercial businesses. A common activity associated with long-term golf cart parking along these two street segments includes golf cart sale advertisements, resulting in a vehicle parked in a spot for multiple days, preventing others from using the parking space.

Public Works Department staff communicated with the BIIA and the association provided a letter noting support from the Balboa Island Merchant Association and Little Island Homeowners Association to ask the City of Newport Beach to implement an on-street parking time limit for the designated golf cart spaces. Staff reviewed this request and recommends a

daily two-hour time limit between 8 a.m. and 6 p.m., consistent with Marine Avenue parking time limits, to allow parking space turnover adjacent to businesses. Educational enforcement may be necessary to advise on the new parking restriction before implementation.

FISCAL IMPACT:

The adopted budget includes sufficient funding for the sign installation. It will be expensed to the Traffic Signage Striping Marking account in the Public Works Department, 01201927-980000-24T03.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Letter from Balboa Island Improvement Association
Attachment B – Resolution No. 2026-13

Attachment A

Dave Webb, Public Works Directors
City Hall, Second Floor, Bay D
100 Civic Center Drive
Newport Beach, CA 92660

April 10, 2025

Subject: Request for Adjustment to Golf Cart Parking Regulations

Dear Dave,

At the March 2025 meeting of the Balboa Island Improvement Association Board of Directors, the Board reviewed and adopted a request to the City to revise the golf cart parking regulations at the following locations:

- The intersection of Balboa Avenue and Park Avenue
- The intersection of Marine Avenue and Park Avenue

We formally request that parking in these areas be limited to **two hours**. This adjustment aims to address ongoing concerns, including:

- Long-term parking of golf carts listed for sale.
- Overnight parking.
- Extended use of spots.
- General misuse that detracts from availability for residents and visitors.

This change is expected to better serve the community and enhance visitor access. Additionally, we have consulted the Balboa Island Merchant Association and the Little Island Homeowners Association, and they have expressed no opposition to this proposal.

Thank you for considering this proposal. We are confident that these changes will significantly benefit the community, and we welcome any questions or feedback you may have.

Susan Pearl

Dan Abbott, President,

by Susan Pearl Vice President

RESOLUTION NO. 2026-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, LIMITING THE PARKING OF VEHICLES ON CERTAIN CITY STREETS

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, Newport Beach Municipal Code Section ("NBMC") 12.44.010(B) provides that when authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle between the hours of 8:00 a.m. and 6:00 p.m. of any day for a period of time longer than two (2) hours upon such streets or portions thereof as the City Council shall designate by resolution;

WHEREAS, Section 12.44.010(E) of the NBMC authorizes the City Council to vary the hours or days of parking restrictions when special parking or traffic conditions exist; and

WHEREAS, pursuant to the authority found in Sections 12.44.010(B) and (E) of the NBMC, the City Council now desires to limit the parking of vehicles on certain sections of Park Avenue and Balboa Avenue.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby amend the parking regulations based upon the special parking and traffic conditions that currently exist within the City. The following parking restrictions shall apply to the parking of vehicles.

Parking of vehicles between the hours of 8:00 a.m. and 6:00 p.m. daily is limited to two (2) hours on the following streets:

Park Avenue	South side of Park Avenue, from the alley west of Marine Avenue 70 feet east to Marine Avenue
Balboa Avenue	North curbside of Balboa Avenue, from the alley west of Marine Avenue 70 feet east to Marine Avenue

Section 2: The City Traffic Engineer is hereby directed to erect all necessary signs at the above locations to indicate the parking restrictions contained herein.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the substantive/operative portion of this resolution.

Section 4: If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

ADOPTED this 24th day of February, 2026.

_____
Lauren Kleiman
Mayor

ATTEST:

_____
Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp
City Attorney

CITY OF

NEWPORT BEACH

City Council Staff Report

February 24, 2026
Agenda Item No.5

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Jeff Boyles, Fire Chief - 949-644-3101, jboyles@nbfd.net
PREPARED BY:	Lili Banuelos, Assistant Management Analyst - 949-644-3360, lbanuelos@nbfd.net Kyle Brodowski, Fleet and Facilities Superintendent - 949-718-3464, kbrodowski@newportbeachca.gov
TITLE:	Amendment No. One to On-Call Maintenance/Repair Services Agreement with South Coast Shipyard, Inc. for Rescue Boat Haul Out Services

ABSTRACT:

The City of Newport Beach owns a fleet of three lifeguard rescue vessels (rescue boats) that are used to conduct marine rescue and patrol operations. Maintenance of the rescue boats is overseen by the Newport Beach Fire Department's Lifeguard Division and the Municipal Operations Department's Fleet Division. The City's current contractor for rescue boat on-call haul out and maintenance services, South Coast Shipyard, Inc., was previously selected via a competitive bid process. Staff is requesting City Council approval to extend the term and increase the not-to-exceed amount of the agreement by an additional $150,000 for a new contract not-to-exceed amount of $270,000

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Approve Amendment No. One to On-Call Maintenance/Repair Services Agreement with South Coast Shipyard, Inc. for Rescue Boat Haul Out Services (Contract No. 9428-1) to extend the term to June 30, 2028, and to increase the contract amount by $150,000, for a total not-to-exceed amount of $270,000, and authorize the Mayor and City Clerk to execute the Amendment.

DISCUSSION:

The Newport Beach Fire Department, through its Lifeguard Operations Division, operates three 29.5-foot, solid fiberglass hulled, twin-engine rescue boats manufactured by the Crystaliner Corporation. These boats are used to conduct marine rescue and patrol operations along the City's coastline, and are crucial resources in incidents involving

missing swimmers, vessels in distress, mass rescues, recovery efforts, dive team operations, and any other incident requiring a swift response in the ocean environment.

Large emergency boats have an expected replacement of 25 years per City Council Policy F-9. The existing hull design has proven to be incredibly durable; consistent maintenance and haul-out services, combined with engine maintenance performed by Municipal Operations Department mechanics, have extended the boats' lifespans. Haul out services require that the vessel be removed from water to undergo various safety checks, including, but not limited to: examination of the vessel's bottom paint and hull condition, a review of the rudder, driveshaft and various seals, cleaning/polishing of props, shafts, and anode studs, and removal and re-sealing of the deck. Any issues found are corrected via repair or replacement. Historically, haul out services and related repairs have been provided through local shipyards.

On March 13, 2023, a Request for Proposals (RFP) No. 23-60 for Rescue Boat Haul Out Services was posted to the City's electronic bidding portal; approximately 118 vendors were automatically notified of the RFP. Four prospective bidders reviewed and/or downloaded the bid documents, and two vendors submitted responses. Only one bidder, South Coast Shipyard, Inc. (South Coast Shipyard) was deemed responsive, as the other bidder failed to include a complete response file. Following review of the responsive bid, South Coast Shipyard was awarded a three-year on-call maintenance agreement for a not-to-exceed amount of $120,000.

South Coast Shipyard continues to provide quality work, and staff remains satisfied with the contractor's performance. Additionally, following a recent competitive bid process (Request for Bid No. 26-06), South Coast Shipyard was also awarded a contract to completely refurbish and repower one of the City's rescue boats and install new engines in the other two rescue boats.

The current on-call agreement is set to expire on June 30, 2026, and is approximately 90% expended. In order to maintain current service levels and ensure continuity of service between the ongoing refurbishment and engine replacement projects with future haul out services, staff requests City Council approval of Amendment No. One to extend the term of the agreement to June 30, 2028, and increase the not-to-exceed amount of the agreement from $120,000 to $270,000 (an increase of $150,000). This increase will cover continued haul out services, on-call maintenance/unforeseen repairs, and possible engine work or modifications outside of the new engines' manufacturer's warranty. Additionally, the increase would accommodate rising parts and materials costs (wood, fiberglass, radio equipment, fuel tanks, etc.) from various suppliers. No changes to the labor rates are proposed, as the agreement already incorporates annual Consumer Price Index (CPI) adjustments.

FISCAL IMPACT:

Typical haul out services are approximately $5,000 per vessel and are done on an annual basis. As-needed repairs, replacements or modifications can include complete replacements of bilge pumps, engine removals and reinstallations, and large fiberglass

hull repairs, and can cost upwards of $13,000 or more. The adopted budget includes sufficient funding for these services. It will be expensed to the Equipment Renovation account in the Municipal Operations Department, 7529032-911020.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Photos of Haul Out and Repair Services
Attachment B – Amendment No. One to On-Call MRSA with South Coast Shipyard, Inc.

Attachment A

Engines, exhausts, and transmissions



Single front engine



SeaWatch III Haulout



Port side view



Deck build



Console view


SIMRAD

AMENDMENT NO. ONE TO ON-CALL MAINTENANCE/REPAIR SERVICES AGREEMENT WITH SOUTH COAST SHIPYARD, INC. FOR RESCUE BOAT HAUL OUT SERVICES

THIS AMENDMENT NO. ONE TO ON-CALL MAINTENANCE/REPAIR SERVICES AGREEMENT ("Amendment No. One") is made and entered into as of this 24th day of February, 2026 ("Effective Date"), by and between the CITY OF NEWPORT BEACH, a California municipal corporation and charter city ("City"), and SOUTH COAST SHIPYARD, INC., a California corporation ("Contractor"), whose address is 223 21st Street, Newport Beach, CA 92663, and is made with reference to the following:

RECITALS

A. On July 1, 2023, City and Contractor entered into a Maintenance/Repair Services Agreement (Contract No. C- 9428-1) ("Agreement") to perform fixed and on-call rescue boat haul out services for City ("Project").

B. The parties desire to enter into this Amendment No. One to extend the term of the Agreement to June 30, 2028, increase the total compensation, revise the Contractor's Project Manager, update the City's Project Administrator, revise notice information for both parties, and update the insurance requirements.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. TERM

Section 1 of the Agreement is amended in its entirety and replaced with the following: "The term of this Agreement shall commence on the Effective Date, and shall terminate on June 30, 2028, unless terminated earlier as set forth herein."

2. COMPENSATION TO CONTRACTOR

Section 4.1 of the Agreement is amended in its entirety and replaced with the following: "City shall pay Contractor for the Services on a time and expense not-to-exceed basis in accordance with the provisions of this Section and the Schedule of Billing Rates attached hereto as Exhibit B and incorporated herein by reference. Except as otherwise provided herein, no rate changes shall be made during the term of this Agreement without the prior written approval of City. Contractor's compensation for all Services performed in accordance with this Agreement, including all reimbursable items and subcontractor fees, shall not exceed **Two Hundred Seventy Thousand Dollars and 00/100 ($270,000.00)**, without prior written authorization from City."

The total amended compensation reflects Contractor's additional compensation for additional Services to be performed in accordance with this Amendment No. One, including all reimbursable items and subcontractor fees, in an amount not to exceed **One Hundred Fifty Thousand Dollars and 00/100 ($150,000.00)**.

3. PROJECT MANAGER

Section 5.1 of the Agreement is amended in its entirety and replaced with the following: "Contractor shall designate a Project Manager, who shall coordinate all phases of the Project. The Project Manager shall be available to City at all reasonable times during the Agreement term. Contractor has designated John Lauritzen to be its Project Manager. Contractor shall not remove or reassign the Project Manager or any personnel listed in Exhibit A or assign any new replacement personnel to the Project without the prior written consent of City. City's approval shall not be unreasonably withheld with respect to the removal or assignment of non-key personnel."

4. ADMINISTRATION

Section 6 of the Agreement is amended in its entirety and replaced with the following: "This Agreement will be administered by the Fire Department. City's Assistant Chief of Lifeguard Operations or designee shall be the Project Administrator and shall have the authority to act for City under this Agreement. The Project Administrator shall represent City in all matters pertaining to the Services to be rendered pursuant to this Agreement."

5. NOTICES

Section 23.2 of the Agreement is amended in its entirety and replaced with the following: "All notices, demands, requests or approvals from Contractor to City shall be addressed to City at:

Attn: Fire Administrative Manager
Fire Department
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660"

Section 23.3 of the Agreement is amended in its entirety and replaced with the following: "All notices, demands, requests or approvals from City to Contractor shall be addressed to Contractor at:

Attn: John Lauritzen
South Coast Shipyard, Inc.
223 21st Street
Newport Beach, CA 92663"

6. INSURANCE REQUIREMENTS

As of the Effective Date of this Amendment No. One, Exhibit C of the Agreement shall be deleted in its entirety and replaced with Exhibit C, attached hereto and incorporated herein by reference. Any reference to Exhibit C in the Agreement and Amendment No. One shall hereafter refer to "Exhibit C" attached hereto.

7. INTEGRATED CONTRACT

Except as expressly modified herein, all other provisions, terms, and covenants set forth in the Agreement shall remain unchanged and shall be in full force and effect.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have caused this Amendment No. One to be executed on the dates written below.

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE
Date: 2/2/26

By: Jose Montoya for
Aaron C. Harp
City Attorney 02.02.26-RJ

ATTEST:
Date:_____

By:_____
Lena Shumway
City Clerk

CITY OF NEWPORT BEACH,
a California municipal corporation
Date:_____

By:_____
Lauren Kleiman
Mayor

CONTRACTOR: SOUTH COAST SHIPYARD, INC., a California corporation
Date:_____

By:_____
Peter Stewart
Chief Executive Officer and President

Date:_____

By:_____
Michelle Stewart
Secretary

[END OF SIGNATURES]

Attachments: Exhibit C – Insurance Requirements

EXHIBIT C

INSURANCE REQUIREMENTS – MAINTENANCE/REPAIR/JANITORIAL SERVICES

1. Provision of Insurance. Without limiting Consultant's indemnification of City, and prior to commencement of Work, Consultant shall obtain, provide and maintain at its own expense during the term of this Contract, policies of insurance of the type and amounts described below and in a form satisfactory to City. Consultant agrees to provide insurance in accordance with requirements set forth here. If Consultant uses existing coverage to comply and that coverage does not meet these requirements, Consultant agrees to amend, supplement or endorse the existing coverage.

2. Acceptable Insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance in the State of California, with an assigned policyholders' Rating of A- (or higher) and Financial Size Category Class VII (or larger) in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the City's Risk Manager.

3. Coverage Requirements.

   A. Workers' Compensation Insurance. Consultant shall maintain Workers' Compensation Insurance providing statutory benefits and Employer's Liability Insurance with limits of at least one million dollars ($1,000,000) each employee for bodily injury by accident and each employee for bodily injury by disease in accordance with the laws of the State of California.

      Consultant shall submit to City, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of City, its City Council, boards and commissions, officers, agents, volunteers and employees.

   B. General Liability Insurance. Consultant shall maintain commercial general liability insurance, and if necessary excess/umbrella liability insurance, with coverage at least as broad as provided by Insurance Services Office form CG 00 01, in an amount not less than two million dollars ($2,000,000) per occurrence, four million dollars ($4,000,000) general aggregate. The policy shall cover liability arising from bodily injury, property damage, personal and advertising injury, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract).

   C. Automobile Liability Insurance. Consultant shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01

covering bodily injury and property damage for all activities of Consultant arising out of or in connection with Work to be performed under this Contract, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than one million dollars ($1,000,000) combined single limit for each accident.

D. Excess/Umbrella Liability Insurance. If any Excess or Umbrella Liability policies are used to meet the limits of liability required by this contract, then said policies shall be "following form" of the underlying policy coverage, terms, conditions, and provisions and shall meet all of the insurance requirements stated in this contract, including, but not limited to, the additional insured and primary & non-contributory insurance requirements stated herein. No insurance policies maintained by the City, whether primary or excess, and which also apply to a loss covered hereunder, shall be called upon to contribute to a loss until the Consultant's primary and excess/umbrella liability policies are exhausted.

4. Other Insurance Requirements. The policies are to contain, or be endorsed to contain, the following provisions:

A. Waiver of Subrogation. All insurance coverage maintained or procured pursuant to this Contract shall be endorsed to waive subrogation against City, its City Council, boards and commissions, officers, agents, volunteers and employees, or shall specifically allow Consultant or others providing insurance evidence in compliance with these requirements to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its subcontractors.

B. Additional Insured Status. All liability policies including general liability, excess/umbrella liability, and automobile liability, if required, but not including professional liability, shall provide or be endorsed to provide that City, its City Council, boards and commissions, officers, agents, volunteers and employees shall be included as additional insureds under such policies.

C. Primary and Non-Contributory. Consultant's insurance coverage shall be primary insurance and/or the primary source of recovery with respect to the City, its City Council, boards and commissions, officers, agents, volunteers and employees. All liability coverage shall apply on a primary basis and shall not require contribution from any insurance or self-insurance maintained by City.

D. Notice of Cancellation. All policies shall provide City with thirty (30) calendar days' notice of cancellation or nonrenewal of coverage (except for nonpayment for which ten (10) calendar days' notice is required) for each required coverage.

5. Additional Agreements Between the Parties. The parties hereby agree to the following:

A. Evidence of Insurance. Consultant shall provide certificates of insurance to City as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers' compensation and other endorsements as specified herein for each coverage. All of the executed documents referenced in this Contract must be returned to City within ten (10) regular City business days after the date on the "Notification of Award". Insurance certificates and endorsements must be approved by City's Risk Manager prior to commencement of performance. Current certification of insurance shall be kept on file with City at all times during the term of this Contract. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. At least fifteen (15) days prior to the expiration of any such policy, evidence of insurance showing that such insurance coverage has been renewed or extended shall be filed with the City. If such coverage is cancelled or reduced, Consultant shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with the City evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies. City reserves the right to require complete, certified copies of all required insurance policies, at any time.

B. City's Right to Revise Requirements. The City reserves the right at any time during the term of the Contract to change the amounts and types of insurance required by giving Consultant ninety (90) calendar days' advance written notice of such change. If such change results in substantial additional cost to Consultant, City and Consultant may renegotiate Consultant's compensation.

C. Right to Review Subcontracts. Consultant agrees that upon request, all agreements with subcontractors or others with whom Consultant enters into contracts with on behalf of City will be submitted to City for review. Failure of City to request copies of such agreements will not impose any liability on City, or its employees. Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Consultant shall ensure that City is an additional insured on insurance required from subcontractors. For CGL coverage, subcontractors shall provide coverage with a format at least as broad as

CG 20 38 04 13.

D. Enforcement of Agreement Provisions. Consultant acknowledges and agrees that any actual or alleged failure on the part of City to inform Consultant of non-compliance with any requirement imposes no additional obligations on City nor does it waive any rights hereunder.

E. Requirements not Limiting. Requirements of specific coverage features or limits contained in this Section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If the Consultant maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for higher limits maintained by the Consultant. Any available proceeds in excess of specified minimum limits of insurance and coverage shall be available to the City.

F. Self-Insured Retentions. Any self-insured retentions must be declared to and approved by City. City reserves the right to require that self-insured retentions be eliminated, lowered, or replaced by a deductible. Self-insurance will not be considered to comply with these requirements unless approved by City.

G. City Remedies for Non-Compliance. If Consultant or any subconsultant fails to provide and maintain insurance as required herein, then City shall have the right but not the obligation, to purchase such insurance, to terminate this Agreement, or to suspend Consultant's right to proceed until proper evidence of insurance is provided. Any amounts paid by City shall, at City's sole option, be deducted from amounts payable to Consultant or reimbursed by Consultant upon demand.

H. Timely Notice of Claims. Consultant shall give City prompt and timely notice of claims made or suits instituted that arise out of or result from Consultant's performance under this Contract, and that involve or may involve coverage under any of the required liability policies. City assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve City.

I. Consultant's Insurance. Consultant shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgment may be necessary for its proper protection and prosecution of the Work.

CITY OF

NEWPORT BEACH

City Council Staff Report

February 24, 2026
Agenda Item No. 6

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov
PREPARED BY:	Tom Sandefur, Assistant City Engineer - 949-644-3312, tsandefur@newportbeachca.gov
TITLE:	City of Newport Beach Fire Station No. 1 and Balboa Branch Library Project – Award of Contract No. 8865-5 (23F12)

ABSTRACT:

The City of Newport Beach received construction bids for Fire Station No. 1 and Balboa Branch Library to replace the existing facilities. For the City Council's consideration is approval to award the construction contract to the lowest qualified bidder, AMG & Associates, Inc. of Santa Clarita for a total bid price of $13,178,000. The total project cost is projected to be $14,595,800.

RECOMMENDATIONS:

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Class 1 – Existing Facilities), Section 15302 (Class 2 – Replacement of Reconstruction), and 15303 (Class 3 – New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3;

b) Approve the project plans and specifications;

c) Approve Budget Amendment No. 26-054 appropriating $850,000 in new revenue and expenditures from a federal grant to Account Nos. 13501-431453-23F12 and 13501-980000-23F12, respectively;

d) Award Contract No. 8865-5 to AMG & Associates, Inc. for the total bid price of $13,178,000 for the Newport Beach Fire Station No. 1 and Balboa Branch Library Project, and authorize the Mayor and City Clerk to execute the contract; and

e) Establish a contingency of $1,317,800 (10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

DISCUSSION:

The existing Fire Station No. 1 and Balboa Branch Library are located at 110 and 100 Balboa Boulevard, respectively. The library was constructed in 1929 and has undergone several expansions and rehabilitations over the years. It is currently a series of rooms that add up to approximately 4,500 square feet. The fire station was built in 1962

and houses three fire personnel in its approximately 3,400 square feet. The entire site is approximately 24,000 square feet.

Both facilities were evaluated as part of the 2021 Facility Condition Assessment and rated as being in poor condition due to environmental and age-related deterioration.

On January 10, 2023, the City Council awarded a professional services agreement to COAR Design Group (COAR) for the design of the replacement facility. COAR worked with various City staff members, a Board of Library Trustees Ad Hoc Committee, and a Council Working Group comprised of Councilmembers Joe Stapleton, Noah Blom and Erik Weigand to develop initial layout concepts and themes. These concepts were then presented to the full Board of Library Trustees and the Parks, Beaches and Recreation Commission on January 16, 2024, and March 5, 2024, respectively for public review, comments and discussion.

After incorporating suggestions and feedback received from Board Members, Commissioners and the public on the design concepts and themes, the final draft concepts were presented to the City Council on May 14, 2024, for further public review and discussion. The City Council approved proceeding with preparation of building plans. In December 2025, final permits were obtained and the completed plans were advertised for public bids to construct the new facility.

At 2 p.m. on February 5, 2026, the City Clerk opened and read the following bids for this project:

	BIDDER	TOTAL BID AMOUNT
Low	AMG & Associates, Inc.	$ 13,178,000
2nd	Bernards	$ 13,212,300
3rd	S.J. Amoroso Construction	$ 13,277,000
4th	Pinner Construction Company	$ 14,529,000
5th	BNBuilders	$ 15,431,194

The City received five bids. The project required that any contractor wishing to bid be prequalified for the bid. The pre-qualification criteria included information on experience, financial stability and reference checks. The low bidder, AMG & Associates, Inc., possesses a California State Contractor's License Classification "A", as required by project specifications. A review of references for AMG & Associates, Inc. shows satisfactory completion of similar contracts for other municipalities. AMG & Associates, Inc. is currently completing Witte Hall for the City.

AMG & Associates, Inc.'s bid was 18% below the engineer's estimate of $16 million. The difference between the low bid and the engineer's estimate is likely associated with the current competitive construction market.

Pursuant to the contract specifications, the contractor will have 392 consecutive working days, approximately 18 months, to complete the project. A notice to proceed is estimated for April 2026 with completion in September 2027.

FISCAL IMPACT:

Upon approval of the proposed budget amendment, the Capital Improvement Program budget includes sufficient funding for the award of this contract. The Budget Amendment appropriates $850,000 in additional revenue from a federal grant and $850,000 in increased expenditure appropriations. The revenue will be posted to account 13501-431453-23F12, and the expenses to account 13501-980000-23F12. The following funds will be expended:

Account Description	Account Number		Amount
Facilities Financing Plan (FFP)	53201-980000-23F12	$	13,745,800
Grants (Federal Grant)	13501-980000-23F12	$	850,000
	Total:	**$**	**14,595,800**

Proposed fund uses are as follows:

Vendor	Purpose		Amount
AMG & Associates, Inc.	Construction Contract	$	13,178,000
AMG & Associates, Inc.	Construction Contingency	$	1,317,800
Various	Special Inspection Services	$	50,000
Various	Printing & Incidentals	$	50,000
	Total:	**$**	**14,595,800**

Contracts for Geocon West, Inc. and a contract amendment for COAR Design Group will be brought to a future Council meeting for consideration.

The Facilities Financing Plan is a long-term financial plan to fund the construction and renovation of significant community serving facilities.

On February 3, 2026, the Consolidated Appropriations Act was signed into law, providing federal funding for most government agencies though the end of the federal fiscal year. Through this legislation, the City has received funds from the U.S. Department of Housing and Urban Development's Community Development Fund to support the Balboa Branch Library and Fire Station No. 1 Replacement Project.

Staff recommends establishing $1,317,800 (10% of the total bid) for contingency purposes and unforeseen conditions associated with construction.

ENVIRONMENTAL REVIEW:

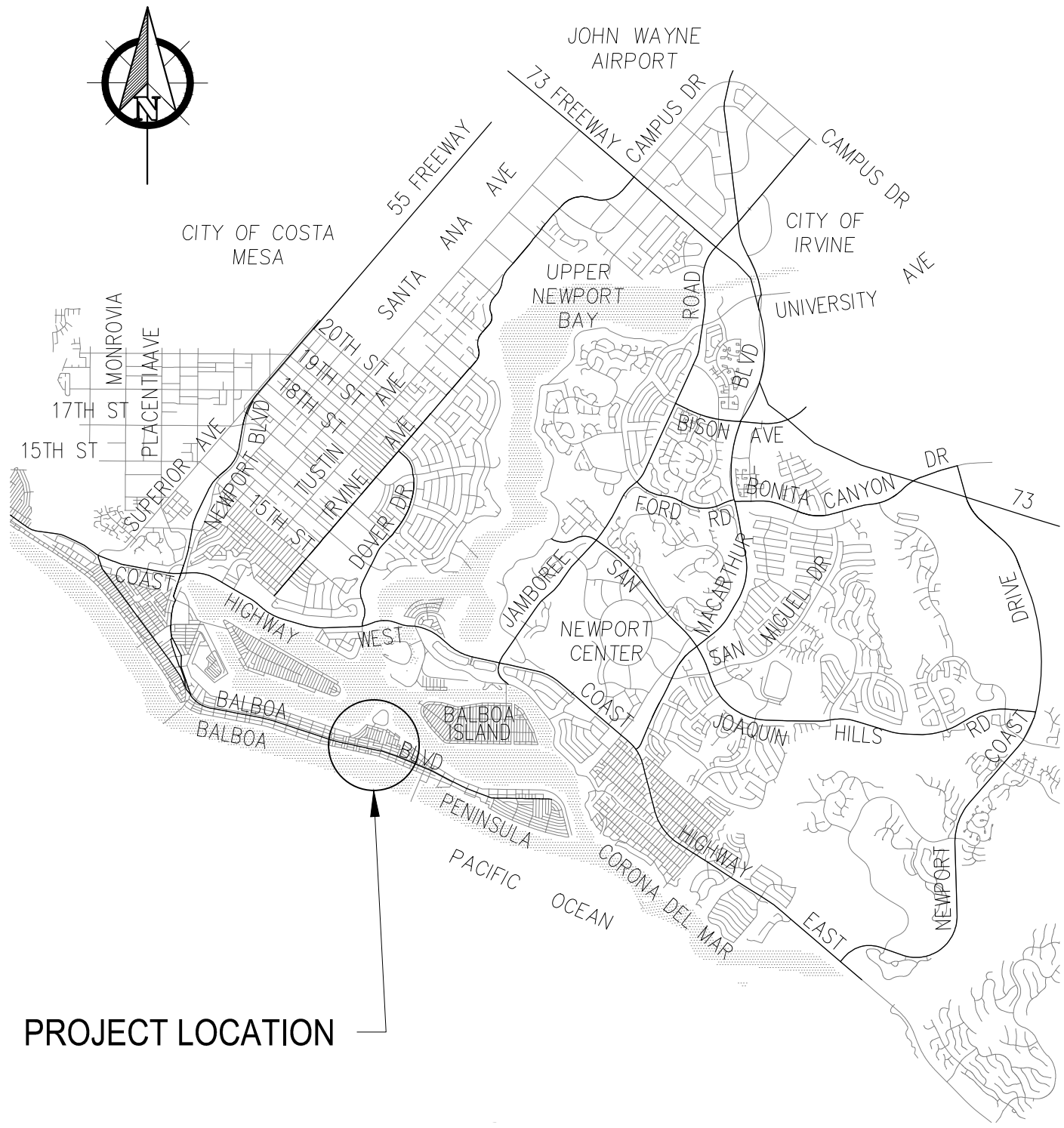
On September 24, 2024 City Council sound this project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Class 1 – Existing Facilities), Section 15302 (Class 2 – Replacement of Reconstruction), and 15303 (Class 3 – New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3;

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Location Map
Attachment B – Budget Amendment



BALBOA BRANCH LIBRARY / FIRE STATION NO. 1 REPLACEMENT PROJECT

LOCATION MAP

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

C-8865-1

4/15/2025

City of Newport Beach
BUDGET AMENDMENT
2025-26

BA#: 26-054

Department: Public Works

Requestor: Theresa Schweitzer

ONE TIME: ☑ Yes ☐ No

☐ **CITY MANAGER'S APPROVAL ONLY**

☑ **COUNCIL APPROVAL REQUIRED**

Approvals		
City Clerk:		Date
Finance Director:	Jaun al-Imam	Date 2/11/26
Budget Manager:		Date 2/11/26

EXPLANATION FOR REQUEST:

On February 3, 2026, the Consolidated Appropriations Act was signed into law, providing federal funding for most government agencies through the end of the federal fiscal year. Through this legislation, the City of Newport Beach will receive $850,000 from the U.S. Department of Housing and Urban Development's Community Development Fund to support the Balboa Branch Library and Fire Station No. 1 Replacement Project (23F12).

☐ from existing budget appropriations
☑ from additional estimated revenues
☐ from unappropriated fund balance

REVENUES

Fund #	Org	Object	Project	Description	Increase or (Decrease) $
135	13501	431453	23F12	CONTRIBUTIONS FUND CIP - FEDERAL GRANTS	850,000.00
				-	
				-	
				-	
				-	
				Subtotal	$ 850,000.00

EXPENDITURES

Fund #	Org	Object	Project	Description	Increase or (Decrease) $
135	13501	980000	23F12	CONTRIBUTIONS FUND CIP - CIP EXPENDITURES FOR GL	850,000.00
				-	
				-	
				-	
				-	
				Subtotal	$ 850,000.00

FUND BALANCE

Fund #	Object	Description	Increase or (Decrease) $
135	300000	CONTRIBUTIONS FUND - FUND BALANCE CONTROL	-
		-	-
		-	
		-	
		Subtotal	$ -

No Change In Fund Balance

CITY OF

NEWPORT BEACH

City Council Staff Report

February 24, 2026
Agenda Item No.7

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Tara Finnigan, Assistant City Manager - 949-644-3001, tfinnigan@newportbeachca.gov
PREPARED BY:	Lorig Yaghsezian, Management Analyst - 949-644-3028, lyaghsezian@newportbeachca.gov
TITLE:	Amendment to Professional Services Agreement for Video Production and Programming Services with TV Pro Gear, Inc. (Contract No. 9488-1)

ABSTRACT:

The City of Newport Beach (City) utilizes contract services for video production and programming. As part of the agreement, TV Pro Gear, Inc. streams and uploads City Council and Planning Commission meetings. The remaining contract balance is sufficient to complete the services through the current term. For the City Council's consideration is an amendment to increase the contract by $60,000 for a new not-to-exceed limit of $180,000.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Approve Amendment No. One to the Professional Services Agreement with TV Pro Gear, Inc. to increase the contract by $60,000 for a new not-to-exceed amount of $180,000 and authorize the Mayor and City Clerk to execute the amendment.

DISCUSSION:

On December 13, 2023, the City entered contract No. 9488-1 with TV Pro Gear, Inc. to film, stream and upload City Council, Planning Commission and any special meetings to Newport Beach TV (NBTV), the City's website, and YouTube.

Since execution of the agreement, there have been two contract extensions. As a result, the remaining contract balance is insufficient to complete the work.

Staff is proposing Amendment No. One to the professional services agreement to increase the not-to-exceed amount by $60,000, for a revised total contract amount of $180,000. The proposed amendment does not modify the scope of work, contract term

or other substantive provisions of the agreement. The contract is set to expire on December 14, 2026.

FISCAL IMPACT:

The adopted budget includes sufficient funding for the amendment. This contract is funded from the public information budget for NBTV Operations/ Program account (01020201- 871041).

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Amendment No. One to the Professional Services Agreement with TV Pro Gear Inc.

AMENDMENT NO. ONE TO PROFESSIONAL SERVICES AGREEMENT WITH TV PRO GEAR, INC. FOR VIDEO PRODUCTION AND PROGRAMMING SERVICES

THIS AMENDMENT NO. ONE TO PROFESSIONAL SERVICES AGREEMENT ("Amendment No. One") is made and entered into as of this 24th day of February, 2026 ("Effective Date"), by and between the CITY OF NEWPORT BEACH, a California municipal corporation and charter city ("City"), and TV PRO GEAR, INC., a Nevada corporation ("Consultant"), whose address is 710 North Mariposa Street, Burbank, CA 91506, and is made with reference to the following:

RECITALS

A. On December 14, 2023, City and Consultant entered into a Professional Services Agreement (Contract No. C-9488-1) ("Agreement") for video production and programming services ("Project").

B. The parties desire to enter into this Amendment No. One to extend the term of the Agreement to December 13, 2026, increase the total compensation for additional services to be performed, and update the Consultant's mailing address for notices.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. TERM

Section 1 of the Agreement is amended in its entirety and replaced with the following: "The term of this Agreement shall commence on the Effective Date, and shall terminate on December 13, 2026, unless terminated earlier as set forth herein."

2. COMPENSATION TO CONSULTANT

Section 4.1 of the Agreement is amended in its entirety and replaced with the following: "City shall pay Consultant for the Services on a time and expense not-to-exceed basis in accordance with the provisions of this Section and the Schedule of Billing Rates attached hereto as Exhibit B and incorporated herein by reference. Consultant's compensation for all Work performed in accordance with this Agreement, including all reimbursable items and subconsultant fees, shall not exceed **One Hundred Eighty Thousand Dollars and 00/100 ($180,000.00)**, without prior written authorization from City. No billing rate changes shall be made during the term of this Agreement without the prior written approval of City."

The total amended compensation reflects Consultant's additional compensation for additional services to be performed in accordance with this Amendment No. One, including all reimbursable items and subconsultant fees, in an amount not to exceed **Sixty Thousand Dollars and 00/100 ($60,000.00)**.

3. NOTICES

Section 25.3 of the Agreement is amended in its entirety and replaced with the followng: "All notices, demands, requests or approvals from City to Consultant shall be addressed to Consultant at:

Attn: Scott Donovan
TV Pro Gear, Inc.
710 N. Mariposa Street
Burbank, CA 91506"

4. INTEGRATED CONTRACT

Except as expressly modified herein, all other provisions, terms, and covenants set forth in the Agreement shall remain unchanged and shall be in full force and effect.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have caused this Amendment No. One to be executed on the dates written below.

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE
Date: 2/10/26

By: Jose Montoya for
Aaron C. Harp 2.10.26 RS
City Attorney

ATTEST:
Date:_____

By:_____
Lena Shumway
City Clerk

CITY OF NEWPORT BEACH,
a California municipal corporation
Date:_____

By:_____
Lauren Kleiman
Mayor

CONSULTANT: TV PRO GEAR, INC.,
a Nevada corporation
Date:_____

By:_____
Andrew Maisner
Chief Executive Officer

Date:_____

By:_____
Sheldon Zalansky
Chief Financial Officer and Secretary

[END OF SIGNATURES]

CITY OF

NEWPORT BEACH

City Council Staff Report

February 24, 2026
Agenda Item No. 8

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov

PREPARED BY: Kevin Pekar, Parks and Trees Superintendent - 949-644-3069, kpekar@newportbeachca.gov

TITLE: Irrigation Controller Replacement Phase 3 – Notice of Completion for Contract No. 9924-1 (26P02)

ABSTRACT:

On November 4, 2025, the City Council awarded Contract No. 9924-1 for Irrigation Controller Replacement Phase 3 to Superb Engineering, Inc. of Banning. This project involved upgrading irrigation controllers at various locations in the city. The work is now complete and staff requests City Council acceptance and closeout of the contract.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

DISCUSSION:

Overall Contract Cost/Time Summary

Awarded Contract Amount	Final Total Contract Amount	Total Contract Change Amount	Percent Contract Cost Change
$670,004	$670,004	$0	0%

Allowed Contract Time + Approved Extensions (Days) =	90	Actual Time Used (Days)	20

This project replaced 50 existing irrigation controllers with new weather-based automated irrigation controllers at various locations (Attachment A), which will increase irrigation effectiveness while also reducing water use and costs.

The contracted work has now been completed to the satisfaction of the Public Works Department.

A summary of the construction cost is as follows:

Original Bid Amount:	$	670,004
Actual Cost of Bid Items Constructed:	$	670,004
Total Change Orders:	$	0
Final Contract Cost:	**$**	**670,004**

The contract completion time was 90 working days to account for potential issues such as supply chain delays, however the contractor's supplier and distributor had the necessary materials in stock allowing Superb Engineering to complete installation ahead of schedule.

A summary of the project schedule milestones is as follows:

Estimated Start of Construction per Annual Baseline Schedule	December 8, 2025
Actual Start of Construction Per Notice to Proceed	December 8, 2025
Estimated Completion Per Annual Baseline Schedule	April 17, 2025
Substantial Completion Date Inclusive of Extra Work	January 9, 2026

FISCAL IMPACT:

This Irrigation Controller Replacement Project was funded by the Capital Improvement Program budget, with funds provided from the Parks Maintenance Master Plan (PMMP). Funds for the construction contract were expended from the following accounts:

Account Description	Account Number		Amount
PMMP	57001-980000-25P02	$	664,424
PMMP	57001-980000-26P02	$	5,580
	Total:	**$**	**670,004**

The PMMP account is funded through the General Fund.

ENVIRONMENTAL REVIEW:

On November 4, 2025, the City Council found this project exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1 Section 15301(d) (rehabilitation of deteriorated facilities involving no expansion of existing use) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Location List

Attachment A

Location List

CITY OF NEWPORT BEACH

#	ADDRESS	AREA	LOCATION	STA.	S1 PART NUMBER	ENCLOSURE	50 PHASE 3	NOTES
46	038-00	Roadside	Dover & PCH Bus Stop	8	SA6-RM6-8-DXICA	NEW SA6	1	
47	039-00	Roadside	Bayside & Jamboree	16	SA6-RM6-16-DXICA	NEW SA6	1	
55	047-00	Med/Roadside	Ridge Park Rd. A	24	SA9-RM6-24-DXICA	SS RETRO	1	
56	048-00	Med/Roadside	Ridge Park Rd. B	24	SA9-RM6-24-DXICA	SS RETRO	1	
61	053-00	Med/Roadside	SJH Rd. J	24	SA9-RM6-24-DXICA	SS RETRO	1	
63	055-00	Med/Roadside	SJH Rd. L	24	SA9-RM6-24-DXICA	SS RETRO	1	
64	056-00	Med/Roadside	SJH Rd. M	40	SA9-RM6-40-DXICA	SS RETRO	1	
65	057-00	Med/Roadside	SJH Rd. N	32	SA9-RM6-32-DXICA	SS RETRO	1	
66	058-00	Med/Roadside	SJH Rd. O	16	SA9-RM6-16-DXICA	SS RETRO	1	
68	060-00	Med/Roadside	San Miguel B	24	SA9-RM6-24-DXICA	SS RETRO	1	
73	065-00	Median	Irvine Ave B	8	SA9-RM6-8-DXICA	SS RETRO	1	
74	066-00	Median	Irvine Ave. A	32	SA11-RM6-32-DXICA	BB RETRO-WIDE	1	
100	073-00	Median	Coast Hwy J	16	SA9-RM6-16-DXICA	SS RETRO	1	
101	074-00	Median	Coast Hwy K	16	SA9-RM6-16-DXICA	SS RETRO	1	
102	075-00	Median	Coast Hwy L	16	SA9-RM6-16-DXICA	SS RETRO	1	
103	076-00	Median	Coast Hwy M	16	SA9-RM6-16-DXICA	SS RETRO	1	
115	087-00	Roadside	Bristol St. South A	24	SA6-RM6-24-DXICA	NEW SA6	1	
118	090-00	Med/Roadside	Jamboree Median B	16	SA6-RM6-16-DXICA	NEW SA6	1	
119	091-00	Med/Roadside	Jamboree Median E	24	SA03-RM6-24-DXICA	SMW	1	
151	122-00	Park	Jasmine View Park	16	SA9-RM6-16-DXICA	SS RETRO	1	
152	123-00	Median	Irvine Ave. C	32	SA6-RM6-32-DXICA	NEW SA6	1	
153	124-00	Park	Bayview Park	24	SA9-RM6-24-DXICA	SS RETRO	1	
167	138-00	Median	Coast Hwy N	40	SA6-RM6-40-DXICA	NEW SA6	1	
168	139-00	Median	San Miguel C	16	SA6-RM6-16-DXICA	NEW SA6	1	
169	140-00	Median	San Miguel D	16	SA6-RM6-16-DXICA	NEW SA6	1	
170	141-00	Median	San Miguel A	8	SA6-RM6-8-DXICA	NEW SA6	1	
171	142-00	Median	Jamboree C	16	SA6-RM6-16-DXICA	NEW SA6	1	
175	146-00	Median	Jamboree F	24	SA6-RM6-24-DXICA	NEW SA6	1	
176	147-00	Park	Balboa Island Park	8	SA03-RM6-24-DXICA	SMW	1	
178	149-00	Med/Roadside	Irvine Ave. D	16	SA6-RM6-16-DXICA	NEW SA6	1	
184	152-00	Med/Roadside	Coast Hwy B	32	SA6-RM6-32-DXICA	NEW SA6	1	
186	154-00	Med/Roadside	Coast Hwy D	16	SA6-RM6-16-DXICA	NEW SA6	1	
187	155-00	Med/Roadside	Coast Hwy F	32	SA6-RM6-32-DXICA	NEW SA6	1	
188	156-00	Med/Roadside	Coast Hwy H	24	SA6-RM6-24-DXICA	NEW SA6	1	
189	157-00	Med/Roadside	Coast Hwy I	40	SA6-RM6-40-DXICA	NEW SA6	1	
207	175-00	Roadside	River Ave.	40	SA9-RM6-40-DXICA	NEW SA6	1	
209	177-00	Roadside	Seashore Street Ends	24	SA6-RM6-24-DXICA	NEW SA6	1	
210	178-00	Med/Roadside	Dover and Westcliff	24	SA6-RM6-24-DXICA	NEW SA6	1	
212	180-00	Roadside	Spyglass Hills Rd. A	16	SA6-RM6-16-DXICA	NEW SA6	1	
213	181-00	Roadside	Spyglass Hills Rd. B	16	SA6-RM6-16-DXICA	NEW SA6	1	
214	182-00	Roadside	Spyglass Hills Rd. C	16	SA6-RM6-16-DXICA	NEW SA6	1	
215	183-00	Roadside	Spyglass Hills Rd. D	16	SA6-RM6-16-DXICA	NEW SA6	1	
228	196-00	Roadside	Cannery Parking Lot	8	SA6-RM6-8-DXICA	NEW SA6	1	
242	210-00	Med/Roadside	Balboa Blvd D	40	SA6-RM6-40-DXICA	NEW SA6	1	
243	211-00	Med/Roadside	Balboa Blvd C	40	SA6-RM6-40-DXICA	NEW SA6	1	
244	212-00	Med/Roadside	Balboa Blvd B	32	SA6-RM6-32-DXICA	NEW SA6	1	
245	213-00	Med/Roadside	Balboa Blvd A	24	SA6-RM6-24-DXICA	NEW SA6	1	
272	233-00	Median	Dover Median A	TW	SA11-RM6-TW-DXICA	BP RETRO-WIDE	1	
273	233-01	Median	Dover Median B	TW	SA11-RM6-TW-DXICA	BP RETRO-WIDE	1	
277	237-00	Roadside	Park Ave. D	8	SA03-RM6-8-DXICA	SWM	1	
							50	

CITY OF

NEWPORT BEACH

City Council Staff Report

February 24, 2026
Agenda Item No. 9

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Melissa Hartson, Library Services Director - 949-717-3801, mhartson@newportbeachca.gov
PREPARED BY:	Rebecca Lightfoot, Library Services Manager - 949-717-3819, rlightfoot@newportbeachca.gov
TITLE:	Cultural Arts Grants Fiscal Year 2025-26

ABSTRACT:

The sum of $30,000 has been provided in Fiscal Year 2025-26 to fund specific cultural or artistic programs as approved by the City Council. The City Arts Commission has the responsibility to review all programs and requests for support from arts groups and make recommendations for funding to the City Council. The Arts Commission reviewed grant funding proposals from eight local arts organizations and recommends funding for all eight organizations, totaling $30,000.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Approve recommended recipients for Fiscal Year 2025-26 Cultural Arts Grants as selected by the City Arts Commission in accordance with City Council Policy I-10, *Culture and Arts Grants.*

DISCUSSION:

City Council Policy I-10, *Culture and Arts Grants* (Attachment A) recognizes the importance of promoting culture and arts within Newport Beach. In Fiscal Year 2025-26, $30,000 is budgeted for specific cultural or artistic programs as approved by the City Council.

The City Arts Commission (Commission) is responsible for reviewing all programs and requests for support from arts groups and then making recommendations for funding to the City Council for its review and approval. City Council Policy I-10 defines arts groups as those involved in visual, musical, theater, dance, crafts, performing and literary activities. The Commission considers the following in order of preference for granting support:

1. Local arts groups located within the City of Newport Beach and offering programs to city residents; and

2. Regional arts groups located in Orange County and offering programs to city residents; and

3. Arts groups located in California and performing or offering programs to city residents.

Groups not offering programs or services to local residents are not eligible for support from the City.

The Commission received written grant proposals from eight organizations, which combined totaled $34,700 for free cultural arts programming for the Newport Beach community in Fiscal Year 2025-26. Grant applications included:

ORGANIZATION	REQUEST
Backhausdance	$4,000
Baroque Music Festival, Corona del Mar	$4,500
Choral Arts Initiative	$3,500
Emerald Magic Events Inc.	$5,000
Pacific Chorale	$5,000
Pacific Symphony	$5,000
South Coast Repertory	$5,000
Wildlife Jewels	$2,700
TOTAL FUNDING	**$34,700**

The Commission considered the eight applications using the guidance as defined in City Council Policy I-10. Furthermore, each arts organization was evaluated considering the following additional criteria:

Baseline Criteria:

- application and report complete and on time
- arts organization (not individual artists)
- nonprofit organization
- Newport Beach geographic focus

Selective Criteria:

I. Service to the Public

- promotion and outreach
- audience development and participation
- safety and accessibility
- program diversity
- community service

II. Artistic/Programmatic Excellence

- ideas and creativity
- production

III. Managerial/Fiscal Competence
- mission and goals
- organizational management
- financial management

After careful deliberation, the Commission approved grant funding for eight arts organizations, totaling $30,000, at its regular meeting on February 12, 2026.

The recommended grantees and funding include:

ORGANIZATION	RECOMMENDED AMOUNT
Backhausdance	$4,000
Baroque Music Festival, Corona del Mar	$4,500
Choral Arts Initiative	$3,000
Emerald Magic Events Inc.	$4,000
Pacific Chorale	$5,000
Pacific Symphony	$5,000
South Coast Repertory	$3,000
Wildlife Jewels	$1,500
TOTAL FUNDING	**$30,000**

Backhausdance will present *Dance Expressions: Creativity and Choreography*, a school-community based contemporary dance residency in partnership with Newport-Mesa Unified School District (NMUSD) secondary schools (Corona del Mar Middle/High School, Back Bay High School and Newport Harbor High School) from September-December 2026, and culminating in a Fall 2026 Student Showcase. This program offers students an immersion into working with a professional dance company.

The Baroque Music Festival, Corona del Mar, will present music by Handel. Grant funds will support fees and travel for two soloists and eight Los Angeles-based singers. They will also subsidize student rush tickets, open dress rehearsals, and a Baroque 101 symposium for local music educators, students, festival subscribers and donors. Newport Beach NMUSD students will be able to attend the dress rehearsal and opening concert in June, and will learn about the detailed dress rehearsal process, ask questions and explore instruments.

Choral Arts Initiative proposes *Memory and Renewal*, a public contemporary choral performance in May 2026 featuring works exclusively by living composers and offers Newport Beach residents an engaging artistic experience centered on themes of memory, community and renewal.

Emerald Magic Events will present *Classical in the Park*, featuring two classical music concerts at the Bonita Creek Community Center and the Newport Beach Junior Lifeguard Building in August and September 2026, respectively. The concerts will showcase performers from the Orange County Youth Symphony, showcasing their talent alongside professional musicians.

Pacific Chorale's chamber choir will present a performance of Eric Whitacre's *The Sacred Veil* at Our Lady Queen of Angels Church in March 2026. This deeply moving work – created in collaboration with poet Charles Anthony Silvestri – traces a journey of love, loss and healing. The program will also feature Whitacre's transcendent *Three Songs of Faith*. The Chorale will also present December's Carols by Candlelight, a favorite of locals and visitors alike.

Pacific Symphony will use grant funds for the Class Act Music Education Program at Newport Coast Elementary School. This program places union musicians into local schools where students receive the value of music learning from teaching artists.

South Coast Repertory will utilize grant funding for the Theatre for Young Audiences free school-day matinee performances of *Cinderella: A Salsa Fairy Tale,* a bilingual family-friendly musical, including 14 free school-day matinees for local students from schools within Newport Beach.

Wildlife Jewels will use the grant to fund a new visual arts program consisting of three free public-collaborative painting events where Newport Beach residents will collectively create three-large-scale artworks on textile canvas, culminating in a public community showcase event. The project promotes community involvement and awareness of the visual arts while celebrating Newport Beach's coastal wildlife and sense of place.

FISCAL IMPACT:

The adopted budget includes sufficient funding for this purchase. It will be expensed to the City Grants account in the Cultural and Arts Division, 01060603-821006.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – City Council Policy I-10, *Culture and Arts Grants*

CULTURE AND ARTS GRANTS

The City Council hereby recognizes the importance of promoting culture and the arts within Newport Beach. Pursuant to City Council Policy A-12, the City budget specifically allows the City Council to direct revenue towards worthy projects and programs which the City Council deems beneficial to the quality of life for Newport Beach's residents. A number of individuals and groups have been organized with the express purpose of developing and promoting culture, theatre and the arts.

In regard to the City's role in financially sponsoring art and cultural events, up to $55,000 shall be expended from the General Fund for culture and arts grants each fiscal year. The City Arts Commission shall review all programs and requests for support from arts groups. The Commission shall forward its recommendations for funding to the City Council for final approval. For the purpose of this policy, arts groups shall be defined as those involved in visual, musical, theatre, dance, crafts, performing and literary activities.

The following priorities shall be considered by the Commission. The order of preference for granting support shall be as follows:

A. Local arts groups located within the City and offering programs to City residents;

B. Regional arts groups located in Orange County and offering programs to City residents; and

C. Arts groups located in California and performing or offering programs to City residents.

Groups not offering programs or services to local residents shall not be eligible for support from the City.

History

Adopted F-20 – 5-11-1981 ("Reserve Fund for Culture and Arts")
Amended F-22 – 6-22-1981
Adopted I-20 – 1-24-1983 ("Co-Sponsorship for Cultural Events and Arts Groups")
Amended F-20 – 11-14-1983
Amended F-20 – 1-23-1984
Amended F-20 – 3-28-1988
Amended F-20 – 10-28-1991
Created I-12 – 1-24-1994 (incorporating I-20 and F-20, and renaming "Financial Support for Culture and Arts")
Amended I-12 – 5-8-2001
Amended I-12 - 4-8-2003 (changed to I-10)
Amended I-10 – 8-8-2017
Amended I-10 – 11-12-2024

CITY OF

NEWPORT BEACH

City Council Staff Report

February 24, 2026
Agenda Item No. 10

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Jaime Murillo, Community Development Director - 949-644-3209, jmurillo@newportbeachca.gov
PREPARED BY:	Lauren Wooding Whitlinger, Real Property Administrator - 949-644-3236, lwooding@newportbeachca.gov
TITLE:	Resolution No. 2026-14: Substantial Amendment to the 2025-2026 Annual Action Plan for the Federal Community Development Block Grant Program

ABSTRACT:

The City of Newport Beach receives funds each year through the U. S. Department of Housing and Urban Development (HUD) program for Community Development Block Grants (CDBG), to benefit those with low and moderate incomes, aid in the prevention of neighborhood deterioration, and meet other urgent community development needs. After the City Council's July 2025 approval of the CDBG 2025-2029 Consolidated Plan and 2025-2026 Annual Action Plan, staff identified an opportunity to use CDBG funds to complete a capital project to make Americans with Disability Act (ADA) accessibility improvements to public sidewalks, driveways, access ramps, etc. at various locations throughout the city. Pursuant to HUD regulations, adding a new activity constitutes a substantial amendment to the Annual Action Plan and requires a public hearing prior to submission to HUD. For the City Council's consideration is an Amendment which allocates $750,000 in CDBG funds to a citywide ADA improvements project, which will support accessibility improvements throughout the city.

RECOMMENDATIONS:

a) Conduct a public hearing to receive comments on the Draft Substantial Amendment to the 2025-2026 Annual Action Plan;

b) Find the approval of the Substantial Amendment to the 2025-2026 Annual Action Plan exempt from the National Environmental Policy Act (NEPA) pursuant to 24 CFR Part 58, Section 58.34;

c) Find the approval of the Substantial Amendment to the 2025-2026 Annual Action Plan is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c), Class 2 (reconstruction of existing facility involving negligible or no expansion of capacity) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;

d) Adopt Resolution No. 2026- 14, *A Resolution of the City Council of the City of Newport Beach, California, Approving a Substantial Amendment to the 2025-2026 Annual*

Action Plan for the Federal Community Development Block Grant Program (Attachment A); and

e) Authorize the City Manager to:
   1. Submit the Substantial Amendment to the 2025-2026 Annual Action Plan to HUD;
   2. Execute all related documents on behalf of the City; and
   3. Authorize the Community Development Director, or his/ her designee, to be the official representative of the City of Newport Beach, and to submit required environmental documentation for CDBG projects.

DISCUSSION:

The City proposes the addition of a CDBG activity previously not described in the 2025-2026 Annual Action Plan (Action Plan). Pursuant to HUD regulations, these changes are considered a "Substantial Amendment" to the 2025-2026 Annual Action Plan and require specific citizen participation actions before approval by the City Council and submission to HUD. The 2025-2026 Annual Action Plan is the first year Action Plan of the 2025-2029 Consolidated Plan, which was previously approved by the City Council on July 22, 2025.

This Amendment will program a total of $750,000 of unallocated CDBG funds from this program year and previous years' grant balances for use in the current fiscal year, as shown in Table 1 below, towards a citywide ADA improvements project (Project).

Table 1

CDBG Funding Distribution for Project

Funding Source	**Amount**
FY2025-26 - Unallocated balance	$238,724
FY2024-25 - Grant balance	$310,340
FY2023-24 - Grant balance	$200,936
Total Funding	***$750,000***

The Project was established in accordance with the priority needs and goals of the 2025-2029 Consolidated Plan. Priority Number 4 of the 2025-2029 Consolidated Plan is to Improve Public Facilities and Infrastructure. This Project involves the removal and replacement of concrete to meet ADA compliance for sidewalks, parkways, driveways, access ramps, cross gutters, curbs, and/or gutters. Improvements will occur throughout 103 total locations in the city and will serve to benefit 6,669 people with disabilities. The Project will be considered for award and approval under a subsequent agenda item at the same meeting this amendment is being considered, on February 24, 2026.

Community Outreach

To allow interested residents the opportunity to review and comment on the proposed changes, a notice was published in the Daily Pilot and posted on the City's website on January 24, 2026. Notice was also emailed to all parties that have signed up to receive notifications from the Planning Division, informing the general public of the availability of the Amendment document for public review and opportunity for comment. A 30-day public review period commenced on January 24, 2026, and concludes on February 24, 2026, with this public hearing before the City Council when it considers the Amendment. At the time this staff report was written, no public comments had been received. Additionally, the current adopted Citizen Participation Plan requires that a public hearing be held to receive testimony from interested residents or parties regarding the Amendment; this public hearing fulfills this requirement.

FISCAL IMPACT:

This item provides for City Council approval of expenditures for $750,000 in CDBG funds for the 2025-26 fiscal year. Funds include $238,724 of unallocated FY2025-26 CDBG funds, and $511,276 of carryover FY2024-25 and FY2023-24 CDBG funds. There is no fiscal impact on the General Fund.

ENVIRONMENTAL REVIEW:

This activity is categorically excluded under 24 CFR Part 58, Section 58.34 of the National Environmental Policy Act of 1969 (NEPA) and converts to Exempt under the statute. The purpose of this project is to improve safety and access disabled persons and the elderly citywide.

Staff recommends the City Council find approval of the Substantial Amendment to the 2025-2026 Annual Action Plan is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c), Class 2 (reconstruction of existing facility involving negligible or no expansion of capacity) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment.

NOTICING:

In accordance with HUD regulations, a Draft Substantial Amendment to the 2025-26 Annual Action Plan was made available for a 30-day public review and comment period from January 24, 2026, to February 24, 2026, and a public notice regarding this public hearing was published concurrently for this public hearing before the City Council. The Draft Amendment was made available for public review and comment online on the City's website on January 24, 2026, and was available for review at City Hall located at 100 Civic Center Drive, Newport Beach, California 92660 in the City Clerk's Office and the Community Development Department, and at the Central Library at 1000 Avocado Avenue, Newport Beach, California 92660.

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Resolution No. 2026-14

Attachment A

Resolution No. 2026-14

RESOLUTION NO. 2026-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A SUBSTANTIAL AMENDMENT TO THE 2025-2026 ANNUAL ACTION PLAN FOR THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the City of Newport Beach ("City") participates in the United States Department of Housing and Urban Development ("HUD") Community Development Block Grant ("CDBG") Program;

WHEREAS, HUD requires the City to prepare a Five Year Consolidated Plan for the use of HUD grant programs outlining the use of the CDBG funds and the strategic vision for housing and community development in the City;

WHEREAS, the City Council adopted Resolution No. 2025-51 on July 22, 2025, approving the 2025-2029 Consolidated Plan, the 2025-2026 Annual Action Plan, and the Citizen Participation Plan for the CDBG Program;

WHEREAS, the 2025-2026 Annual Action Plan ("Action Plan") appropriates the CDBG annual grant and other available grant funds during the fiscal year;

WHEREAS, subsequent to City Council approval of the Action Plan, staff identified an opportunity to utilize unallocated CDBG funds to improve public facilities and infrastructure with Americans with Disabilities Act ("ADA") accessible concrete sidewalks, parkways, driveways, access ramps, cross gutters, curbs and gutters;

WHEREAS, a citywide ADA capital improvement project ("Citywide ADA Project") is a CDBG eligible activity and is consistent with the City's 2025-2029 Consolidated Plan;

WHEREAS, a substantial amendment to the Action Plan is necessary to add the Citywide ADA Project capital activity not previously described in the Action Plan;

WHEREAS, in the event of a substantial amendment to an annual action plan, the Citizen Participation Plan requires a thirty day public review period followed by a public hearing prior to adoption;

WHEREAS, in accordance with the Citizen Participation Plan, on January 24, 2026, the City published notices in the Daily Pilot newspaper and on the City's website, and provided an electronic mailing notification to interested stakeholders, announcing that the Draft Substantial Amendment to the 2025-2026 Annual Action Plan ("Substantial

Amendment") would be available to the public for review and comment from January 24, 2026 to February 24, 2026;

WHEREAS, a public hearing was held by the City Council on February 24, 2026, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California regarding the Substantial Amendment. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq*. and 24 C.F.R. Part 91; and

WHEREAS, the City Council desires to amend the 2025-2026 Annual Action Plan and approve the Substantial Amendment to the 2025-2026 Annual Action Plan.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council hereby approves the Substantial Amendment to the 2025-2026 Annual Action Plan as provided in Exhibit A, attached hereto and incorporated herein by reference.

Section 2: The City Council does hereby authorize: (a) the City Manager, or designee, to: 1) submit the 2025-2026 Annual Action Plan as amended to HUD and 2) execute all subrecipient agreements with the organizations receiving allocations of CDBG funds in the 2025-2026 Annual Action Plan as amended; and (b) the Community Development Director, or designee, to be the official representative of the City to administer the program and submit the required environmental documentation to HUD for CDBG projects.

Section 3: The City Council finds the approval of the Substantial Amendment to the 2025-2026 Annual Action Plan is exempt under 24 CFR Part 58, Section 58.34 of the National Environment Policy Act of 1969, as amended.

Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative portion of this resolution.

Section 5: If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

ADOPTED this 24th day of February, 2026.

_____
Lauren Kleiman
Mayor

ATTEST:

_____
Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp
City Attorney

Attachment: Exhibit A – Substantial Amendment to the 2025-2026 Annual Action Plan



Community Development Block Grant Program
Substantial Amendment

Annual Action Plan
FY 2025-2026

CITY OF NEWORT BEACH

NEWPORT BEACH CITY COUNCIL

Lauren Kleiman
Mayor

Noah Blom
Mayor Pro Tem

Joe Stapleton
Councilmember

Michelle Barto
Councilmember

Erik Weigand
Councilmember

Robyn Grant
Councilmember

Sara J. Weber
Councilmember

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Executive Summary

Background

The City of Newport Beach proposes the addition of a Community Development Block Grant (CDBG) activity previously not described in the 2025-2026 Annual Action Plan (Action Plan). Pursuant to U.S. Department of Housing and Urban Development (HUD) regulations, these changes are considered a "Substantial Amendment" to the 2025-2026 Action Plan and require specific citizen participation actions before approval by the City Council and submission to HUD.

To allow interested residents the opportunity to review and comment on the proposed changes, the City published a public notice in the Daily Pilot and on the City website on January 24, 2026, informing residents of the availability of the Substantial Amendment document for public review and comment. This public review and comment period is open for a period of 30 days, from January 24, 2026, to February 24, 2026. The public review and comment period concludes with a public hearing before the City Council on February 24, 2026, at 4:00 p.m., when the City Council will consider the amendment.

Proposed Amendment to the Action Plan

The 2025-2026 Annual Action Plan is the first year Action Plan of the 2025-2029 Consolidated Plan. Both documents were approved by the City on July 22, 2025. This Amendment will program unallocated CDBG funds from this program year and previous year grant balances for use in the current Fiscal Year (FY2025-26), as shown in the table below. This Amendment will allocate $750,000 of these funds towards the Citywide ADA Improvements Project No. 26R12.

CDBG Funding Distribution for ADA Improvements Project

Grant Number	HUD Program	Amount
B-25-MC-06-0546 (unallocated balance)	Community Development Block Grant	$238,724
B-24-MC-06-0546 (grant balance)	Community Development Block Grant	$310,340
B-23-MC-06-0546 (grant balance)	Community Development Block Grant	$200,936
	TOTAL FUNDING	***$750,000***

The Citywide ADA Improvements Project was established in accordance with the priority needs and goals of the 2025-2029 Consolidated Plan. Priority number 4 of the 2025-2029 Consolidated Plan is to Improve Public Facilities and Infrastructure. This project involves the removal and replacement of concrete through improvements to meet ADA compliance for sidewalks, parkways, driveways, access ramps, cross gutters, curbs, and/or gutters. Locations occur throughout the City of Newport Beach and include 103 total locations.

4	**Priority Need Name**	**Improve Public Facilities and Infrastructure**
	Priority Level	High
	Population	Extremely Low, Low, Moderate Persons with Physical Disabilities Non-housing Community Development
	Geographic Areas Affected	Citywide Area
	Associated Goals	Public Facilities and Infrastructure Improvements.
	Description	Newport Beach has a continuing need to maintain and enhance existing public facilities and infrastructures such as community centers, parks, streets, sidewalks, alleys, and other facilities and infrastructure in the City. These needs include ensuring that public facilities are ADA accessible to ensure access for all residents.
	Basis for Relative Priority	Addressing public facility needs and maintaining aging facilities especially within the CDBG Low/Moderate Income Census Tract Target Area will improve the quality of life for residents within the area.

2025-2029 Consolidated Plan, Priority Need #4: Improve Public Facilities and Infrastructure

SUBSTANTIAL AMENDMENT

2025-2026 ANNUAL ACTION PLAN

FEBRUARY 24, 2026

5	Project Name	Citywide ADA Improvements Project No. 26R12
	Target Area	Citywide
	Goals Supported	Public Facilities and Infrastructure Improvements
	Needs Addressed	Improve Public Facilities and Infrastructure
	Funding	CDBG: $750,000
	Description	The removal and replacement of concrete through improvements to meet ADA compliance for sidewalks, parkways, driveways, access ramps, cross gutters, curbs, and/or gutters.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	6,669 persons
	Location Description	Citywide locations: • Eastbluff, Vista Del Oro - 17 locations • Aralia Street – 4 locations • Alta Vista Drive – 7 locations • Arbutus Street – 3 locations • Aleppo Street – 3 locations • Almond Place – 1 location • Bellis Street – 2 locations • Basswood Street – 2 locations • Bamboo Street – 4 locations • Bunya Street – 1 location • Blackthorn Street – 1 location • Citrus Place – 1 location • Cercis Place – 1 location • Carob Street – 3 locations • Cassia Street – 1 location • Catalpa Street – 2 locations • Newport North

		○ La Salud – 2 locations ○ La Vida – 1 location ○ Bayswater – 1 location • Bayview Heights ○ Bayview Way – 2 locations ○ Bayview Place – 1 location ○ Mesa Drive – 4 locations ○ Orchard Drive – 2 locations ○ Spruce Street – 1 location ○ Birch Street – 1 location • Anniversary Tract ○ Anniversary Lane – 2 locations ○ Golden Circle – 1 location ○ University Drive – 2 locations • Airport Area ○ Quail Street – 4 locations ○ Dove Street – 4 locations ○ Dolphin-Striker Way – 1 location ○ Corinthian Way – 1 location • Golf Course Streets, Pegasus Street – 1 location • Mariners ○ 23rd Street – 1 location ○ Tustin Avenue – 3 locations ○ Francisco Drive – 2 locations ○ Holiday Road – 2 locations ○ Hampshire Circle – 1 location ○ Dover Drive – 1 location ○ Castaway Park – 1 location • Newport Heights, Cliff Drive – 1 location • Talbert Park, Balboa Boulevard – 1 location • Corona Del Mar, Crown Drive – 1 location • Balboa Peninsula ○ Channel Place – 2 locations ○ Marcus Avenue – 1 location • East Bay, Back Bay Drive – 1 location
	Planned Activities	ADA Improvements

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

For program year 2025-2026, the City received $402,015 in CDBG funds from HUD and anticipates $315,000 of program income. In addition, the City has $511,276 of prior year resources available during the program year. In total, the City has $1,228,291 in available expected resources for FY2025-26.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	$402,015	$315,000	$511,276	$1,228,291	$2,868,060	The City anticipates having $717,015 in funds available each year during this Consolidated Plan cycle.

Table 1 - Expected Resources

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affirmatively Further Fair Housing	2025	2026	Non-Housing Community Development	Citywide	• Promote Fair Housing	CDBG: $12,000	Households: 100
2	Expand Affordable Housing Opportunities	2025	2026	Affordable Housing	Citywide	• Preserve and increase the supply of Affordable Housing	CDBG: $0	Housing Units: 0
3	Provide or Improve Access to Community and Homeless Services	2025	2026	Non-Housing Community Development	Citywide	• Support Community and Homeless Services	CDBG: $60,000	Persons: 130
4	Improve and Enhance Public Facilities and Infrastructure	2025	2026	Non-Housing Community Development	Low/Mod Census Tract	• Enhance Public Facilities and Infrastructure	CDBG: $750,000	Persons: 6,669
5	Support Businesses & Job Creation/Retention	2025	2026	Non-Housing Community Development	Citywide	• Promote Economic Development	CDBG: $0	Businesses: 0
6	Support Programs through Program Administration	2025	2026	Planning and Administration	Citywide	• Support Programs through Program Administration	CDBG: $80,700	Other: 1

Table 2 – Goals Summary

Projects

AP-35 Projects – 91.220(d)

Introduction

To address the high priority needs identified in the Strategic Plan, the City of Newport Beach will invest CDBG funds in projects that develop provide fair housing services, provide services to low- and moderate-income residents, prevent homelessness and strengthen economic opportunities. Together, these projects will address the needs of low- and moderate-income Newport Beach residents.

Projects

#	Project Name
1	Program Administration
2	Fair Housing Services
3.	Meals on Wheels OC: Home Delivered Meals
4.	Newport Beach: City Motel Voucher Program
5.	Citywide ADA Improvements Project No. 26R12

Table 46 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City of Newport Beach has prioritized the use of its non-administrative Community Development Block Grant (CDBG) funds for the 2025–2026 program year to support projects and services that directly benefit low- and moderate-income residents.

Reasons for Allocation Priorities

Funding decisions are based on the goals identified in the Strategic Plan and informed by data from the Needs Assessment, community input, and consultation with local service providers. Priority is given to:

- Public service programs supporting low- and moderate-income households
- Activities that help prevent homelessness
- Economic development initiatives that create or expand opportunities for income stability
- Public facilities and infrastructure improvement projects that support maintenance, enhancement, and accessibility

These priorities align with the City's broader goals of promoting housing stability, community well-being, and economic mobility.

AP-38 Project Summary

Project Summary Information

5	**Project Name**	**Citywide ADA Improvements Project No. 26R12**
	Target Area	Citywide
	Goals Supported	Public Facilities and Infrastructure Improvements
	Needs Addressed	Improve Public Facilities and Infrastructure
	Funding	CDBG: $750,000
	Description	The removal and replacement of concrete through improvements to meet ADA compliance for sidewalks, parkways, driveways, access ramps, cross gutters, curbs, and/or gutters.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	6,669 persons

	Location Description	Citywide locations:
		• Eastbluff, Vista Del Oro - 17 locations
		• Aralia Street – 4 locations
		• Alta Vista Drive – 7 locations
		• Arbutus Street – 3 locations
		• Aleppo Street – 3 locations
		• Almond Place – 1 location
		• Bellis Street – 2 locations
		• Basswood Street – 2 locations
		• Bamboo Street – 4 locations
		• Bunya Street – 1 location
		• Blackthorn Street – 1 location
		• Citrus Place – 1 location
		• Cercis Place – 1 location
		• Carob Street – 3 locations
		• Cassia Street – 1 location
		• Catalpa Street – 2 locations
		• Newport North
		  ○ La Salud – 2 locations
		  ○ La Vida – 1 location
		  ○ Bayswater – 1 location

	• Bayview Heights
	  ○ Bayview Way – 2 locations
	  ○ Bayview Place – 1 location
	  ○ Mesa Drive – 4 locations
	  ○ Orchard Drive – 2 locations
	  ○ Spruce Street – 1 location
	  ○ Birch Street – 1 location
	• Anniversary Tract
	  ○ Anniversary Lane – 2 locations
	  ○ Golden Circle – 1 location
	  ○ University Drive – 2 locations
	• Airport Area
	  ○ Quail Street – 4 locations
	  ○ Dove Street – 4 locations
	  ○ Dolphin-Striker Way – 1 location
	  ○ Corinthian Way – 1 location
	• Golf Course Streets, Pegasus Street – 1 location
	• Mariners
	  ○ 23rd Street – 1 location
	  ○ Tustin Avenue – 3 locations
	  ○ Francisco Drive – 2 locations
	  ○ Holiday Road – 2 locations
	  ○ Hampshire Circle – 1 location
	  ○ Dover Drive – 1 location
	  ○ Castaway Park – 1 location
	• Newport Heights, Cliff Drive – 1 location
	• Talbert Park, Balboa Boulevard – 1 location
	• Corona Del Mar, Crown Drive – 1 location
	• Balboa Peninsula
	  ○ Channel Place – 2 locations
	  ○ Marcus Avenue – 1 location
	• East Bay, Back Bay Drive – 1 location

Planned Activities	ADA Improvements

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

A description of all CDBG funds expected to be available during the 2025-26 program year is provided in Section AP-35 (Projects) of the Action Plan. The City has no urban renewal settlements, grant funds returned to the line of credit or income from float-funded activities.

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(l)(1)	
1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed.	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	0
5. The amount of income from float-funded activities	0
Total Program Income:	**0**

Other CDBG Requirements	
1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100%



APPENDIX A: CITIZEN PARTICIPATION

APPENDIX B:
PROOF OF PUBLICATION

CITY OF

NEWPORT BEACH

City Council Staff Report

February 24, 2026
Agenda Item No.11

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Tara Finnigan, Assistant City Manager - 949-644-3001, tfinnigan@newportbeachca.gov
PREPARED BY:	Lorig Yaghsezian, Management Analyst - 949-644-3028, lyaghsezian@newportbeachca.gov
TITLE:	Approval of Proposed Revisions to Various Council Policies

ABSTRACT:

For the City Council's consideration is a resolution amending various provisions of the Newport Beach City Council Policy Manual and rescinding Council Policy D-4 (Innovation/Improvement Incentive Program). These proposed amendments are the result of the Ad Hoc Council Policy Review Committee which was formed in January 2025 to evaluate and recommend updates to the Council's Policy Manual.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2026-15, *A Resolution of the City Council of the City of Newport Beach, California, Amending Various Provisions of the Newport Beach City Council Policies and Rescinding Council Policy D-4*

DISCUSSION:

On January 14, 2025, the City Council adopted Resolution No. 2025-5, establishing the Ad Hoc Council Policy Review Committee which consisted of Mayor Lauren Kleiman and Councilmembers Joe Stapleton and Sara J. Weber. The Committee was tasked with reviewing the City Council Policy Manual to ensure the policies are current, clearly written and concise.

Over the course of its review, the Committee evaluated existing policies for relevancy, redundancy, clarity, and consistency with the City Charter, Municipal Code, and established administrative practices. The Committee identified several policies that would

benefit from clarification, consolidation or modernization. The proposed amendments affect the following policies:

A – Mayor/Council/Commissions

- A-1 – City Council
- A-2 – Boards, Commissions, and Committees
- A-12 – Discretionary Grants
- A-17 – Newport Beach City Council Airport Policy

B- Recreation & Senior Services

- B-1 – Park Fee Policy
- B-9 – Naming of City Parks/Public Facilities & Plaque Dedications
- B-13 – Public Use of City Facilities

D – City Manager

- D-9 – Economic Development Policy

F – Finance

- F-7 – Income and Other Property
- F-8 – City Travel Policy Statement
- F-14 – Contract Procurement and Authority to Contract
- F-27 – Policy and Procedures for Distribution of Tickets and Passes

G – General Services

- G-1 – Retention, Removal, and Maintenance of City Trees
- G-6 – Maintenance and Planting of Parkway Trees

L – Public Works/Traffic/Utilities

- L-16 – Temporary Banners Extending Over or Within the Public Right-of-Way
- L-23 – The Siting of Wireless Telecommunications Equipment on City-Owned Property

The revisions are intended to improve organization, eliminate outdated references, clarify roles and responsibilities, and ensure internal consistency across the Policy Manual. In

many cases, changes are administrative in nature and do not alter substantive policy direction but instead refine language for clarity and efficiency.

The Committee also reviewed Council Policy D-4 (Innovation/Improvement Incentive Program) and concluded that it functions better as an administrative policy than a formal Council policy. Rescinding Policy D-4 will help keep the Council Policy Manual focused on governance matters while allowing staff to manage innovation initiatives administratively.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Resolution No. 2026-15 (including revised council policies)
Attachment B – Redline

RESOLUTION NO. 2026-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING VARIOUS PROVISIONS OF THE NEWPORT BEACH CITY COUNCIL POLICIES AND RESCINDING COUNCIL POLICY D-4

WHEREAS, the City of Newport Beach ("City") is governed, in part, by its City Charter, the Newport Beach Municipal Code, and the policies ("Policies") adopted by the Newport Beach City Council ("City Council");

WHEREAS, on January 14, 2025, the City Council adopted Resolution No. 2025-5, creating the Ad Hoc Council Policy Review Committee ("Council Committee") comprised of Mayor Lauren Kleiman and Councilmembers Joe Stapleton and Sara J. Weber;

WHEREAS, the Council Committee was tasked with reviewing the Policies to ensure relevancy, brevity and coherency for the benefit of the people of Newport Beach;

WHEREAS, the Council Committee reviewed the Policies and recommends the City Council revise the Policies set forth in Exhibit 1, attached hereto, which include Policies A-1 (City Council), A-2 (Boards, Commissions, and Committees), A-12 (Discretionary Grants), A-17 (Newport Beach City Council Airport Policy), B-1 (Park Fee Policy), B-9 (Naming of City Parks/Public Facilities & Plaque Dedications), B-13 (Public Use of City Facilities), D-9 (Economic Development Policy), F-7 (Income and Other Property), F-8 (City Travel Policy Statement), F-14 (Contract Procurement and Authority to Contract), F-27 (Policy and Procedures for Distribution of Tickets and Passes), G-1 (Retention, Removal, and Maintenance of City Trees), G-6 (Maintenance and Planting of Parkway Trees), L-16 (Temporary Banners Extending Over or Within the Public Right-of-Way), and L-23 (The Siting of Wireless Telecommunications Equipment on City-Owned Property); and

WHEREAS, the Council Committee reviewed Policy D-4 (Innovation/Improvement Incentive Program) and recommends that the City Council rescind it as a Council Policy as it is more appropriately managed and implemented at an operational level.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1. The City Council hereby amends and replaces the Policies as set forth in Exhibit 1, which are attached hereto and incorporated herein by this reference.

Section 2. All prior versions of the Policies set forth in Exhibit 1 that conflict with the revisions adopted by this resolution are hereby repealed.

Section 3. Council Policy D-4 is hereby rescinded in its entirety.

Section 4. The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5. If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6. Except as expressly modified in this resolution, all other Policies, sections, subsections, terms, clauses and phrases set forth in the Council Policy Manual shall remain unchanged and shall be in full force and effect.

Section 7. The City Council finds the adoption of this resolution and the amendment of the specified Policies is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 8. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

ADOPTED this 24th day of February, 2026.

Lauren Kleiman
Mayor

ATTEST:

Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

Aaron C. Harp
City Attorney

Attachment: Exhibit 1 – Revised Council Policies

EXHIBIT 1
REVISED COUNCIL POLICIES

CITY COUNCIL

Open Meeting Policies

The Newport Beach City Council is required to comply with the Ralph M. Brown Act (Brown Act). Unless an exception applies, the Brown Act requires public entities to deliberate and act in open session. The City Council has adopted these rules to ensure compliance with the Brown Act and to promote full citizen participation in the discussions and decisions of their elected and appointed representatives.

A. Regular Meetings. The City Council shall hold regular meetings as allowed by the City Charter and the Ralph M. Brown Act. The schedule for regular meetings is set annually by resolution of the City Council. Regular meetings shall begin at 4:00 p.m., or as otherwise scheduled due to the demand of business, and shall follow the order of business set forth in this policy.

The City Council may hold a regular meeting, special meeting, or an adjourned regular at any location authorized by the City Charter and the Brown Act. When the day for any regular meeting falls on a legal holiday, no meeting shall be held on such holiday, but a regular meeting shall be held at the same hour on the following business day.

B. All regular, special, and adjourned meetings of the City Council shall be called, noticed, and conducted in compliance with the Brown Act.

C. Placing an Item(s) on a Future City Council Agenda. A member of the City Council may place an item(s) on a future City Council agenda for consideration by submitting a title or topic sufficient to satisfy the requirements of the Brown Act on or before 5:00 p.m. on the Tuesday preceding the meeting at which the item is to be considered. Item(s) to be placed on a future City Council agenda shall be primarily focused on issues that directly impact the finances, property, authority, policies, or interest of the City and/or finances, property, or rights of the residents of the City. When requested, the City Attorney shall assist a Council Member with the drafting of an agenda title or topic to ensure consistency with the Brown Act. These items will appear under the section of the agenda titled, "Matters Which Council Members Have Asked to be Placed on a Future Agenda". Any Council Member may ask clarifying questions regarding the item to ensure understanding of the matter; however, the City Council will not discuss or debate the item. At the Council meeting, if three (3) members of the City Council wish to examine the issue, staff will prepare an appropriate report and return the item to the City Council for discussion and/or action. Additionally, the City Manager may place an item(s) on the agenda at the City Manager's discretion.

D. It is the intent of the City Council that no item will be introduced on a City Council agenda after the hour of 11:00 p.m. Furthermore, it is the City Council's intent that if an item introduced and being discussed by 11:00 p.m. is not concluded by 12:00 a.m., the City Council should adjourn the meeting to another date. The intent and purpose of this policy is to encourage a reasonable hour in which the City Council business is discussed and to protect against fatigue in discussing and deciding important City issues.

Order of Business

Unless modified as provided herein, to the extent the business needs of the City require City Council consideration of the items set forth below, the agenda for regular meetings of the City Council shall contain the following items in the following order:

Study Session / Regular Meeting Agenda Items

Roll Call

Invocation

Pledge of Allegiance

Presentations

Study Session (if any)

Public Comments on Agenda and Non-Agenda Items

City Council Announcements and Oral Reports from City Council on Committee Activities (non-discussion item)

Matters Which Council Members Have Asked to be Placed on a Future Agenda (non-discussion item – Council Members may ask clarifying questions)

Public Comments on Consent Calendar

Consent Calendar:

A. Reading of Minutes and Ordinances

B. Ordinances for Introduction

C. Ordinances for Adoption

D. Resolutions for Adoption

E. Contracts and Agreements

F. Miscellaneous (for example: Planning Commission Agendas, budget amendments, and permit applications)

Items Removed from the Consent Calendar

Public Hearings

Continued Business

Current Business

Motions for Reconsideration

Public Comment on Closed Session Items (if any)

Closed Session (if any) - Council Chambers Conference Room

Closed Session Report (if any)

Adjournment

The City Manager or Mayor shall have the discretion to change the order of business. Council Members may change the order of business by majority vote of the City Council. The City Clerk shall comply with all Brown Act rules related to publishing instructions required to be provided including the process for accommodations under the Americans with Disability Act and Senate Bill No.707.

Rules of Order for City Council Proceedings

A. Rules of Order. Except as provided in this policy, the City Charter, other rules, or practices followed by the City Council, or applicable provisions of state law, the procedures of the City Council shall be guided by the latest revised edition of Robert's Rules of Order ("Rules"). Rules adopted to expedite the transaction of the business of the City Council in an orderly fashion are deemed to be procedural only and the failure to strictly observe such rules shall not affect the jurisdiction of the City Council or invalidate any action taken at a meeting that is otherwise held in conformity with law.

B. Public Input. Members of the public have the right to address the City Council on any item on the agenda, as well as any item under the subject matter jurisdiction of the City Council. Generally, the time allotted for public comment is three (3) minutes; however, the Presiding Officer may limit speaking time on any item based on the number of agenda items to be considered at the meeting and/or the number of speakers for each agenda item.

1. Agendized Matters and Consent Calendar. Speakers on agenda items, including, but not limited to, Consent Calendar items, shall limit their comments to the time allotted for public comment and shall step down from the lectern immediately after their time has elapsed unless the Presiding Officer has granted the speaker's request for additional time. As appropriate, the Presiding Officer may grant the speaker additional time. Speakers shall limit their comments to matters relevant to the item on the agenda.

2. Non-agendized Matters. The agenda shall contain a public comment section during which any member of the public may address the Council on any non-agenda item generally considered to be a municipal affair and within the subject matter jurisdiction of the Council. Public comments shall not be used for electioneering—including advocating for or against any candidate or ballot measure—or for advertising, promoting, or soliciting on behalf of any commercial business. To ensure that all members of the public have an opportunity to address the Council during public comments, each speaker shall be limited to the time allotted for public comment and shall immediately step down from the lectern upon expiration of the allotted time unless the Presiding Officer has granted the speaker's request for additional time. Staff and/or members of the City Council may briefly respond to each speaker who testifies during public comments. Responses shall be limited to the specific issue(s) raised by the speaker and shall generally be limited to information helpful to the public's understanding of the issue(s) raised by the speaker. The City Council shall not act relative to any public comment unless an action is authorized by Section 54954.2(b) of the Government Code, or any successor statute.

3. Consent Calendar. A Consent Calendar item may be pulled by any member of the City Council. If a Consent Calendar item is pulled, members of the public may speak on each pulled item for up to the amount of time allotted for public comment, unless the Presiding Officer has granted the speaker's request for additional time.

Officers

A. Presiding Officer. The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, or at the Mayor's request, the Mayor Pro Tem shall preside. In the absence of the Mayor and Mayor Pro Tem, the most senior member of the City Council present shall be the Presiding Officer.

1. Powers and Duties of Presiding Officer.

a. Participation. The Presiding Officer may make a motion, debate, and vote on all agenda items.

b. Question to be Stated. Prior to any vote, other than to move City staff's recommendation, the Presiding Officer, or at the Presiding Officer's request, the City Clerk shall state (or announce) the motion.

c. Signing of Documents. The Presiding Officer shall sign all ordinances, resolutions, contracts, and other documents necessitating his/her signature which were adopted in his/her presence, unless he/she is unavailable, in which case the signature of an alternate Presiding Officer may be used.

d. Sworn Testimony. The Presiding Officer may require any person addressing the City Council to be sworn as a witness and to testify under oath, and the Presiding Officer shall so require a witness to be sworn if directed to do so by a majority vote of the Council.

B. Parliamentarian. The City Attorney shall be designated as Parliamentarian for the City Council proceedings to advise the Presiding Officer. Within the limitations imposed by the Rules, the Presiding Officer has the authority to determine proper parliamentary procedure.

Conduct of City Council Business

A. Rules for Discussion/Debate.

1. Getting the Floor. Every Council Member desiring to speak shall first address the Presiding Officer and gain recognition by the Presiding Officer.

2. Opening Discussion/Debate. The following three steps are necessary prior to opening discussion/debate on any subject, except as noted.

a. Motion. The Presiding Officer may open a matter for discussion or debate prior to the making of any motion.

b. Motions - Second Required. Except for the nomination of a Council Member to serve as Mayor or Mayor Pro Tem, a motion by any member of the Council, including the Presiding Officer, shall require a second. Such action does not mean that the seconder endorses the motion, but only that he/she wishes to have the motion considered.

c. Exceptions:

i. Oral Presentations. Oral presentations may be made by City staff, or someone designated by staff, prior to a motion being made, discussed, or debated upon.

ii. Questions to Staff. At any time during the proceedings, every Council Member desiring to question City staff shall, after recognition by the Presiding Officer, address the questions to the City Manager, the City Clerk, or the City Attorney, who shall be entitled either to answer the inquiry himself/herself or to designate a member of his/her staff for that purpose.

iii. Public Hearings. For matters that are the subject of a public hearing, the procedures for opening debate are suspended until after the public hearing is closed.

3. Addressing the Council

a. Manner of Addressing Council. Each person desiring to address the Council shall step up to the microphone, may state his/her name and address for the record, state the subject he/she wishes to discuss, may state whom he/she is representing if he/she represents an organization or other persons and, unless further time is granted by the Mayor, shall limit his/her remarks to the time allotted for public comment. All remarks shall be addressed to the Council as a whole and not to any member thereof or to the

audience. No question shall be asked of a Council Member or a member of the City staff without the permission of the Presiding Officer.

b. Exception: The City Council may preside over administrative hearings or designate a hearing officer to take evidence and submit proposed findings and recommendations. In the event the City Council conducts any hearing that is quasi-judicial or administrative in nature, the following procedure shall be followed:

i. The Presiding Officer may ask the City Manager to summarize the nature of the hearing and the issues to be resolved by the City Council.

ii. The Presiding Officer shall invite the person or entity that filed the application for permit, license, or other entitlement (applicant) to make a presentation. The applicant shall have a reasonable amount of time, as determined by the Presiding Officer, to present evidence or testimony relevant to any issue before the City Council. The City Council, City Manager, or City Attorney may ask questions of the applicant, or any witness presented by the applicant.

iii. In the event the matter is pending before the City Council by virtue of an appeal, the Presiding Officer shall then invite the appellant to make a presentation. The appellant shall have a reasonable amount of time, as determined by the Presiding Officer, to present evidence or testimony relevant to any issue before the City Council. The City Council, City Manager, or City Attorney may ask questions of the appellant, or any witness presented by the appellant.

iv. Upon conclusion of the presentations by the applicant and the appellant, if any, the Presiding Officer shall invite testimony from members of the audience.

v. Prior to closing the hearing, the Presiding Officer shall give the applicant and the appellant, if any, the opportunity to comment on the evidence with the right to comment limited to no more than five (5) minutes. In the case of an appeal, the applicant's opportunity to comment on the evidence shall precede that of the appellant.

vi. The Presiding Officer shall have the right to exclude testimony or evidence which is not relevant to any issue before the City Council.

4. After Motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the City Council without first securing permission to do so by a majority vote of the City Council or Presiding Officer.

5. Interruptions. A Council Member, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer, unless a point of order or personal privilege is raised by another Council Member, or unless the speaker chooses to yield to a question by another Council Member. If a Council Member, while speaking, is called to order, he/she shall

cease speaking until the question of order is determined and, if determined to be in order, he/she may proceed. Members of the City staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

6. Points of Order. The Presiding Officer shall determine all points of order subject to the right of any Council Member to appeal to the Council. If an appeal is taken, the question shall be "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order.

7. Point of Personal Privilege. The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which the integrity, character or motives are questioned or where the welfare of the City Council is concerned. A Council Member raising a point of personal privilege may interrupt another Council Member who has the floor only if the Presiding Officer recognizes the privilege.

8. Protest Against Council Action. Any Council Member shall have the right to have the reasons for his or her dissent from, or his or her protest against, any action of the Council entered in the minutes. Such dissent or protest to be entered into the minutes may be made in the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons...."

9. Remarks of Council Member and Synopsis of Debate. A Council Member may request through the Presiding Officer the privilege of having an abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

B. Rules of Decorum.

1. Council Members. While the City Council is in session, the members must preserve order and decorum. Each Council Member shall conduct himself/herself with decorum and shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the City Council, nor disturb any member while speaking or refuse to obey the orders of the Presiding Officer.

   a. Each Council Member has the duty to:

      i. Respect and adhere to the American ideals of government, rule of law, principles of public administration, and high ethical conduct in the performance of public duties.

      ii. Represent and work for the common good of the City and not for any private interest.

      iii. Refuse to accept gifts of favors or promises of future benefits which might compromise or tend to impair independent judgment or action.

iv. Provide fair and equal treatment for all persons and matters coming before the City Council.

v. Learn and study the background and purpose of important items of business before voting.

vi. Faithfully perform all duties of office.

vii. Refrain from disclosing any information received during any closed session of the City Council held pursuant to state law.

viii. Decline any employment incompatible with public duty.

ix. Refrain from abusive conduct, personal charges or verbal attacks upon the character, motives, ethics, or morals of other members of the City Council, City commission, committee or board, City staff, or the public, or other personal comments not germane to the issues before the City Council. Members are to be tolerant of all views expressed at public meetings.

x. Listen courteously and attentively to all public discussions at City Council meetings and avoid interrupting other speakers, including other members except as permitted by established Rules of Order.

xi. Maintain the highest standards of public conduct by refusing to condone breaches of public trust or improper attempts to influence legislation.

2. Decorum of Speakers and Members of the Audience. The Presiding Officer is responsible for maintaining decorum during public meetings. Speakers shall direct all comments to the City Council and not the audience. No person, whether they are present at a City Council meeting or participating in a meeting via a two-way telephonic service or a two-way audiovisual platform, shall engage in any willful conduct that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting including, but not limited to, noncompliance with established rules of decorum, such as clapping or making sounds that disrupt the proceeding, exceeding the speaker's time limit, or speaking out of turn. Any person(s) engaging in such conduct shall be called to order by the Presiding Officer and, if the conduct continues, the person(s) may be removed from the meeting. Prior to removing the person(s), the Presiding Officer shall warn the person(s) that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The Presiding Officer may then direct the Seargent-at-Arms to remove the person(s) if they do not promptly cease their disruptive behavior.

For meetings conducted via teleconference or video conference: the Presiding Officer may mute, disconnect, or remove a participant who is disruptive after issuing a warning.

No person shall be declared out of order, prevented from speaking or barred from attending any meeting because of any disagreement with the speaker's position or view on any matter, because of the speaker's identity, or because of any disagreement with the content of relevant testimony.

3. Persons Authorized to Approach the City Council Dais. No person except members of the City Council and City staff shall enter the area between the public speakers' podiums and the City Council dais without the consent of the Presiding Officer.

4. Enforcement of Decorum. The Chief of Police, or such member or members of the Police Department as he/she may designate, shall be Sergeant-at-Arms of the City Council and shall carry out all orders given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meetings. Any Council Member may move to require the Presiding Officer to enforce the rules upon affirmative vote of a majority of the City Council.

Teleconference Disruption Policy

A teleconference disruption occurs when a technological failure prevents real-time, two-way participation by the public or members of the legislative body, including but not limited to: the loss of internet connectivity; audio or video failure; platform outages (e.g., Zoom, Teams, telephonic service); and the inability of the public to provide live comment.

If a temporary disruption occurs: the Presiding Officer shall announce the disruption on the record; the meeting shall be recessed; City staff will make a good faith effort to restore service (for up to an hour); and no deliberation or voting shall occur during the disruption. If service is restored, the Presiding Office shall reconvene the meeting and summarize the interruption for the record. If service is not restored, the City Council shall vote, by roll call, as to whether good faith efforts were made and the public interest in continuing the meeting outweighs remote access.

Ex Parte Communications

Members of the City Council shall disclose ex parte communications, if any, prior to the consideration of quasi-judicial items and any other items where the law requires disclosure (collectively ("quasi-judicial matter").

Members of the City Council shall not engage in any ex parte communication with any member of a board, commission, or committee regarding any quasi-judicial matter pending, or reasonably expected to come, before that member's board, commission, or committee.

For purposes of this policy, the term ex parte communication shall mean any oral or written communication directed to a member which is intended, or is reasonably calculated, to influence the member's decision on any quasi-judicial matter but does not include communications between members during deliberations prior to a decision or communications where all interested parties or their representatives are present. The term quasi-judicial matter shall mean the appeal of any discipline imposed on any City employee, the appeal of any grievance filed by a City employee or employee association, or a proceeding to revoke any license, permit, or approval granted by the City Council, any board, commission, or committee, or any City employee

and which is pending, or is reasonably expected to come, before the City Council or any City board, commission, or committee.

The provisions of this policy do not apply to ex parte communications between City employees and any member of the City Council or a board, commission, or committee regarding a quasi-judicial matter which has been submitted to, or can reasonably be expected to be heard by, the City Council, board, commission, or committee that is considered legal advice or when the ex parte communication is initiated by the member and requests only background information available to members of the general public.

City Council Voting Procedures

A. Voting Procedure. Any vote of the City Council, including a roll call vote, may be registered by the members raising their hands or by answering "Yes" for an affirmative vote, "Abstain" for an abstention, or "No" for a negative vote upon the member's name being called by the City Clerk, or by the Presiding Officer. Following the vote, the City Clerk shall audibly announce the results of the vote by name indicating whether the question carried or was defeated. The same shall be recorded in the minutes as the vote. The Presiding Officer in his/her discretion may publicly explain the effect of a vote for the audience, or he/she may direct a member of the City staff to do so, before proceeding with the next item of business.

B. Substitute Motions and Amendments to Motions. A Council Member may move to substitute a new motion for the original motion; however, an amendment to a motion is preferred for minor changes rather than a substitute motion. Only one substitute motion shall be made to replace the original motion, and the City Council shall vote on the substitute motion first. If the substitute motion passes, the original motion is replaced. If the substitute motion fails, the original motion is considered. If both the original and substitute motion fail, a Council Member may make a new motion for consideration by the City Council.

C. Disqualification for Conflict of Interest. Any Council Member who is disqualified from voting on a particular matter because of a Political Reform Act, Levine Act, or other conflict of interest, shall publicly state the nature of such disqualification in an open meeting. Except for Consent Calendar items, a Council Member who is disqualified by reason of a conflict of interest on any matter shall not remain in his or her seat during the debate and vote on such matter but shall request and be given the permission of the Presiding Officer to step down from the City Council dais. If the conflict involves a matter on the Consent Calendar the Council Member must announce the nature of the conflict, refrain from participating on the item, but may remain present at the City Council dais. A Council Member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

D. Failure to Vote. Every Council Member should vote unless they are disqualified from voting. The vote of Council Member who abstains, absent a disqualifying conflict of interest, shall be counted with the majority vote of the quorum on the question voted upon.

E. Tie Vote. Tie votes shall be considered a lost motion and may be reconsidered by the City Council.

F. Changing Vote. A Council Member may change his/her vote only if the Council Member makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item of business is taken up.

G. Reconsideration. A motion to reconsider any action taken by the City Council at either the current meeting or the previous meeting may only be made by a Council Member who voted on the prevailing side. A motion for reconsideration requires a second, which may be made by any Council Member, regardless of how they originally voted.

Closed Session Agenda

The closed session agenda shall be prepared by the City Attorney, and the City Attorney may place an item on the agenda at the City Attorney's discretion. Any member of the City Council may place an item on the Closed Session Agenda for consideration by submitting a title or topic sufficient to satisfy the requirements of the Brown Act to the City Attorney on or before 5:00 p.m. on the Wednesday preceding the meeting at which the item is to be considered. The closed session agenda shall strictly conform to the format specified in the Brown Act. The City Attorney shall prepare a written report, or give an oral report, of any action taken in Closed Session that is required to be reported in open session by the Brown Act.

Selection of Mayor and Mayor Pro Tem

Section 404 of the City Charter provides for the selection of the Mayor and the Mayor Pro Tem by the City Council. This section provides that a Mayor and a Mayor Pro Tem shall be selected at least as often as Council elections are held and that the Mayor and Mayor Pro Tem shall serve at the pleasure of the City Council. It is the policy of the City Council that the Mayor and the Mayor Pro Tem election shall occur every year at the December meeting.

Seating Arrangement for City Council

Each year, following the selection of the Mayor, members of the City Council shall be seated at the City Council table with senior Council Members having first choice of seats. The Mayor, however, shall be seated in the center of the City Council table and the Mayor Pro Tem shall always be seated immediately next to and to the right of the Mayor. In the event of equal seniority among members of the City Council, selection of City Council seats shall be made by the Council Member who received the highest margin of victory percentage in the most recent election.

City Council Correspondence

The City Clerk is authorized to open and examine all mail or other written communications addressed to the City Council and to immediately give a copy to the City Manager. The City Manager shall give immediate attention to administrative business referred to in the communication that does not require City Council action and may be promptly concluded or shall prepare a staff report for the next available City Council meeting. Except as otherwise permitted by law, all mail or written communications from the public, residents, or applicants shall be submitted to the City Council by 5:00 p.m. on the Monday immediately prior to the meeting at which the City Council will consider the item that is the subject of the mail or written

communications to allow time for the City Council to adequately consider the mail or written communications.

Ordinances, Resolutions and Contracts

A. Ordinances, Resolutions and Contracts. All ordinances, resolutions, and contracts shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or requested by the Mayor, or City Manager, or prepared by the City Attorney on his/her own initiative.

B. Prior Review by Administration Staff. All ordinances, resolutions, and contract documents shall, before presentation to the City Council, be reviewed by the City Manager or his/her designee.

C. Reading of Adopted Ordinances. If a motion to waive reading of all ordinances has been adopted at the beginning of the Council meeting, the City Clerk will read the adopted ordinances by title only.

Preparation and Reading of Minutes

The City Clerk shall have exclusive responsibility for preparation of the minutes, and any directions for changes in the minutes shall be made only by majority action of the City Council. Unless the reading of the minutes of a City Council meeting is ordered by a majority vote of the City Council, such minutes may be approved without reading if the minutes were previously made available to the City Council and the public.

Recording of Open Meetings

A. All regular meetings of the City Council shall be recorded.

B. Any person attending an open and public meeting of the City Council shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera unless the City Council determines, based upon evidence in findings made by the Mayor, that continued recording would create noise, illumination, or view obstruction problems that are disrupting or would disrupt the proceedings. The Mayor may impose conditions on any recordation, which in the absence of the conditions, would disrupt the proceedings.

C. Any audio tape or video record of any open and public meeting made by or at the direction of the City Council shall be subject to inspection pursuant to the California Public Records Act (Sections 6250 et seq. of the Government Code). If a City Council meeting has simultaneously recorded audio and video, the audio recording may be destroyed after the City Council meeting minutes for that meeting have been approved by the City Council and the video recording has been uploaded to the document imaging system. Any person may inspect a video or audio recording without charge on a recorder made available by the City of Newport Beach.

Expressions of Official City Position or Policy

Council Members are authorized to convey information to the public as provided for by Council policy; by law; that is factual in nature, (e.g., about City programs, projects, and other City business); as well as official positions and policies of the City that have been approved by the City Council as a body. If a member of the City Council desires that a particular official City position or policy be established or expressed on a given issue, not previously approved by the City Council, the Council Member shall submit their recommendations on said position or policy to the entire City Council as provided in this policy, for evaluation and disposition as the City Council sees fit.

Except as provided in this policy, any Council Member who wishes to communicate a statement or opinion regarding any matter which the City Council has not taken an official position on shall ensure that said statement or opinion cannot be construed by the public as being an official position or policy of the City. When communicating such opinion or statement, a Council Member shall not use City equipment, City email addresses, or City stationery. Additionally, such communications shall make it clear that the Council Member is expressing their own personal opinion. The City Council finds this policy furthers an important public purpose by ensuring the public does not confuse personal opinions expressed by Council Members with official expressions of City policy.

Use of City Stationery and Email

Members of the City Council are authorized to use City stationery and email when corresponding on matters relating to official City business. Correspondence shall identify the author of the correspondence and email. Use of City stationery or email for private personal matters or statements of personal opinion is not permitted.

The style and content of City stationary utilized by individual City departments shall be approved by the City Manager to minimize the number of styles and promote use of a City-wide standard.

Private Digital Communications

Digital communication(s) by a Council Member on a Digital Communication Platform, as that term is defined in Council Policy D-5, that is owned or controlled by a Council Member or a third-party (*i.e.*, someone other than the City) and which discusses matters within the subject matter jurisdiction of the City Council, shall be deemed to be made in their personal capacity. Digital communications by a Council Member through a Digital Communication Platform owned or controlled by the Council Member or a third-party that discusses City matters shall make it clear that the Council Member is not speaking on behalf of the City (*i.e.*, "views expressed are my own"). All social media platforms owned or controlled by the Council Member that discusses City matters shall contain a notice that they are the personal page of the Council Member.

History

Adopted A-1 – 2-09-1959 ("Seconds to Motions")
Adopted A-3 – 2-09-1959 ("Seating of Councilmen")
Adopted A-6 – 11-13-1967 ("Recording of Meetings")
Amended A-l and A-3 – 11-12-1968
Reaffirmed A-1, A-3, and A-6 – 3-9-1970
Reaffirmed A-1, A-3, and A-6 – 2-14-1972
Adopted G-3 – 5-8-1972 ("City Council Instructions to Staff")
Adopted A-10 – 8-21-1972 ("Procedural Rules for Council Meetings", and incorporating A- l and A-3)
Amended A-10 – 11-24-1975
Amended A-6 – 6-13-1977
Amended A-6 – 10-25-1977
Amended A-10 – 11-28-1977
Amended A-10 – 7-24-1978
Amended A-10 – 9-11-1978
Amended A-10 – 11-27-1978
Adopted A-13 – 2-12-1979 ("Use of City Stationery by Councilmen")
Amended A-10 – 10-23-1979
Amended A-10 – 11-12-1979
Amended A-10 – 7-28-1980
Amended A-6 & A-10 – 2-9-1981
Deleted A-3 – 2-9-1981
Amended A-1 – 10-25-1982
Amended A-10 – 6-25-1984
Amended A-10 – 10-22-1984
Adopted A-1 – 11-20-1984 ("Election of Mayor and Mayor Pro Tem")
Amended A-10 – 6-24-1985
Amended A-10 – 3-24-1986
Amended A-10 – 1-12-1987
Amended A-10 – 5-26-1987
Amended A-10 – 11-28-1988
Amended A-10 – 11-27-1989
Amended A-13 – 1-8-1990
Amended A-10 – 8-13-1990
Amended A-10 – 10-22-1990
Amended A-10 – 6-28-1993
Adopted A-11 – 1-24-1994 (“Recording of Council Meetings")
Amended A-6 – 1-24-1994 (renamed to "Open Meetings")
Amended A-1 – 1-24-1994
Amended A-13 – 1-24-1994 (changed to A-8)
Amended A-6 and A-10 – 3-28-1994
Amended A-6 – 6-27-1994
Amended A-6 – 12-12-1994
Amended A-11 – 2-27-1995
Amended A-10 – 10-09-1995

Corrected A-1 & A-8 – 2-26-1996
Amended A-10 – 2-26-1996
Amended A-6 – 2-26-1996
Adopted A-13 – 5-28-1996 ("Decorum and Order for City Commissions, Committees and Boards")
Amended A-6 – 12-9-1996
Amended A-1 – 2-24-1997
Adopted A-15 – 11-10-1997 ("Ex Parte Communication")
Amended A-6 – 5-26-1998
Adopted A-16 – 6-22-1998 ("Conflict of Interest Procedures")
Amended A-6 – 3-14-2000
Amended A-6 – 2-27-2001
Amended A-6 – 3-27-2001
Amended A-6 and A-10 – 8-28-2001
Amended A-6 – 1-27-2004
Amended A-6 – 3-09-2004
Amended A-6 – 3-28-2006
Amended A-6 – 2-26-2008
Amended A-6 – 10-27-2009
Amended A-6 – 12-6-2010
Amended A-6 & A-10 – 2-22-2011
Amended A-6 – 11-27-2012
Amended A-6 and A-10 – 1-8-2013
Amended A-6 – 5-14-2013
Adopted A-3 – 5-14-2013 ("Request for Research or Information")
Amended A-11 – 5-13-2014
Amended A-6 – 6-9-2015
Adopted A-20 – 7-14-2015 ("Expression of Official City Position")
Amended A-11 – 4-12-2016
Amended A-13 – 1-24-2017
Amended A-1 – 8-8-2017 (incorporating A-3, A-6, A-8, A-10, A-11, A-13, A-15, A-16, and A-20, and renaming to “City Council”)
Amended A-1 – 1-22-2019
Amended A-1 – 7-14-2020
Amended A-1 – 4-27-2021
Amended A-1 – 2-14-2023
Amended A-1 – 5-14-2024
Amended A-1 – 2-24-2026

BOARDS, COMMISSIONS & COMMITTEES

Service on City Boards, Commissions, and Committees is one of the principal means by which residents participate in the conduct of City government. The City is fortunate to have highly skilled, educated and experienced residents that are willing to selflessly donate their time and resources to positively contribute towards the betterment of our city. This Policy prescribes the rules, guidelines, and ideals that govern our City's Boards, Commissions, and Committees.

Board, Commission, & Committee Formation Process

A. Boards and Commissions shall be established by City Charter or ordinance of the City Council. Committees shall be established by resolution of the City Council in accordance with this policy.

B. Boards, Commissions, and Committees shall be designated either 1) Permanent; 2) Standing; or 3) Ad Hoc. Boards, Commissions, and Committees having a definite termination date may be extended by City Council action.

C. With the assistance of the City Attorney, all Boards, Commissions, and Committees shall determine if the Ralph M. Brown Act applies and, if applicable, comply with its provisions.

D. All Boards, Commission, and Committee meetings open to the public shall include an opportunity for public comments and questions.

Types of Boards, Commissions, & Committees

Boards and Commissions (Permanent)

These shall consist of citizens with a staff liaison pursuant to the enabling City Charter section or ordinance. Appointments are made pursuant to this policy.

City Council Committees (Standing or Ad Hoc)

These shall consist of City Council Members as prescribed by the enabling resolution. Annually, the Mayor shall appoint the City Council Members subject to confirmation by the full City Council.

City Council/Citizens' Committees (Standing or Ad Hoc)

These shall consist of City Council Members, citizens, and City staff as prescribed by enabling resolution. Annually, the Mayor annually shall appoint City Council Members to these Committees subject to confirmation by the full City Council. Appointment of citizens and staff members to these Committees shall be addressed in the respective enabling resolution.

Citizens' Advisory Committees (Standing or Ad Hoc)

These shall be comprised solely of citizens with perhaps a City Council or staff liaison. Appointments generally shall be made annually by the Mayor subject to confirmation by the full City Council. However, the enabling resolution may provide that appointees represent each of the Council Districts in which case appointments shall be made by individual City Council Members for their respective Council Districts, subject to confirmation by the full City Council.

Joint Governmental Committees (Permanent or Standing)

These are committees comprised of representatives from several governmental agencies. Representatives on these committees can be either City Council Members or City staff. Appointment to joint governmental committees shall be made annually by the Mayor subject to confirmation by the full City Council.

City Staff Committees (Permanent, Standing, or Ad Hoc)

These are comprised of staff members designated by their job title as prescribed by enabling resolution.

Member Appointment Process

New Boards, Commissions, or Committees – Citizen Appointment

Unless otherwise provided in the formation ordinance or resolution, the City Clerk shall advertise in a newspaper of general circulation the opportunity for citizens to be appointed to a new Board, Commission, or Committee and the application procedure. Final appointments shall not be made for at least ten (10) working days after the posting of the vacancy notice.

Annual Appointment List

On or before December 31 of each year, the City Clerk shall, consistent with the Maddy Act (Cal. Gov. § 54972), prepare a list of all appointive terms of Boards, Commissions,

and Committees which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position. Also, the City Clerk shall list all Boards, Commissions, and Committees whose members serve at the pleasure of the City Council, and the necessary qualifications of each position. The list shall be posted in the City's normal posting location for agendas, as well as the Newport Beach Public Library located at 1000 Avocado Avenue.

Qualifications

Appointees to Boards, Commissions, and Committees shall be electorates and residents of the City, unless an exception is set forth in the enabling ordinance or resolution.

The City Clerk shall maintain a file of candidates for Board, Commission, and Committee appointments, which shall be reviewed each year by the City Clerk to ensure that those applicants are still available and eligible for appointments. Applications shall be retained in the active file for two (2) full years; thereafter they will be destroyed.

Vacancies

Approximately two (2) months prior to a scheduled vacancy, the City Clerk shall prepare and submit to a newspaper of general circulation information relating to the vacancy including meeting dates and times; Board, Commission, or Committee functions; the method of obtaining and submitting applications; and establishing a date prior to June 1 as the last date to submit applications. The City Clerk shall notify each applicant of the receipt of their application.

Consistent with the Maddy Act (Cal. Gov. § 54974), within twenty (20) days after an unscheduled vacancy occurs on a Board, Commission or Committee, a special vacancy notice shall be posted in the City Clerk's office, and other locations as directed by City Council. Additionally, the City Clerk shall prepare and submit information relating to the vacancy including meeting dates and times, and the Board, Commission or Committee application procedure. Final appointments (other than emergency appointments) shall not be made for at least ten (10) working days after the posting of the vacancy notice.

Pursuant to Charter Section 705, if an unscheduled vacancy occurs within six (6) months from the expiration of the term, the City Council has the discretion to appoint a replacement to serve the balance of the unexpired term plus one (1) full term.

Board, Commission, and Committee appointees may be replaced after three (3) consecutive unexcused absences from meetings.

Periodically, situations may arise wherein due to the occurrence of a number of simultaneously scheduled Board, Commission, or Committee vacancies, it may be appropriate to make certain adjustments in the advertising and recruitment procedures, which are regularly utilized to fill these vacancies. In these cases, the City Council may make any necessary adjustments by majority vote at a regular public meeting.

When vacancies occur, the City Council shall make every effort to appoint the best-qualified person to serve the interest of Newport Beach. The City Council should only appoint a person who has filed an application for appointment with the City Clerk no later than five (5) days prior to the date on which the City Council will recommend candidates for open positions. Generally, the application serves as the basis for determining if the person is a qualified elector and resident of the City, has no conflict of interest that would prevent the applicant from serving, and otherwise satisfies the criteria for appointment specified in the City Charter and any relevant ordinance, resolution or City Council Policy. In determining whom to appoint to a Board or Commission, the City Council seeks diversity of opinions and discourages the appointment of persons to Boards and Commissions who: 1) in their professional capacity supervise or are supervised by another member of the same Board or Commission; or 2) are a member of the same family as another member of the same Board or Commission. Also, the City Council prefers that members of Boards, Commissions, and Committees represent different geographical areas of the City, but the location of a person's residence shall only be a consideration when applicants are otherwise equally qualified.

Limit on Service

To afford the maximum opportunity for citizen service, no person shall be eligible for appointment to any one (1) City Board, Commission, or Committee for more than two (2) consecutive four (4) year terms, exclusive of a prior appointment to fill an unexpired term. Appointees shall serve on only one (1) standing City Board, Commission, or Committee at any time.

Optional Ad Hoc Appointments Committee

Unless an alternative appointment procedure is provided in the formation ordinance or resolution, at such time when an appointment to a Board, Commission, or Committee is necessary, the Mayor, at his/her discretion, may establish an ad-hoc Appointments Committee composed of three (3) Council Members. If appointed by the Mayor, the ad-hoc Appointments Committee's duties are as follows:

A. Review all applications for positions to City Boards, Commissions, and Committees. The ad-hoc Appointments Committee will review applicant answers to all questions contained in the application;

B. Conduct any necessary interviews with individual applicants; and

C. Make a recommendation to the full City Council on the appointment of a candidate(s) the ad-hoc Appointments Committee believes is most qualified for each Board, Commission, or Committee vacancy.

The ad-hoc Appointments Committee, in conducting their review of applications and interviews with the individual applicants, if any, should attempt to determine if there exists a potential conflict of interest, which might interfere with the performance of the applicant's duties in an impartial manner free from bias. It is generally recognized that from time to time it is possible for any individual to have a conflict on any one (1) given issue; however, the ad-hoc Appointments Committee should endeavor to avoid recommending appointments of applicants with a substantial conflict of interest, which would require repeated disqualification from voting on issues that are likely to come before the Board, Commission, or Committee.

If no alternative appointment procedure is provided in the formation ordinance/resolution, and if the Mayor does not form an ad-hoc Appointments Committee, the City Clerk shall review all applications and submit all qualified applicants to the City Council for consideration at an open and noticed meeting.

Voting Procedure

A. If possible, the City Council should vote on all appointments and seats on each Board, Commission, and Committee simultaneously. The voting will be by paper ballot, and the City Clerk will tabulate and announce the results, including the vote tally.

B. Each member of the City Council will cast the number of votes as indicated on the paper ballot for each seat from the list of the nominees. To be appointed, the nominees must receive at least four (4) votes.

C. For Boards, Commissions, and Committees with two (2) vacancies, if two (2) of the nominees receive four (4) or more votes, they will be automatically appointed.

D. If there is a tie vote, ballots will be distributed to the Council Members to vote for the tying candidates only.

E. If no one receives four (4) votes, nominees receiving zero (0) or one (1) vote will be dropped and the City Council will cast two (2) votes from the list of the remaining nominees, and the determination will be made as previously stated.

City Clerk Responsibilities

The City Clerk shall also be responsible for the following functions associated with Board, Commission, and Committee appointments:

A. Preparation of letters for the Mayor's signature notifying successful candidates of their appointment.

B. Preparation of letters for the Mayor's signature notifying unsuccessful candidates for appointment.

C. Preparation of letters for the Mayor's signature thanking outgoing members for their service.

If established, once the final appointments are made by the City Council, the ad-hoc Appointments Committee will be dissolved.

Business Improvement District Appointments

The appointment of Business Improvement District advisory boards or the designation of an owners' association is exempt from this policy but shall be consistent with the California Streets and Highways Code.

Decorum and Order

Board, Commission, and Committee deliberations and actions should be conducted in an atmosphere free from personal animosity and hostility. Each member of a Board, Commission, and Committee has the duty to:

A. Respect and adhere to the American ideals of government, rule of law, principles of public administration, and high ethical conduct in the performance of public duties.

B. Represent and work for the common good of the City and not for any private interest.

C. Refuse to accept gifts, favors, or promises of future benefits which might compromise or tend to impair independent judgment or action.

D. Provide fair and equal treatment for all people and matters coming before the Board, Commission, or Committee.

E. Learn and study the background and purpose of important items of business before voting.

F. Faithfully perform all duties of office.

G. Refrain from disclosing any information received confidentially concerning the business of the City or received during any closed session of the Board, Commission, or Committee held pursuant to state law.

H. Decline any employment incompatible with public duty.

I. Refrain from abusive conduct, personal charges, or verbal attacks upon the character, motives, ethics, or morals of other members of the Board, Commission, or Committee, City staff, or the public, or other personal comments not germane to the issues before the body. Members are to be tolerant of all views expressed at public meetings.

J. Listen courteously and attentively to all public discussions at Board, Commission, or Committee meetings and avoid interrupting other speakers, including other members except as permitted by established Rules of Order.

K. Faithfully attend all sessions of the Board, Commission, or Committee unless unable to do so for some compelling reason or disability.

L. Maintain the highest standards of public conduct by refusing to condone breaches of public trust or improper attempts to influence legislation.

If a Board, Commission, or Committee member cannot abide by these provisions, he/she should submit a letter of resignation or be removed from office by action of the Mayor and City Council.

Ex Parte Communications

Members of Boards, Commissions, and Committees shall disclose ex parte communications, if any, prior to the consideration of quasi-judicial items and any other items where the law requires disclosure (collectively "quasi-judicial matters").

Members of Boards, Commissions, or Committees shall not engage in any ex parte communication with any members of the City Council or other Board, Commission, or Committee members regarding any quasi-judicial matter pending, or reasonably expected to come, before that member's Board, Commission, or Committee.

For purposes of this policy, the term ex parte communication shall mean any oral or written communication directed to a member which is intended, or is reasonably

calculated, to influence the member's decision on any quasi-judicial matter but does not include communications between members during deliberations preliminary to a decision or communications where all interested parties or their representatives are present. The term quasi-judicial matter shall mean the appeal of any discipline imposed on any City employee, the appeal of any grievance filed by a City employee or employee association, or a proceeding to revoke any license, permit, or approval granted by the City Council, any Board, Commission, or Committee, or any City employee and which is pending, or is reasonably expected to come, before any City Board, Commission, or Committee.

The provisions of this policy do not apply to ex parte communications between City employees and any member of a Board, Commission, or Committee regarding a quasi-judicial matter which has been submitted to, or can reasonably be expected to be heard by, the Board, Commission, or Committee that is considered legal advice or when the ex parte communication is initiated by the member and requests only background information available to members of the general public.

Minutes

Written minutes, upon approval of the Board, Commission, or Committee, constitute the official record of its activities. Minutes will be prepared for all public meetings by City support staff and distributed to the entire member body for review prior to official approval. Additions or corrections to the minutes are made at public meetings upon official Board, Commission, or Committee approval. Member requests for inclusion on the record of a specific action or comment shall be recorded at the next publicly noticed meeting.

Recording of Open Meetings

A. Open and public meetings of Boards, Commissions, and Committees may be audio recorded upon request of the chairperson or pursuant to any procedural rule or by-law adopted by the Board, Commission, or Committee.

B. Any person attending an open and public meeting of any Board, Commission, or Committee shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera unless the Board, Commission, or Committee determines, based upon evidence in findings made by the chairperson, that continued recording would create noise, illumination, or view obstruction problems that are disrupting or would disrupt the proceedings. The chairperson may impose conditions on any recordation, which in the absence of the conditions, would disrupt the proceedings.

C. Any audio tape or video record of any open and public meeting made by or at the direction of the City of Newport Beach shall be subject to inspection pursuant to

the California Public Records Act (Sections 6250 *et seq.* of the Government Code). Notwithstanding the provisions of Section 34090 of the Government Code, any audio or video recording of any open or public meeting of any Board, Commission, or Committee, may be erased or destroyed one year after the taping or recordation, excluding Planning Commission, which shall be permanently retained. Any person may inspect a video or audio recording without charge on a recorder made available by the City of Newport Beach.

Conflict of Interest

No member of any Board, Commission, or Committee shall, at the time of appointment or during the term of office, hold a position or office in another entity or organization which creates a conflict of interest with respect to the member's service on the Board, Commission, or Committee.

Expression of Official City Position or Policy

If members of City Boards, Commissions, or Committees desire that a particular official City position or policy be established or expressed on a given issue, they shall submit their recommendations on said position or policy to the City Council for evaluation and disposition as the City Council sees fit. In their interactions with the media, members of City Boards, Commissions, and Committees shall comply with the media policies in City Council Policy D-1.

This policy is not intended to restrict communication between Boards, Commissions, and Committees and others on matters exclusively within the purview or responsibility of such Boards, Commissions, or Committees, but rather is intended to avoid confusion about the official City position or policy, which is defined as that of the City Council.

Fundraising & Contracting

A. No Board, Commission, or Committee shall have the authority to independently raise and collect funds on behalf of itself, any other Board, Commission, Committee, or the City. Any such funds shall be generated by and collected through legally established nonprofit groups and organizations which are independent of the City. An exception to this policy may be granted by the City Council on a per project basis when circumstances justify the exception.

B. No Board, Commission, or Committee which has been established by the City Charter or by the City Council, shall have the authority to enter into any contract with any agency, group, entity, or individual without authorization from the City Council.

Use of City Stationary

Members of Boards, Commissions, and Committees are authorized to use City stationery when corresponding on matters relating to official City business. Said correspondence shall identify the author of the letter as such. Correspondence from individual Board, Commission, and Committee members must have the approval of their respective Board, Commission, or Committee. Use of City stationery for private personal matters is not permitted.

History

Adopted A-4 - 6-28-1965 ("Boards and Commission Appointments")
Amended A-4 - 8-15-1966
Amended A-4 – 9-26-1966
Adopted A-6 – 11-13-1967 ("Recording of Council Meetings")
Amended A-4 – 6-10-1968
Reaffirmed A-4 & A-6 – 3-9-1970
Reaffirmed A-4 – 2-14-1972
Adopted A-9 – 5-8-1972 ("City Council Committees")
Amended A-9 – 6-11-1973
Amended A-9 – 5-12-1975
Amended A-9 – 12-8-1975
Amended A-9 – 6-28-1976
Amended A-9 – 8-9-1976
Amended A-4 – 7-12-1976
Amended A-9 – 12-13-1976
Amended A-9 – 1-10-1977
Amended A-9 – 1-24-1977
Amended A-6 – 6-13-1977
Amended A-4 – 9-12-1977
Amended A-6 – 10-25-1977
Amended A-4 – 11-28-1977
Amended A-4 – 12-19-1977
Adopted F-18 – 3-27-1978 ("Fund Raising")
Adopted F-19 – 4-10-1978 ("Contracts")
Amended A-4 – 6-26-1978
Amended A-9 – 9-11-1978
Amended A-4 – 11-27-1978
Adopted A-12 – 1-8-1979 ("BCC Expression of City Position")
Adopted A-13 – 2-12-1979 ("Use of City Stationary")
Amended A-4 - 3-12-1979
Amended A-9 – 10-1-1979
Amended A-9 – 11-12-1979

Amended A-4 – 7-14-1980
Amended A-6 & A-9 – 2-9-1981
Amended A-4 – 7-27-1981
Amended A-4 & A-9 – 11-23-1981
Amended F-18 – 11-14-1983
Amended A-9 – 1-12-1987
Amended A-13 – 1-8-1990
Amended A-9 – 10-22-1990
Amended A-9 – 1-24-1994
Amended A-4 – 1-24-1994 (changed to A-2)
Created A-11 – 1-24-1994 ("Recording of City Meeting")
Reaffirmed A-12 – 1-24-1994 (changed to A-7)
Amended A-13 – 1-24-1994 (changed to A-8)
Created A-5 – 1-24-1994 ("Fund Raising/Contracts", incorporating F-18 & F-19)
Amended A-9 & A-11 – 2-27-1995
Amended A-2 & A-9 – 2-26-1996
Adopted A-13 – 5-28-1996 ("Decorum and Order for BCC's")
Corrected A-5, A-7 & A-8 – 2-26-1996
Amended A-2 - 8-12-1996
Amended A-2 – 2-24-1997
Adopted A-15 – 11-10-1997 ("Ex Parte Communication")
Amended A-9 – 5-26-1998
Adopted A-16 – 6-22-1998 ("Conflict of Interest Procedures")
Amended A-2 – 3-22-1999
Amended A-2 – 7-12-1999
Amended A-2 – 9-27-1999
Amended A-2 – 3-14-2000
Amended A-2 – 5-8-2001
Amended A-2 – 4-23-2002
Amended A-2 – 5-14-2013
Amended A-11 – 5-13-2014
Amended A-2 & A-9 – 5-12-2015
Amended A-11 – 4-12-2016
Amended A-13 – 1-24-2017
Amended A-2 – 8-8-2017 (incorporating A-5, A-7, A-8, A-9, A-11, A-13, and A-15)
Amended A-2 – 7-26-2022
Amended A-2 - 2-24-2026

DISCRETIONARY GRANTS

It shall be the policy of the City Council that the City of Newport Beach's ("City") budget specifically allows the City Council to, at any time during the year, direct revenue towards worthy projects or programs which the City Council deems beneficial to Newport Beach's resident's quality of life. The City Council notes that it has multiple tools at its discretion to assist non-profit agencies, community groups, community events, or enhancement projects within the city. These tools are:

A. Community Programs Grants from the General Fund;

B. Special Event Grants from the General Fund;

C. "District Discretionary Grant Accounts" from the General Fund;

D. Culture and Arts Grants pursuant to Council Policy I-10; and

E. Federal Community Development Block Grant (CDBG) Social Service Funds.

These funds shall be provided in the following manner:

CDBG Social Services funds shall be allocated according to standards set by the federal government and appropriated at least once each year. The level of funding offered for social services in Newport Beach shall be based upon federal formulas and the specific amount of CDBG revenue allocated to the City in any one fiscal year. The Community Development Department shall administer these funds after City Council approval of the funds' expenditure.

Community Programs Grants shall be expended from the General Fund in an amount up to $75,000 each fiscal year. The City Manager's Office shall review all requests for Community Programs Grants and shall forward recommendations for funding to the City Council for final approval. At the time of the City Manager's presentation of any Community Programs Grant award proposals to the City Council, the City Manager shall show which entities, if any, have received funds from the Community Programs Grant, Special Event Grant, District Discretionary Grant, Culture and Arts Grant, or CDBG Social Services Fund during the same fiscal year.

The City Manager or his/her designee shall follow these priorities when recommending Community Programs Grants:

A. Local groups located within the city and offering programs to Newport Beach residents;

B. Regional groups located in Orange County and offering programs to Newport Beach residents; and

C. Groups located in California and offering programs to Newport Beach resident.

Groups not offering programs or services to local residents shall not be eligible for support from the City.

Special Events Grants are intended to allow meritorious community, social or athletic event organizers to offset some or all of their City fees for their event. Doing so should decrease costs to the event organizer so that beneficiaries can see even greater benefit from any fundraising associated with the events. The City Manager or his/her designee shall, in consultation with the City Council, establish a threshold amount for the proposed City budget that reflects adequate support for these events. The City Manager shall establish an administrative policy for these grants. The City Manager may divide the funding into more than one category to ensure that different types of events are fairly measured with peer events. The City Council shall consider and approve the Special Event Grant allocations by recipient.

District Discretionary Grant Accounts. At the start of the fiscal year, the City Manager shall provide an account for each Council District within the City Council's budget known as the District Discretionary Grant Accounts. The City Council shall set a funding level of these accounts during the budget process preceding the June adoption of the City's budget. Each City Council Member shall have, at his or her discretion, the ability to allocate their District's funding to uses, projects, or community entities that benefit the City as a whole or the City Council Member's district specifically. Any expenditure from these accounts must have an identifiable public benefit.

Requests to expend these funds should be directed by each City Council Member to the Finance Director. Expenditures will be reported to the City Council annually. The report will include a brief description and the public benefit associated with each expenditure.

At the conclusion of the fiscal year in which the District Discretionary Grant Accounts received appropriation, all unencumbered funds in the accounts shall be deposited in the City's General Fund Reserve Account.

History

Adopted F-22 – 7-8-1985
Amended F-22 – 10-28-1991
Amended F-22 – 1-24-1994 (changed to A-12)
Amended A-12 – 5-22-2001
Amended A-12 – 6-22-2010
Amended A-12 – 9-27-2011
Amended A-12 – 5-12-2015
Amended A-12 – 4-9-2019
Amended A-12 – 12-9-2025
Amended A-12 – 2-24-2026

NEWPORT BEACH CITY COUNCIL AIRPORT AND AVIATION POLICY

A. EXECUTIVE SUMMARY

One of the City Council's primary objectives is to protect Newport Beach residents from the adverse impacts of aircraft operations at/from John Wayne Airport (JWA). Aircraft noise, emissions, and overflight activity represent one of the most significant long-term threats to residents' quality of life.

The City lacks direct legal authority to regulate airport operations, but the JWA Settlement Agreement (Settlement Agreement) remains the most restrictive in the nation and is the City's most effective tool for limiting adverse impacts from commercial operations. The City Council will continue to prioritize the maintenance of the curfew and the protections that the Settlement Agreement provides.

The City will also advocate for community engagement in the planning and implementation of Advanced Air Mobility (AAM) technologies, including Electric Vertical Take Off and Landing (eVTOL) aircraft and expanded drone usage, and work to minimize the impacts of AAM operations on residents' quality of life.

B. LEGAL FRAMEWORK

The City Council understands that aircraft operations and airport regulation are primarily governed by federal law.

1. Federal Aviation Administration.

   The Federal Aviation Administration (FAA) has exclusive authority to regulate aviation safety, efficiency and designated United States airspace, thereby preempting local or City control over flight paths and altitudes.

2. John Wayne Airport and the 1985 Settlement Agreement.

   The existing restrictions set forth in the Settlement Agreement, as amended, predate the Airport Noise and Capacity Act of 1990 (ANCA). Hence, the existing restrictions under the Settlement Agreement are grandfathered under federal law. While the parties to the Settlement Agreement can agree to amend it, any amendment thereto cannot place additional restrictions on JWA airport operations.

3. Airport Noise and Capacity Act.

ANCA severely limits new noise or access restrictions on modern aircraft. To impose any new restriction, an airport operator (the County) must provide substantial evidence that proposed measures (e.g., limits on operations, noise, etc.) are reasonable and do not unjustly discriminate. Specifically, under 14 Code of Federal Regulations Part 161 (Part 161), any proposed mandatory restriction on noise/capacity (such as flight caps or curfews) must meet the following six statutory criteria:

a. The restriction is reasonable, non-arbitrary, and non-discriminatory;
b. It does not create an unreasonable burden on interstate or foreign commerce;
c. It maintains safe and efficient use of navigable airspace;
d. It does not conflict with any existing federal statute or regulation;
e. There has been an adequate opportunity for public comment; and
f. It does not create an unreasonable burden on the national aviation system.

4. Grant Assurances.

Airports receiving federal grants must sign "grant assurances" that legally obligate them to keep the airport open to public use on fair and reasonable terms without unjust discrimination.

C. POLICY

1. Objective.

The City Council's objective is to minimize the adverse impacts of JWA operations on Newport Beach residents and ensure that emerging Advanced Air Mobility (AAM) and other technologies are implemented safely and in a manner that protects privacy and quality of life.

2. JWA Settlement Agreement.

As a signatory, the City shall prioritize the protections afforded by the Settlement Agreement consistent with this policy.

3. JWA Facilities and Operations.

The City shall continue to oppose any changes to facilities or operations that negatively impact Newport Beach residents including:

a. A second air carrier runway or runway extension.
b. Any modification to the noise curfew.

c. Through-the-fence operations.
d. Port of Entry designation by U.S. Customs and Border Protection.
e. Changes to the existing general aviation activity levels, facilities, the County's General Aviation Improvement Program, land-use map, and General Aviation Noise Ordinance.
f. Limitations on the Remote Monitoring System and public access to noise data.

Also, the City may evaluate feasible operational or technological measures to reduce impacts, including higher departure altitudes, strict adherence to FAA-approved departure routes, use of quieter Noise Abatement Departure Procedures (e.g., NADP-1), and encourage the adoption of quieter and cleaner aircraft technology.

4. <u>Advanced Air Mobility.</u>

The City will proactively engage in AAM planning and the integration of eVTOLs and drones to advocate for robust community engagement and coordination among the FAA, DOT, operators and service providers, airports and Fixed Base Operators, developers, and regional and local government.

5. <u>Alternative Transportation Service.</u>

Recognizing the lack of a feasible second airport in Orange County, the City shall support efforts to accommodate regional air travel demand outside JWA, including:

a. Improved transportation connections to out-of-county airports.
b. Development or expansion of air service at other regional airports.
c. Expanded air cargo facilities at other regional airports, where appropriate.

6. <u>Public Agency Support and Participation.</u>

The City may continue participation in the Corridor City Coalition and advocate for policies that:

a. Align regional transportation plans with JWA constraints.
b. Improve access to underutilized regional airports

The City will actively participate in regional planning efforts, including SCAG's Regional Transportation Plan, and regularly engage county, state and federal officials.

7. Community Involvement.

The City recognizes the importance of community organizations and will support informed, constructive advocacy aligned with this Policy. The City will engage and educate residents on matters relating to aviation and this Policy.

8. Monitoring and Reporting.

The City Manager shall coordinate implementation of this Policy and periodically report to the City Council and Aviation Committee on:

a. Settlement Agreement compliance.
b. Regional airport and transportation planning.
c. State and federal legislative actions.

History

Adopted B-1 – 2-14-1972 ("Airport Land Use Commission for Orange County")
Reaffirmed B-1 – 12-10-1973
Reaffirmed B-1 – 11-11-1974
Amended B-1 – 10-14-1975 (renaming "Orange County Airport")
Amended B-1 – 11-27-1978
Created B-2 – 11-27-1978 ("Airport Land Use Commission for Orange County"/same as B-1)
Amended B-1 – 10-14-1980
Amended B-1 – 7-27-1981
Amended B-1 – 9-27-1982
Amended B-2 – 9-27-1982 (renaming "Limitations of John Wayne Airport and Promotion of a New Regional Airport")
Amended B-1 –3-14-1983
Amended B-1 – 5-23-1985
Amended B-1 and B-2 – 12-9-1985
Amended B-1 and B-2 – 10-22-1990
Amended B-2 – 7-13-1992
Amended B-1 – 12-13-1993 (incorporating B-2)
Amended B-1 – 2-27-1995
Amended B-1 – 3-22-1999 (changed to A-17)
Amended A-17 – 7-25-2006
Amended A-17 – 5-12-2015
Amended A-17 – 2-24-2026

PARK FEE POLICY

Purpose

The City of Newport Beach maintains an extensive park and open space system. The acquisition and development of our park and open space properties is funded, in part, through the payment of park fees paid by persons or entities who subdivide properties. The Subdivision Map Act requires park fees to be used only for the purpose of developing new or rehabilitating existing neighborhood or community parks or recreational facilities to serve the subdivision that paid the fees. The City is required to develop a schedule specifying how, when and where the park fees will be used. The purpose of this Policy is to establish the criteria to be used in deciding which facilities serve subdivision residents and schedule whereby park fees are properly and timely committed to appropriate projects. This policy also identifies which park serve as citywide resources.

Policy

A. Service Criteria.

The Recreation and Open Space Element of the General Plan states that community parks and view parks serve the entire city. Community parks are those with improvements such as community buildings, parking, swimming, facilities for picnicking, active sports and other facilities that serve a larger population. View parks serve as citywide resources because of their unusual beauty and view opportunities. Neighborhood parks serve all ages and include unique recreational facilities, such as basketball courts, tennis courts, turf areas, active sports fields, community buildings, unique play areas. Trails serve as healthy recreation and transportation opportunities by providing people with attractive, safe, accessible and low- or no-cost places to recreate such as cycling, walking, jogging and hiking. Accordingly, park fees generated by any subdivision within the city may be used to develop new or rehabilitate existing community parks, view parks, neighborhood parks, as those trails listed on Exhibit A.

The Recreation and Open Space Element divides the city into 12 service areas consisting of relatively discrete residential communities. These service areas were created for the purpose of determining whether particular geographical areas were deficient in terms of park and recreational facilities and to identify acquisitions or improvements which would provide residents with greater recreational opportunities. Accordingly, park fees generated by a subdivision within any service area may be used to create new, or rehabilitate, existing park or recreational facilities within that service area and as provided in the Recreation Element.

B. Implementation Schedule.

Park fees shall be placed in the Facilities Financial Planning Reserve Fund immediately upon receipt with a special designation as Park Fees. These funds, after special designation, shall be used solely for the acquisition or establishment of new, or the rehabilitation of existing, park, open space and recreational facilities. The park fees shall also be placed on a schedule that lists the location of the subdivision, the fees paid, the date on which the fees were paid or the date on which building permits had been issued for 1/2 of the lots created by the subdivision (whichever occurs later), the service area within which the subdivision is located, the neighborhood park, recreation and open space facilities eligible for park fees generated by that subdivision, and the date on which the park fees must be committed to specific project of improvements. The park fees shall be used only for the park and recreation facilities identified on Attachment A and shall be utilized in accordance with the policies and standards specified in the General Plan. Designations for expenditures will be made as part of the annual budget adoption.

[Attachment - Exhibit A]

History

Adopted I-3 – 9-20-1960 ("Park Standards")
Amended I-3 - 8-30-1966
Amended I-3 – 11-12-1968
Amended I-3 – 3-9-1970
Amended I-3 – 2-14-1972
Amended I-3 – 12-10-1973
Amended I-3 – 2-25-1974
Amended I-3 – 5-9-1977
Amended I-3 – 6-13-1977
Adopted I-1 – 6-27-1994 ("Park Fee Policy")
Amended I-1 – 4-23-2002
Amended I-1 - 4-8-2003 (changed to B-1)
Amended B-1 – 4-13-2004
Amended B-1 – 9-13-2005
Amended B-1 – 8-11-2009
Amended B-1 – 5-14-2013
Amended B-1 – 5-12-2015
Amended B-1 – 8-8-2017
Amended B-1 – 2-24-2026

EXHIBIT A

PARK DEDICATION POLICY

PARKS GUIDE

The following view parks serve as citywide resources by reason of their unusual beauty and the view provided:

Back Bay View Park
Bayview Park
Begonia Park
Channel Place Park
Civic Center Park
Cliff Drive Park
Corona del Mar State Beach Park
John Wayne Park
Galaxy View Park
Inspiration Point
Irvine Terrace Park
Los Trancos (lower, middle, upper)
Canyon Watch
Harbor Watch
Castaways Park
Jasmine View Park
Kings Road Park
Lido Park
Lookout Point
Newport Island Park
Peninsula Park
Rhine Wharf Park
Sunset View Park
West Jetty View Park
Westcliff Park

The following Community and Neighborhood Parks serve as citywide resources by reason of the unique recreational opportunities they offer:

Arroyo Park - Lighted multi-purpose field, basketball court, picnic areas and playground.

Bonita Canyon Sports Park - Four youth baseball fields, one multi-purpose field, one soccer field, tennis courts, pickleball courts, basketball court, 2 playgrounds and connecting trail to Arroyo Park.

Bonita Creek Park - Community center, playground, lighted multi-purpose fields, and basketball court.

Buck Gully- hiking trails

Buffalo Hills Park - Basketball court, baseball/softball diamond, volleyball court, multi-purpose fields.

Carroll Beek Community Center and Balboa Island Park - Basketball court, tot playground and community center.
Civic Center Park – Scenic view, dog park, art sculptures, cactus garden, Civic green, and walking trails and community room.

Coastal Peak Park – Two multi-purpose fields, playground, two picnic pavilions and basketball court.

Community Youth Center/Grant Howald Park - Basketball court, tennis courts, playground, community center, softball and multi-purpose field.

Eastbluff Park - Baseball diamond, multi-purpose field, playground, and view of the Back Bay.

Harbor View Nature Park - Natural vegetation area.

Lincoln Athletic Center - Gymnasium, lighted baseball/softball diamond and multi-purpose fields.

Marina Park – Community center, sailing center, picnic area, playground, basketball courts and fitness course.

Mariners Park - Multi-purpose room, baseball/softball facilities, racquetball courts, lighted tennis courts, multi-purpose fields, and an ADA equipped play area.

Newport Coast Community Center – Gymnasium, multi-purpose facility with classrooms

OASIS Senior Center - Multi-purpose senior facility with classrooms, large multi-purpose room, and fitness center.

Peninsula Park - Beach sited multi-purpose field, playground (ADA compliant), picnic and barbecue facilities, baseball/softball diamond and gazebo.

San Joaquin Hills Park - Tennis courts, pentanque courts, lawn bowling facility.

San Miguel Park - Ball diamond, athletic field, four racquetball courts, basketball court and an ADA equipped play area.

Sunset Ridge Park – Baseball field, soccer fields, butterfly garden, scenic view and playground.

Theater Arts Center - Ninety seat community theater.

West Newport Community Center- Gymnasium

West Newport Park - Tennis courts, racquetball courts, basketball court, and 3 playgrounds.

38th Street Park - Basketball courts and playground (ADA compliant).

Big Canyon Nature Park – hiking trails
Bob Henry Park – Multipurpose field, ball diamond, playground, picnic areas
Newport Aquatic Center - rowing, canoeing, kayaking, paddle boarding facility

North Start Beach – aquatic center
Spyglass Hill Park – playground, picnic area
16th Street Community Center – multipurpose facility with classroom

The following Trails serve as citywide resources by reason of providing unique recreational opportunities within the existing urban and natural environment:

Arroyo Trail
Back Bay Trail
Balboa Island Loop
Bonita Canyon Sports Park Trail
Bonita Creek Trail Buffalo Hills Trail
Buck Gully Trail
Castaways Trail
Corona del Mar Loop
Fashion Island Loop
Newport Ridge Trail
Upper Bay Trail

NAMING OF CITY PARKS/PUBLIC FACILITIES & PLAQUE DEDICATIONS

The City of Newport Beach has a comprehensive program to provide park and open space to serve the leisure and recreation needs of residents. It is desirable that appropriate names be selected for parks and public facilities. The following guidelines shall serve as policy on this matter.

A. Suggestions for naming new or existing parks or public facilities shall be reviewed by the Parks, Beaches and Recreation Commission with a recommendation being transmitted to the City Council for approval.

B. New or existing park or public facilities names can be chosen from, but not limited to, the following categories:

1. Streets or schools bordering park

2. Topography

3. Theme

4. Common names already in place for the area

5. Persons that have been deceased for at least fifteen (15) years.

C. Facility rooms or site amenities may be dedicated in honor of persons if done as part of a capital/fundraising campaign and with the approval of the City Council.

D. Plaques for City facilities and parks shall include the City seal in a prominent position and the following information in the specific order given:

1. Council-approved facility or park name.

2. Date of dedication (opening) or rededication.

3. City Council Members currently in office. The names and titles of the Mayor and Mayor Pro Tem shall be first, followed by the names of the remaining Council Members in alphabetical order. For large, multi-year projects, include the names of Council Members who were in office at the time of project award.

4. If applicable, the names of the appropriate, current Board or Commission members.

5. Current City Manager.

6. The name of the appropriate, current Department Director (the director whose department is most closely affiliated with the use of the facility) at the time of dedication or rededication.

7. If applicable, the names of key project partners, i.e., other government entities or funding entities.

8. Optional: the names of the firms of the City's construction partners, e.g., architect, general contractor, construction manager.

In cases of dedications of a major remodeling project or facility expansion, the existing plaques shall continue to be displayed.

History

Adopted I-22 – 9-12-1988
Amended I-22 – 1-24-1994 (changed to I-9)
Amended I-9 – 2-27-1995
Amended I-9 – 4-8- 2003 (changed to B-9)
Amended B-9 – 5-13-2003
Amended B-9 – 8-8-2017
Amended B-9 – 10-11-2022
Amended B-9 – 2-24-2026

PUBLIC USE OF CITY FACILITIES

Purpose

City of Newport Beach (City) facilities, which include parks, playing fields, gymnasiums, community rooms and swimming pools, are available to the public for civic, social, educational, athletic, cultural activities and limited commercial use. It is the intent of this Policy to provide use regulations and application and scheduling procedures to accommodate groups that wish to use City facilities.

Procedure

A. Applications to use City facilities must be made on forms provided by the Recreation and Senior Services Department (Department). Applicants must provide all information as may be required by the Department to assure compliance with the requirements and regulations of this Policy.

B. Applicants will be required to provide a security deposit in an amount that will promote use of the Recreation and Senior Services facilities in an orderly manner without damage to the facilities. Security deposits will be refunded upon inspection of facilities and confirmation that no property damage has occurred or additional cleanup is required.

C. Applicants will be required to acknowledge that neither the City nor the Department assumes any liability for injury or loss of personal property. Prior to the use of the facility, the application must have approval of the Recreation and Senior Services Director or designated representative.

D. Approval or denial of a reservation request will be provided within five working days of receipt of a completed application.

E. Reservations for use of Department facilities may be made up to six months in advance, but no later than ten working days before the event with the exception of park reservations which may be made no later than five working days before the event.

F. The City is not liable for any and all accidental injury to any and all persons or loss or damage to group or individual property. When it is deemed to be in the best interest of the general public, the City will require the permittee to furnish a Certificate of Insurance naming the City of Newport Beach as an additional insured. The amount of the insurance shall not be less than $1,000,000 per occurrence of commercial general liability insurance.

G. A Facility Use Permit shall not be transferred, assigned or sublet. All Facility Use Permits will be issued for specific facilities and for specific hours, and the premises must be vacated as scheduled.

H. The reservation request and rental agreement must be completed and signed by an adult age 21 and over who will attend, supervise and be responsible for the entire event or activities. Proof of residency is required at the time of application in order to receive the resident rate. Proof of non-profit status is required at the time of application in order to receive the non-profit rate.

I. A Facility Use Permit which authorizes the rental of facilities may be revoked for violation of any rental policies.

Regulations and Restrictions

All uses of Department facilities will be subject to the following regulations and restrictions:

A. Use of Alcohol.

1. Alcoholic beverages are prohibited and shall not be permitted in or on any municipal facilities operated by the Department, except beer and wine may be served for special occasions at the OASIS Senior Center, Newport Theatre Arts Center (NTAC), Newport Coast Community Center (NCCC), Civic Center Community Room (CCCR), Newport Beach Junior Guard Center, Witte Hall, and Marina Park when done in compliance with State of California Department of Alcoholic Beverage Control (ABC) regulations and approved in writing by the Recreation and Senior Services Director. Approval to serve beer and wine shall not be deemed to approve service of alcohol in violation of Section 25604 of the Business and Professions Code. The Recreation and Senior Services Director will require the permittee to pay City costs to provide additional security when alcohol is served.

2. The use of alcoholic beverages is by written permission only and must be requested at the time the facility use request is submitted. The Department reserves the right to place restrictions on the use of alcoholic beverages in accordance with State law and these guidelines. "Alcohol use" means the presence of any beverage that contains any amount of alcohol.

3. Alcohol is not allowed when an event is designated for minors such as school age award programs, birthday parties, and/or receptions.

4. When alcohol is served, there shall be a minimum of two security guards present at the facility at all times. The guards must arrive 30 minutes before guest arrival time and remain until the contract end time. One guard must be positioned at the entrance of the event and one guard positioned in the event area. The parking lot must be monitored every 30 minutes. The security guards shall have the authority to enforce all rules and regulations governing facility rentals. In the event that the Police are called, the cost of their services shall be deducted from the applicant's security deposit. The applicant will be billed for any costs exceeding the security deposit.

5. No alcoholic beverage shall be served to any person less than 21 years of age. Injuries caused to any person as a result of alcoholic beverages being served to or consumed by someone under the age of 21 while on the City's premises, shall be the sole responsibility of the organization or individual renting the facility.

6. The distribution or consumption of alcoholic beverages shall be in compliance with all applicable laws, including regulations of the ABC. Any organization using City facilities shall be solely responsible for obtaining all permits or licenses relating to the distribution and consumption of alcoholic beverages on the premises.

7. Alcohol may only be served by an adult 21 years of age or older. If evidence is found that alcohol is being served that was not authorized by the Department or to a minor, the Police will be notified and the event will be terminated and all fees and deposits will be forfeited.

8. The City shall require the applicant to carry general liability insurance when alcohol is available, but not sold. The City shall require a full liquor liability premium in addition to general liability insurance when alcohol is sold in exchange for money. The cost of the required liability insurance shall be borne by the applicant.

B. Smoking is prohibited in and on all City property including restrooms and within 100 feet of a park, park facility or beach.

C. For all indoor facility rentals involving youth, 17 years and under, there shall be at least one adult for every 20 minors, or increments thereof, in attendance, who shall remain in the facility for the duration of the activity.

D. No group's activities shall interfere with the administration of the Department.

E. Non-profit 501 (c) (3) groups may use the facility for fundraising activities and charge entrance fees and collect donations provided that a detailed plan of the event, including the expenses, marketing plan and procedure for collecting fees, is submitted with the rental application.

F. Facilities and equipment are to be left in the same condition as they were prior to the rental. The permittee is responsible to pay for any damage to property or loss of property. A fee equal to total replacement cost will be charged. It shall be the responsibility of the permittee to see that unauthorized portions of the facility are not used. Continued or repeated use of City facilities will be contingent upon care of the facility, property and equipment, and observance of all approved rules and regulations.

G. No gambling of any kind shall be conducted on, or in, City facilities, and the permittee shall insure that no disorderly or illegal conduct shall be allowed in any facility.

H. The use of public address equipment will be limited to that provided by the facility, unless

written approval has been secured by the Department through a Special Event Permit.

I. Private groups wishing to collect fees, donations or admission charges, or those using the facility to market a product, give a presentation, or advertise their business, will be considered commercial users.

J. The posted occupancy of City facilities shall not be exceeded.

K. Storage space will not be granted at any time.

L. Facilities are not available for reservations on the following holidays: Christmas Eve, Christmas Day, Easter, Presidents' Day, Independence Day, Labor Day, Martin Luther King Day, Memorial Day, New Year's Eve, New Year's Day, Thanksgiving and Veterans Day.

M. All persons using the facilities shall observe and obey regulations of this policy, the rules of the Department and all applicable City, State and Federal laws, rules and regulations.

N. Vehicles are not permitted on park grass or fields. Parking is permitted in designated spaces. Overnight parking is not allowed.

0. Minors must remain in the rented facility room and shall not be allowed to roam unsupervised throughout the facility.

P. When no alcohol is served but the group size is 200 or more, one security guard may be required, at the discretion of the Department Director.

Q. Policies and guidelines regarding caterers shall be adhered to.

R. All professional services utilized for events require a City of Newport Beach business license and liability insurance listing the City as additionally insured.

S. Animals are not permitted within City facilities with the exception of service animals. However, this provision shall not apply to activities or programs of the Recreation and Senior Services Department.

Fee Classifications - Priorities of Use

Permission for use of City facilities shall be granted on a first-come first-served basis, subject to the following priorities:

A. All official Department initiated and/or conducted activities, including those of the Friends of OASIS at the OASIS Senior Center, and exemptions noted in City Council Policies B-5 and B-10.

B. All official City of Newport Beach activities.

C. All official City co-sponsored groups and/or activities such as community groups and activities which are non-profit, self-governing, privately organized and of an educational nature which may be brought under the sponsorship of the Department.

D. Official public agency sponsored programs and activities not included in A, B, and C above.

E. Youth Sports Commission Member Organizations.

F. Resident non-profit youth serving organizations with 50% or more of membership consisting of Newport Beach residents.

G. Recreational, social, or civic activities of groups which are resident promoted and sponsored by local non-profit* organizations which are open to the public and have 50% or more of memberships consisting of Newport Beach residents.

H. Recreational or social activities of private Newport Beach residents which are not open to the public (private parties).

I. Recreational, social, or civic activities and/or groups which are non-resident promoted and sponsored by non-profit organizations which are open to the public, but not qualifying under D above.

J. Schools, colleges, hospitals, and other similar civic groups not qualifying under the definition of non-profit.

K. Others.

***** *Non-profit status is defined as an organization that is so defined by the Internal Revenue Service, § 501(c) (3) and has a State of California Tax Identification Number.*

Fees, Deposits, and Cancellation Procedures

Fees may be charged for the use of City facilities and shall be established and periodically adjusted and approved by the City Council. Fees are imposed to cover overhead, processing, deposits, maintenance, and replacement costs for application and scheduling and maintenance of the facilities.

A. A security deposit will be required for all room rentals. All or a portion of the deposit may be retained by the Department after inspection of the facility by the Recreation and Senior Services Director or a designated representative and a determination that the facility has not been left clean and/or in good repair.

B. A separate additional cleaning fee may be charged for rental of the OASIS Event Center, Newport Coast Community Center, Community Youth Center, Civic Center Community Room, Newport Beach Junior Guard Center, Witte Hall, and Marina Park Community Center.

C. No fee or deposit shall be charged for use of City facilities by the City of Newport Beach, or events

co-sponsored by the City of Newport Beach or its departments, with the exception of direct costs.

D. Cancellations for any facility other than the OASIS Event Center, Newport Coast Community Center, Community Youth Center, Civic Center Community Room, Newport Beach Junior Guard Center, Witte Hall, and Marina Park may occur seventy-two hours prior to the scheduled use of facilities without forfeiting fees collected by the City, with exception of a City service refund processing fee. Cancellations with less than seventy-two hour notice will be charged a cancellation fee established by resolution of the City Council. In the event of cancellation by the City, notice will be given as far in advance of the scheduled use as possible.

E. Cancellation of rentals by users for the OASIS Event Center, Newport Coast Community Center, Community Youth Center, Civic Center Community Room, Newport Beach Junior Guard Center, Witte Hall, and Marina Park that occur less than thirty days prior to the scheduled use of the facility will be charged 25% of the rental fee. Cancellations with less than seventy-two hour notice will be charged the entire rental fee.

History

Adopted I-5- 11-22-1962 ("Use Priorities and Fees")
Amended I-5- 3-9-1970
Reaffirmed I-5- 2-14-1972
Adopted G-4- 5-13-1974 ("Use of City Facilities")
Amended I-5- 5-28-1974
Amended I-5- 2-13-1978
Amended G-4 and I-5- 10-10-1978
Amended I-5 - 2-12-1979
Amended I-5- 5-14-1979
Amended I-5- 8-28-1979
Amended I-5- 11-26-1979
Amended G-4 and I-5- 2-9-1981
Amended I-5- 11-23-1981
Amended I-5- 10-12-1982
Amended I-5- 10-25-1982
Amended G-4 and I-5- 4-23-1984
Amended I-5- 11-28-1988
Amended I-5- 11-27-1989
Amended I-5- 3-25-1991
Adopted I-25- 5-26-1998 ("Public Use of City Facilities", and incorporating G-4 and I-5)
Amended I-25- 5-8-2001
Amended I-25- 4-23-2002
Amended I-25- 4-8-2003
Amended I-25- 7-22-2003 (changed to B-13)
Amended B-13- 9-13-2005
Amended B-13- 10-10-2006
Amended B-13- 8-11-2009
Amended B-13- 5-14-2013

Amended B-13- 5-12-2015
Amended B-13- 8-8-2017
Amended B-13- 11-14-2023
Amended B-13- 2-24-2026

ECONOMIC DEVELOPMENT POLICY

Purpose

The City Council recognizes that the City's ability to deliver quality municipal services is dependent on adequate tax revenues derived primarily from the properties and businesses located within the city. Healthy, thriving businesses not only increase property, sales and bed taxes, but they also provide employment opportunities that support local businesses and the strong residential property values that Newport Beach enjoys. The City Council seeks to promote economic prosperity and growth within the city to maintain and enhance a healthy economy, provide revenues for high quality municipal services, and infrastructure maintenance and improvements, and preserve the unique commercial villages in Newport Beach. All of these objectives serve the overriding purpose of protecting the quality of life of Newport Beach residents, and the City Council recognizes the need to balance economic development objectives with protection of the environment and the health and safety of the community.

Policy Implementation

The City Manager shall provide an effective and efficient structure for implementing economic programs, utilizing staffing or consulting services in support of key directives from the City Council.

History

Adopted G-1 – 10-28-1968 ("Improvement in Govt. Efficiency & Economy)
Amended G-1 – 11-12-1968
Amended G-1 – 3-9-1970
Reaffirmed G-1 – 2-14-1972
Amended G-1 – 12-10-1973
Reaffirmed G-1 – 11-11-1974
Adopted F-28 – 3-22-1993 (incorporating G-1, "Economic Development Policy")
Amended F-28 – 1-24-1994 (changed to F-17)
Amended F-17 – 5-8-2001 (changed to K-10)
Amended K-10 – 6-10-2008
Amended K-10– 9-27-2011 (changed to D-9)
Amended D-9 – 8-8-2017
Amended D-9 – 2-24-2026

INCOME AND OTHER PROPERTY

The City owns and manages an extensive and valuable assortment of property including streets, parks, beaches, public buildings and service facilities. The City also owns, ground leases, and/or operates a yacht basin, resort hotel and apartment property, a luxury residential development, and various other income-producing properties. Much of the income property is tidelands, filled tidelands, or waterfront. The unencumbered fee value of income property is substantial.

As owner/manager of property, the City is the steward of a public trust, and State law requires the City to maximize its returns on State-managed property or be subject to a charge of not protecting the public interest. Nevertheless, the City Council recognizes the importance of this property not only as a revenue generator, but also as a means to provide otherwise financially less feasible uses and facilities that benefit the community.

In managing its property, the City will continually evaluate the potential of all City owned property to produce revenue. This may include leasing or licensing unused land, renting vacant space, and establishing concessions in recreation areas or other similar techniques. The City Council will evaluate the appropriateness of establishing new income-generating opportunities on City controlled areas using sound business principles and after receiving input from neighbors, users and the public.

Subject to limited exceptions, the City is required to comply with the California Surplus Land Act ("Surplus Land Act") (Gov. Code, §§ 54220-54234) before taking any action to dispose (including the long-term lease and sale) of City property by declaring it either surplus land or exempt surplus land. Under the Surplus Land Act, not every action involving land owned by the City constitutes a "disposition of property," meaning that not every use or transfer of land automatically triggers the requirements of the Surplus Land Act. Each real property transaction will require its own analysis to determine whether the Surplus Land Act applies and the steps the City is required to take for compliance, if any.

The policy of the City Council is that income and other property be held and managed in accordance with the following:

A. Whenever a lease, license, management contract, concession, or similar action regarding income property is considered by the City, an analysis shall be conducted to determine if the Surplus Lands Act applies to the transaction, and the maximum or open market value of the property. This analysis shall be conducted using appraisals or other techniques to determine the highest and best use of the property and the highest income generating use of the property.

B. All negotiations regarding the lease, license, management contract, concession, or similar action regarding income property shall include review of an appraisal or analysis of the use being considered for the property conducted by a reputable and independent professional appraiser, real estate consultant, or business consultant.

C. The City shall seek, whenever practical and financially advantageous, both in the short and long term, to operate or manage all property and facilities directly with City staff or contractors, provided staff has the expertise needed to competently do so, or to oversee the work of contractors.

D. In most negotiations regarding the lease, license, management contract, concession, or similar action regarding an income or other property, the City shall seek revenue equivalent to the open market value of the highest and best use; and, whenever practicable the City shall conduct an open bid or proposal process to ensure the highest financial return.

E. However, in some circumstances the City may determine that use of a property by the public for recreational, charitable, or other nonprofit purpose is preferred and has considerable public support, in which case the City may determine that non-financial benefits justify not maximizing revenue from such property. In such circumstances, the City has a vested interest in ensuring that the lessee of such property operates the activities conducted on or from the property in the manner that has been represented to the City throughout the duration of any lease or contract with the City.

F. Whenever less than the open market or appraised value is received or when an open bid process is not conducted, the City shall make specific findings setting forth the reasons thereof. Such findings may include but need not be limited to the following:

1. The City is prevented by tideland grants, Coastal Commission guidelines, or other restrictions from converting the property to another use.

2. Redevelopment of the property would require excessive time, resources, expertise and costs, which would outweigh other financial benefits.

3. Converting the property to another use or changing the operator, manager, concessionaire, licensee, or lessee of the property would result in excessive vacancy, relocation or severance costs, real estate commissions, tenant improvement allowances, expenses, or rent concessions which would outweigh other financial benefits.

4. Converting residential property to another use or opening residential leases to competitive bid would create recompensable liabilities and other inequities for long-term residents.

5. The property provides an essential or unique service to the community, is an essential community asset, or a clearly preferred use that enjoys substantial support in the community that might not otherwise be provided were full market value of the property be required.

6. The property serves to promote other goals of the City such as affordable housing, preservation of open space, uses available to the public, or marine related services.

G. Generally, lengths of licenses, leases, management contracts, concessions, or similar agreements will be limited to the minimum necessary to meet market standards or encourage high quality improvements and will contain appropriate reappraisal and inflation protection provisions. Also, all agreements shall contain provisions to assure complete audits periodically through their terms.

H. All negotiations regarding the license, lease, management contract, concession, or similar action regarding income property shall be conducted by the City Manager or his/her designee under the direction of any appropriate City committees.

I. To provide an accurate accounting of actual net revenues generated by the City's income property, all costs directly attributable or allocable to the management of a specific income property shall be charged against the gross revenues collected on that property in the fiscal year the costs are incurred.

Costs so chargeable include, but are not limited to, property repairs and maintenance, property appraisals, and consultant fees, as authorized by the City Council, City Manager, or by this Policy.

J. The City Manager or his/her designee is authorized to sign a license, lease, management contract, concession, or similar agreement or any amendment thereto, on behalf of the City. Notwithstanding the foregoing, the City Manager or his/her designee, or a City Council member, may refer any license, lease, management contract, concession or similar agreement or any amendment thereto, to the City Council for its consideration and/or action. For those agreements where less than the open market or appraised value is received or an open bid process was not conducted, the City Manager shall inform the City Council at least forty-five (45) days prior to extending the term of the agreement.

K. The City's portfolio of quality income-producing properties adds an element of diversification to a portfolio otherwise invested primarily in financial assets. Certain of those income properties are restricted from sale by their terms of grant, state agency regulations or rules, other federal and state guidelines, private covenant or agreement or otherwise. For those properties not so restricted from sale, an analysis shall be prepared to determine the following prior to such income producing property being offered for sale:

1. The process for complying with the Surplus Lands Act.

2. The maximum open market value of the City's interest in the property in its as is condition.

3. If the property is in an important location, a determination of the possible future consequences of the City no longer controlling that property.

4. If the current rent is contractually low and significant rent increases are likely within a finite period.

5. The likelihood of significant increases in the ability of the property to generate income after the expiration of any current lease of the property.

6. The likelihood of a lease extension being requested by the tenant and the ability to substantially increase rents or require significant improvements to enhance the utility and the value of the property as consideration for granting such an extension.

7. The value of the revenue stream from (i) lease income over the life of an existing lease and/or (ii) likely lease revenue if an existing lease were to be renewed or the property re-let to a different tenant; and/or (iii) lease income from the property if it were to be converted to its highest and best use, compared with the financial benefits of the use of the proceeds of a sale and if, considering the totality of the circumstances, such use of the proceeds of a sale is preferable to retaining the property in question.

History

Adopted F-24 – 7-27-1992
Amended F-24 – 1-24-1994
Amended F-7 – 2-27-1995
Amended F-7 – 2-24-1997
Amended F-7 – 5-26-1998
Amended F-7 – 8-11-2009
Amended F-7 – 5-14-2013
Amended F-7 – 2-12-2019
Amended F-7 – 11-14-2023
Amended F-7 – 2-24-2026

CITY TRAVEL POLICY STATEMENT

Purpose

To set forth the policy for official City travel for reimbursement of expenses incurred by City Council members, appointed officials, members of special boards, commissions, committees, and employees while traveling overnight on official City business. This policy will not apply for commuter (local) training seminars and local City business expenses, nor is it intended to supersede Police Officer Standard Training reimbursable travel policies established by the State of California or the Newport Beach Police Department. The governing rule for all City travel expenses will be availability, economy, convenience, and propriety.

Travel Policy

A. The City will provide reimbursement for expenses directly related to attendance at approved conferences, seminars, meetings, and other official functions / purposes.

B. Official travel is planned, approved, and budgeted at the department level.

C. All official travel must be approved prior to the time of the travel by the Administrative Services Director.

D. The City Manager will adopt and enforce administrative procedures that assure that all City authorized travel is:

   1. Paid directly by the City or reimbursed to the traveler based on actual, itemized expenses or covered by per diem payment.

   2. The City's per diem rate for Meals and Incidental Expenses (M&IE) will be equal to the U.S. General Services Administration's (GSA) M&IE rates. (www.GSA.gov).

Procedure

A. Each Department Director will include all planned trips in the department's annual budget requests. The Travel Authorization Form will be used as a planning/cost estimation guide. For unbudgeted, unplanned travel, the same form will be prepared at the time travel is requested.

B. All requests for travel advances will include the original Travel Authorization Form signed by the Department Director.

C. The Travel Expense Claim Form will be used to file the final travel claim with the Administrative Services Director. A copy of the Travel Authorization Form must be attached.

Special Reimbursement Rules Related to Legislative Bodies Including City Council, Appointed Officials, Members of Special Boards, Commissions and Committees

The California Government Code Section 53232 et seq. provides restrictions on expense reimbursements paid to members of legislative bodies, which include members of the City Council, appointed officials, and members of special boards, commissions and committees created by charter, ordinance, resolution, or formal action of the City Council. Members of a legislative body may only be reimbursed for actual and necessary expenses incurred in the performance of official duties and their travel claims must be accompanied by the receipts documenting each expense.

Continuity of City Government Policy

With the advent of different modes of rapid transportation, there is the possibility of accidents injuring or killing several people simultaneously. Since Council Members are required to attend conferences, conventions, and meetings outside City Hall, it is desirous to require that whenever possible, no more than three members of the City Council use the same transportation at the same time.

When it comes to the Council's attention that a conference, convention, or meeting in which transportation is required, Council Members shall try to arrange their itinerary so that no more than three members of the City Council use the same transportation. The City Clerk will be utilized to provide alternate travel arrangements where necessary to comply with this policy.

This policy will help ensure that there will be a continuity of City government and that there is always a majority of Council members capable of fulfilling the responsibilities placed upon them by the City.

In addition, the City Manager, Department Directors and other key personnel should use the same guidelines in traveling separately on official business whenever practicable.

History

Adopted A-2 – 5-13-1963 (“Authorization of Staff Trips”)
Amended A-2 – 8-30-1966
Amended A-2 – 11-12-1968
Amended A-2 – 3-9-1970
Amended A-2 – 2-14-1972
Adopted A-11 – 12-10-1973 (“Council Travel)
Amended A-2 – 11-11-1974
Amended A-11 – 11-23-1981
Amended A-11 – 11-28-1988
Adopted F-25 – 6-8-1992 (“City Travel”) (incorporating A-2 and A-11)
Amended F-25 – 1-24-1994 (changed to F-8)
Amended F-8 – 2-26-1996
Amended F-8 – 4-23-2002
Amended F-8 – 10-10-2006
Amended F-8 – 8-11-2009
Amended F-8 – 9-27-2011

Amended F-8 – 2-12-2019
Amended F-8 – 5-25-2021
Amended F-8 – 12-9-2025
Amended F-8 – 2-24-2026

CONTRACT PROCUREMENT AND AUTHORITY TO CONTRACT

Purpose

This policy sets forth requirements for contract procurement and City Council's delegation of authority for entering into contracts. "Entering into a contract" or "executing a contract" is synonymous with the awarding and signing of a contract and means the formal approval of the contract terms and intent to be bound thereby. "Contracts" includes all agreements, purchase orders, and purchase requisitions, which is applicable regardless of whether the City is expending or receiving funds. The types of contracts covered by this policy include, but are not limited to, settlements, right of entry agreements, cost sharing agreements, joint defense agreements, cooperative agreements, reimbursement agreements, grant agreements, professional services agreements, former employee services agreements , independent instruction and recreation contracts, public works contracts, and "as-needed" or "on-call" services agreements.

Background

The City shall not be bound by any contract or amendment thereto, unless the same shall be made in writing, approved by the City Council or employee designated by the City Council; signed on behalf of the City by (i) the Mayor or by such other employees designated by the City Council, (ii) the City Clerk, and (iii) the City Attorney (Charter § 421). The City Attorney shall approve the form of all contracts made by the City and amendments thereto and all bonds given to the City, endorsing his or her approval thereon in writing (Charter § 602(e)).

Delegation of Authority to Enter Into and Amend Contracts

The City Council hereby delegates its authority to contract to the City Manager and through him or her to the Assistant City Manager, Department Directors, and to the City Attorney as set out below. The City Manager has final authority to approve any contract within the City Manager's approval limit.

All formalities required under the provisions of the Charter shall be applied to these contracts.

The City Manager may make exceptions to the City's standard contract terms, including but not limited to, insurance and indemnification requirements, based on operational considerations and weighing the particular risks involved. When deciding

whether to modify standard contract terms, the City Manager shall consult with the City Attorney and Department Directors, as necessary. This authority shall not be delegated below the Assistant City Manager level.

Contracts may not be written to circumvent any of the authority limits described herein.

The City Manager shall, in consultation with the City Attorney, adopt and enforce administrative procedures that ensure: (1) all contracts are entered into at a reasonable, fair and competitive price to the City; (2) all necessary formalities are followed and the requirements of federal, state, and local laws, including Council policies, are met; (3) best accounting practices are followed; and (4) the contracting process of the City is open and transparent, and provides accountability.

A. Authority to Enter into Contracts

The authority to enter into original contracts is delegated as set out below.

1. The City Manager

The City Manager is authorized to execute all contracts without prior Council approval, in an amount that shall not exceed $120,000. For contracts involving expenditure of funds, the services and the funds must have been approved by the City Council as part of the annual approved budget. Execution of contracts for grants and donations shall be in accordance with City Council Policies F-3, F-25 and B-17. This authority shall not be delegated below the Assistant City Manager level.

2. Department Directors

Department Directors, including the City Attorney and City Clerk, are authorized to execute contracts without prior City Manager or Council approval in an amount not in excess of $75,000. For contracts involving expenditure of funds, the services and funds must have been approved by the City Council or City Manager as part of the annual approved budget. This authority may not be delegated below the Assistant or Deputy Director level. The City Manager has authority to approve requests for budget increases without City Council approval at the level set forth in Policy F-3, Section E-1 ("Administration of the Annual Budget, New Appropriations").

3. City Attorney

The City Attorney is authorized to execute contracts for all services for outside counsel, investigators, and experts related directly to and necessary for prosecution and defense of pending litigation as defined in the Brown Act, and for services for outside counsel, investigators, and experts necessary to address other pending or potential legal claims or legal issues so long as funds for outside counsel, investigators, experts and related legal services were approved by the City Council as part of the approved annual budget. The City Attorney shall keep Council informed regarding any such expense that exceeds $120,000 on not less than a quarterly basis and shall seek budget updates, if needed, within a timely fashion. Additionally, the City Attorney shall have authority to enter into contracts to resolve claims, litigation and other legal disputes where the City is receiving or expending an amount not in excess of $75,000.

B. Authority to Amend Contracts

If circumstances arise that were not reasonably foreseeable by the parties at the time of contracting which make extra work or material necessary for the proper completion of the service originally contracted for, a contract amendment and corresponding increase in total contract amount may be necessary. Under those circumstances, the City Manager, Department Directors, City Clerk and City Attorney are authorized to amend contracts as set out below. For purposes of this policy, "total contract amount" is defined as the total consideration paid over the term of the agreement, including any previous amendments to the contract. "Original contract amount" is defined as either the amount of compensation agreed upon when the contract was first entered into or the amount of compensation most recently approved by the City Council by amendment, whichever is greater.

1. City Manager

Contracts within the City Manager's Contracting Authority

The City Manager may execute any contract amendment, including but not limited to amendments to extend the term of a contract, so long as the

total contract amount as amended does not exceed $120,000 and the term extension does not exceed the maximum allowable contract term.

Contracts approved by City Council

The City Manager may execute any contract amendment, including but not limited to amendments to extend the term of a contract, so long as the total contract amount does not exceed 125 percent of the original contract amount or the original contract amount plus an additional $120,000, whichever amount is less, and the term extension does not exceed the maximum allowable contract term.

2. Department Directors

The Department Director, including the City Clerk and City Attorney, who entered into the contract or whose department is designated as the contract administrator, may execute any contract amendment, including but not limited to amendments to extend the term of a contract, so long as the total contract amount as amended does not exceed $75,000 and the term extension does not exceed the maximum allowable contract term.

3. Amendments in Cases of Possible Work Stoppage or Undesirable Delay

The City Manager is authorized to execute a contract amendment that increases the total contract amount up to 150 percent of the original contract amount in cases where a work stoppage or other undesirable consequence will result if approval of the amendment is delayed until the next City Council meeting. Within twenty-four (24) hours, the City Manager shall notify the City Council Members of any such amendment.

4. Amendments Necessary to Address Emergency Situations

In the event of emergency work requiring an amendment to an existing contract, the emergency contracting policy outlined below may be followed.

Special Requirements

Competitive proposals should be obtained for service contracts whenever possible before resorting to negotiated awards.

A. Professional Services Contracts

Services of a professional nature shall be obtained through a qualifications based selection process based on demonstrated competence and qualifications for the types of services to be performed and with the objective of selecting the most qualified consultant at a fair, reasonable and verifiably appropriate cost. The procedures for achieving this goal shall be adopted and applied by the City Manager in the Administrative Procedures Manual.

B. Services Contracts (Non-Professional)

The City shall select services contractors though a Request for Proposal (RFP) or a Request for Bid (RFB) process, whichever serves the City's best interest. Contracts through the RFB process shall be awarded based solely on pricing and minimum qualifications to determine the most responsive and responsible bidder. Contracts through the RFP process shall be awarded based on both qualifications and pricing to determine the best value to the City.

C. Maintenance and Repair Service Contracts

A service contract for maintenance or repair work that is fixed or of a definite nature (not on-call) and over the formal bid dollar amount in Charter Section 1110 must be requisitioned as a formal public works contract. For contracts not exceeding the formal bid dollar amount, the City may select services contractors though the RFP or RFB process, whichever serves the City's best interest based on the service to be provided.

D. Public Works Contracts

Contracts for public works where the total expenditures for the project exceed the formal bid dollar amount shall be awarded consistent with the provisions of Charter Section 1110 and relevant provisions of the California Public Contract Code.

E. Procurements and Contracts Involving Federal or Pass-Through Funding

Procurements expending funds from federal grants or awards received directly by the City or from a pass-through agency, such as the State of California, must comply with the provisions of Title 2 of the Code of Federal Regulations ("CFR")

Sections 200.318 through 200.326. To ensure the City's adherence to the Federal guidelines related to these procurements and contracts, the City Manager has adopted procurement procedures for such projects in the Administrative Procedures Manual.

F. Independent Instruction and Recreation Contractors

Department Directors are authorized to execute contracts with independent contractors for instructional, educational, cultural, or recreational purposes ("Instruction and Recreation contracts") where the fees paid by the City are based upon either a percentage of fees collected by City for a program or on a flat rate basis for tasks performed by the contractor.

Instruction and Recreation contracts shall not exceed five (5) years in duration and shall include a termination clause granting the City the right, at its sole discretion and with or without cause, to terminate the contract at any time by giving seven (7) calendar days' prior written notice.

Should fees paid under an Instruction and Recreation contract exceed $75,000 during the term of the contract, the Department Director shall provide written notice to the City Manager identifying the program and independent contractor. The City Manager shall give written notice to the City Council should fees paid exceed $120,000.

G. On-Call Contracts for Services (Professional or Non-Professional)

The City Manager and Department Directors are authorized to enter into on-call ("as-needed") agreements for obtaining services, including but not limited to professional services and maintenance and repair services, where the need for services is contingent, does not have a set timeframe, or where the size of the job does not warrant the expense of entering into individual agreements for each service.

On-call services contracts shall not exceed five (5) years and shall include a termination clause granting the City the right, at its sole discretion and with or without cause, to terminate the contract at any time by giving prior written notice of seven (7) calendar days. The City Manager is authorized to extend an on-call services contract for up to six (6) months if work has been authorized or encumbered during the initial term but not completed.

City Council approval is required for: (1) an on-call contract that exceeds $120,000, and (2) on-call contracts to multiple contractors stemming from a single procurement where the combined amount of the contracts exceeds $120,000.

On-call contracts may not be used to perform maintenance or repair work in contravention of Charter Section 1110. For example, a project, task, job, or work order in an amount in excess of the formal bid dollar amount in Charter Section 1110 cannot be performed under an on-call maintenance or repair services contract but must be requisitioned as a public works project.

H. Emergencies

Services contracts obtained for purposes of responding to an emergency (as defined in Newport Beach Municipal Code Section 2.20.020) that exceed the signing authority of the City Manager or Department Director as authorized in this policy shall be brought to the City Council at its next regularly scheduled meeting for review and authorization.

I. Contracts with Former Council Members and City Employees

City Council approval is required for the following when not more than five (5) years have passed since a person who is a former Council Member or City employee has left service with the City:

1. All professional services contracts with former Council Member or City employees;
2. All professional services contracts with a corporation or other business entity owned or operated by a former Council Member or City employee or that employs a former Council Member or City employee.

J. Exceptions to Competitive Procurement Requirements

Certain commodities and service types are unique or otherwise not amenable to traditional procurement and bidding procedures. The City Manager shall prescribe in the Administrative Procedures Manual alternative procedures and methods for the procurement of such items, e.g. cooperative agreements and piggyback agreements, and ensure that the pricing involved in the procurements is competitive to the greatest extent possible.

General Procedures

A. Contract Retention

The City Clerk shall retain all original executed contracts in accordance with the City's current adopted Records Retention Schedule. Contracts shall be posted into the City's electronic document database in order to maintain transparency in contracting.

B. Insurance

All contracts shall be accompanied by proof of the appropriate level of insurance at the time of execution. The insurance level required shall be in accordance with the City's published Contract Templates (or as otherwise approved by the City Manager or City Attorney).

C. Reporting

At least once annually, the City Manager shall report to the Council the summary of all contracts entered into by the City Manager and Department Directors. The summary shall include the vendor, the department responsible that will oversee the contract, the purpose of the contract, and the contract amount.

D. Consumer Price Index Adjustment

Beginning July 1, 2026, and on the anniversary date each year thereafter, the dollar amounts set forth in this policy, as previously adjusted, shall increase, but not decrease, based on the change in the Consumer Price Index. Each annual adjustment shall be applied cumulatively to the dollar amounts in effect immediately prior to the adjustment. The increase to the amounts set forth in this policy shall be determined by calculating the percentage change from March of the prior year to March of the current year. The adjusted amount shall be rounded up to the nearest $1,000.00. As used herein, the term "Consumer Price Index" means the Los Angeles-Long Beach-Anaheim, California Area, All Urban Consumers, All Items, Base Period (1982-84 = 100), or successor index, as published by the United States Department of Labor, Bureau of Labor Statistics. This subsection shall not apply to Public Works Contracts, which are governed by Charter Section 1110.

Future Amendments to Policy

Any future changes in the provisions of this policy shall be made by resolution of the City Council.

History

Adopted F-14 – 09-22-1969 (Purchase Authority for Goods & Materials)
Reaffirmed F-14 – 03-09-1970
Reaffirmed F-14 – 02-14-1972
Amended F-14 – 11-11-1974
Amended F-14 – 11-24-1975
Amended F-14 – 12-08-1975
Amended F-14 – 11-24-1986
Amended F-14 – 05-26-1987
Adopted F-14 – 01-24-1994 (new F-14) (Authority for Contracts)
Amended F-14 – 01-24-1994 (old F-14) (changed to F-5)
Amended F-5 – 02-26-1996
Amended J-1 – 11-10-1997 (Contracts with Former Employees)
Amended J-1 – 03-09-1998
Amended J-1 – 03-22-1999 (changed to F-20)
Amended F-5 – 03-14-2000
Amended F-20 – 04-08-2003
Amended F-14 – 04-13-2004
Amended F-5 – 11-22-2005
Amended F-14 – 05-09-2006
Amended F-14 & F-5 – 01-25-2011
Amended F-14 – 05-12-2015
Amended F-14 – 02-23-2016 (incorporating F-5 & F-20 and renaming "Authority to Contract")
Amended F-14 – 06-26-2018
Amended F-14 – 02-12-2019
Amended F-14 – 12-13-2022
Amended F-14 – 12-09-2025
Amended F-14 – 02-24-26

POLICY AND PROCEDURES FOR CITY DISTRIBUTION OF TICKETS OR PASSES

Background

The Newport Beach City Council, Boards, Commissions, and officials are subject to certain laws and regulations pertaining to gifts. The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act contained in Government Code Section 81000 et seq., as well as the regulations contained in Title 2, California Code of Regulations, Sections 18110 et seq.

Purpose

The City strives to provide impartial and high-quality services to its residents, businesses, and visitors. The receipt by City officials of gifts or other items of value can be perceived as attempts to influence City operations and the City wishes to avoid any appearance of impropriety or favoritism. However, City official attendance at public events is necessary to achieve the goals of governance, both to promote the policies of the City and to maintain close contact with the citizens and interest groups within the city. This policy outlines a fair and impartial procedure for the disposition of tickets or passes by the City in furtherance of a governmental purpose. It implements the directives of FPPC regulations and establishes procedures as required by Title 2, Division 6, Chapter 9.5, Section 18944.1 of the California Code of Regulations, for the acceptance and distribution of tickets or passes by the City. This Policy also ensures that tickets or passes distributed by the City are disclosed upon the required FPPC forms.

Application of Policy

This policy applies to tickets or passes which provide admission to a facility or event for an entertainment, amusement, recreational, or similar purpose, and are: gratuitously provided to the City by an outside source; acquired by the City by purchase; acquired by the City as consideration pursuant to the terms of a contract; or acquired and distributed by the City in any other manner.

Tickets or passes shall be distributed under this Policy at the sole discretion of the City pursuant to this Policy. Tickets or passes distributed under this Policy shall not be earmarked for distribution to a City Official or person by any outside source.

A ticket or pass may only be distributed by the City under this Policy if it serves a public purpose as set forth below. If the ticket or pass does not serve a public purpose, it shall be returned to its source or shall be given to an active 501(c)(3) non-profit, charitable organization that does business within the city. The Ticket Administrator shall make the necessary determinations under this Policy.

This policy does not apply to any other item of value provided to the City or any City Official, regardless of whether it is received gratuitously or for which consideration is provided.

Definitions

A. Unless otherwise expressly provided herein, words and terms used in this policy shall have the same meaning as those ascribed to such words and terms in the California Political Reform Act of 1974 (Government Code Sections 81000, *et seq.*, as the same may from time to time be amended) and the FPPC Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18110 *et seq.*, as the same may from time to time be amended).

B. "City Manager" means the City Manager or his/her designee.

C. "City Official" means City Council Members, the City Manager, Assistant City Manager, City Attorney, City Clerk, and Department Heads.

E. "Immediate family" means and includes a spouse and dependent children.

F. "Pass" means a ticket that provides repeated access, entry or admission to a facility or series of events and for which similar passes are sold to the public.

G. "Ticket" means anything that provides access, entry, or admission to a specific future event or function and for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold and includes any benefits the ticket provides. As used herein, a "ticket" includes any pass.

General Provisions

A. No Right to Tickets: The use of complimentary tickets is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.

B. Limitation on Transfer of Tickets: Except as expressly set forth herein, tickets distributed pursuant to this policy shall not be transferred to any other person other than: an immediate family member for personal use; or a single guest of the attendee.

C. Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a ticket pursuant to this policy shall sell or receive reimbursement for the value of such ticket.

D. No Disproportionate Use: The disproportionate use of tickets by a City Official is prohibited.

Ticket Administrator

A. The City Manager shall be the Ticket Administrator for purposes of implementing the provisions of this Policy.

B. The Ticket Administrator shall have the authority, in his/her sole discretion, to establish procedures for the distribution of tickets in accordance with this policy. All requests for tickets which fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.

C. The Ticket Administrator shall determine the face value of tickets distributed by the City for purposes of this Policy.

D. The Ticket Administrator, in his/her sole discretion, may revoke or suspend the ticket privileges of any person who violates any provision of this Policy or the procedures established by the Ticket Administrator for the distribution of tickets in accordance with this Policy.

Conditions Under Which Tickets May be Distributed

A. Subject to the provisions of this Policy, complimentary tickets may be distributed to City Officials, or at the behest of a City Official, under the following conditions:

1. The City Official Reimburses the City for the face or fair value of the ticket(s), whichever is applicable. Reimbursement shall be made at the time the ticket(s) is distributed to the City Official.

2. The City Official treats the ticket(s) as income consistent with applicable federal and state income tax laws.

3. The City Official uses, or behests, such tickets to accomplish one or more of the following public purposes:

   (a) Performance of a ceremonial role or function representing the City at the event.

   (b) The job duties of the City Official require his or her attendance at the event.

   (c) Promotion of local and regional businesses and economic development within the City, including, but not limited to, conventions, and conferences.

   (d) Promotion of City-controlled or sponsored events, activities or programs.

   (e) Marketing promotions that highlight the achievements of residents and businesses.

   (f) Promotion of marketing of private facilities available for City resident use, including charitable and nonprofit facilities.

   (g) Promotion of public facilities, landmarks, special events, and community events.

   (h) Intergovernmental relations purposes, including but not limited to attendance at an event with or by elected or appointed public officials from other jurisdictions.

   (i) Attracting or rewarding volunteer public service.

   (j) Exchange programs with foreign officials and dignitaries.

   (k) Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting Newport Beach residents.

   (l) Encouraging or rewarding significant academic, athletic, or public service achievements by Newport Beach students, residents, or businesses.

(m) Attracting and retaining highly qualified employees in City service.

(n) As special recognition or reward for meritorious service by a City employee.

(o) For use in connection with a City employee competition or drawing.

(p) Recognition of contributions made to the City by former City Council Members or City Council appointees.

(q) Special outreach or support programs for active military, veterans, teachers, emergency services, medical personnel, and other civil service occupations.

B. Tickets distributed to a City Official or City employee for a public purpose set forth above may only be distributed to: the City Official or City employee and their family members; or City Official or City employee and one guest.

Distribution of Tickets or Passes by the City.

A. City Officials shall have authority to request tickets from the Ticket Administrator.

B. Ticket requests do not guarantee ticket distributions. The Ticket Administrator is responsible for selecting recipients to receive tickets.

C. Tickets distributed pursuant to a City Official's request are distributed at the behest of that City Official for FPPC reporting purposes. If tickets are distributed at the behest of a City Official, such City Official shall not use one of the tickets to attend the event.

Reporting Obligations

A. The Ticket Administrator shall manage the receipt, distribution, and accounting for all tickets or passes subject to this Policy.

B. The Ticket Administrator shall be responsible for completing or having the City Clerk complete the FPPC Form 802 for each distribution to a City Official, or made at the behest of a City Official, and complying with the posting requirements. The City Clerk shall maintain a completed Form 802 for not less than four (4) years, or other period as specified in any applicable FPPC Regulation. If the ticket or pass is distributed to a department or other unit of the City, and not a City Official, the City may report the name of the department or other unit of the agency receiving the ticket or pass and the number of tickets or passes provided to the department or unit in lieu of reporting the name of the individual employees.

C. The Ticket Administrator shall be responsible for providing information regarding recipients as required by the Office of the Comptroller for tax reporting purposes.

D. The City Clerk shall cause this policy to be posted on the City website and shall see to it that the most current version of this policy is available in a prominent fashion on the City website. The City Clerk shall send, via email, to the Fair Political Practices Commission the City's website link that displays this policy so that the Commission may post the website link.

Other Provisions

A. A City Official may return any ticket or pass unused to the Ticket Administrator for redistribution pursuant to this Policy.

B. If a ticket or pass is distributed pursuant to this Policy, it shall not be considered a gift to the recipient and shall not be reported as a gift on FPPC Form 700.

History

Adopted A-8 - 03-09-1970 (Comp Balboa Bay Club Cards)
Reaffirmed A-8 - 02-14-1972
Amended A-8 - 12-10-1973
Amended A-8 - 11-11-1974
Amended A-8 - 02-23-1981
Adopted F-27 - 06-23-2009 (unknown when A-8 no longer in use)
Amended F-27 - 05-12-2015
Amended F-27 - 09-10-2019
Amended F-27 02-24-2026

RETENTION, REMOVAL OF CITY TREES

Purpose

To establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest with an inventory that the City can reasonably maintain in a healthy and safe condition through the efficient use of City resources. To educate the public of the protections of the City's Urban Forest and guide, in a user-friendly way, the mechanisms in place for tree replacements. With the passage of time, adjustments in the City's tree inventory may be necessary. Therefore, this policy also establishes definitive standards for the retention, removal, and reforestation of City trees. City trees are an important part of the character and charm of the entire City and provide environmental benefits as well. Regular care and programmed replacements are necessary to preserve this charm while at the same time protecting public views consistent with City Council Policy G-3, providing personal safety, and preventing public and private property damage and providing a sustainable urban forest.

I. DEFINITIONS

A. "Commission" is defined as the Newport Beach Parks, Beaches and Recreation Commission.

B. "Diseased" or "Diseased tree" is defined as a tree that cannot be cured by current arboricultural methods, in an advanced state of decline, and has no prospect of recovery.

C. "Dying" or "Dying tree" is defined as a tree that have no prospect of recovery.

D. "Hazardous" or "Hazardous tree" is defined as a tree that is defective, has a potential to fail, and would cause damage to persons and property upon failure.

E. "Problem Tree" is defined as a tree that by virtue of its species is known to cause excessive hardscape or utility damage due to its excessive root system.

The following trees are defined as Problem Trees:

1. *Ficus nitida* (Indian Laurel Fig)
2. *Ficus rubiginosa* (Rusty Leaf Fig)
3. *Ficus benjamina* (Weeping Fig)
4. *Fraxinus uhdei* (Shamel Ash)
5. *Cupaniopsis anacardioides* (Carrotwood)
6. *Liquidambar styraciflua* (American Sweet Gum)
7. *Schinus terebinthefolius* (Brazilian Pepper)
8. A tree that the City Arborist determines is infested with Tuliptree scale (*Toumeyella liriodendri*)
9. A City Tree that causes the private property owner to lose their fire insurance.

Problem Trees exclude City parkway trees on the Street Designation Tree List of City Council Policy G-6 unless they are Special Trees.

F. "Reforestation" when initiated by the City is defined as the concept of systematically replacing Problem or Standard Trees which are creating hardscape and/or view problems and cannot be properly trimmed, pruned or modified to alleviate the problem(s) they create; or those which have reached their full life and are declining in health; or are simply the wrong species of trees for the planted location. When initiated by a homeowners' association or property owner, reforestation is otherwise defined as an appeal. "Special City Tree" is defined as a Landmark, Dedicated, or Neighborhood tree, that has historical significance, and/or contributes to, and gives character to, a location or to an entire neighborhood. A Landmark, Dedicated, and Neighborhood tree are identified by species in Exhibit A and shall hereinafter be collectively referred to as Special Trees. Trees within these three (3) categories shall be identified, mapped, recorded and administered by staff for the Commission. When staff propose modifications, the Commission shall review the Special Tree list and forward recommendations for additions or deletions to the City Council for approval.

1. *Landmark Trees* are identified as those individual Special Trees that possess historical significance by virtue of their size, age, location, or species.

2. *Dedicated Trees* are Special Trees donated in the memory of specific individuals or organizations. Updates will be made annually to the City tree inventory system that corresponds to the amended B-17 Policy: Parks, Facilities, and Recreation Program Donations. Exhibit A of this Policy will be updated annually to reflect updates.

3. *Neighborhood Trees* are Special Trees that by their unusual size, number, species, or location lend a special character to a residential, commercial, or business area.

G. "Standard City Tree" is defined as a tree that is located on City real property (parkways, parks, other City-owned property) and not designated as a Special or Problem Tree.

II. <u>BASIS TO REMOVE A CITY TREE</u>

A. Dead, diseased or dying trees. The tree is dead, diseased or dying as those terms are defined above or is subject to imminent tree failure.

B. Impact on Infrastructure. The tree is impacting infrastructure based on the criteria set forth below.

C. Beautification or Capital Improvement Projects. Standard, Special, and/or Problem Trees may be considered for removal in conjunction with a City Council-approved beautification project or capital improvement project.

D. Development Projects. Approval of an encroachment or demolition permit that requests removal of a tree in conjunction with a commercial, residential or other development project.

E. Departmental Determination. The City Manager, upon the advice of the Municipal Operations Director, City Attorney, or Traffic Engineer, shall have the authority to remove individual Problem or Standard Trees to resolve claims or safety issues.

Notwithstanding the foregoing, excessive leaves, fruit, flowers, petals, bees, birds, and other animals, or insects shall not constitute a finding for removal of a tree covered by this policy.

III. PROCESS FOR REQUESTS FOR REMOVAL OF A CITY TREE

The Municipal Operations Department, homeowners' association or private property owner may request removal of a City Tree. A homeowners' association or private property owner may initiate the process for removal by submitting an application to the City Clerk, utilizing the City Tree Removal form available on the Municipal Operations Department website: https://www.newportbeachca.gov/government/departments/municipal-operations and paying the applicable fee as set by resolution of the City Council.

A. Tree Removal Reports. After receiving the application, the City Arborist shall prepare the following reports and analysis for the removal of a Standard, Special or Problem Tree:

1. Tree Inspection Report that explains why tree removal is necessary, which may include, but is not limited to: structural defects of the tree, parts of the tree most likely to fail, targets where imminent personal injury or property damage may result from tree failure. For Special Trees, a Tree Removal Review will also be prepared.

2. A mitigation analysis to determine whether mitigation measures may be implemented to maintain the tree provided the costs are reasonable.

3. Performance of a Level 2: A Basic Tree Risk Assessment ("Level 2 Risk Assessment") for requests to remove based on a hazard, the Level 2 Risk Assessment should identify structural defects of the tree, parts of the tree most likely to fail, targets where imminent personal injury or property damage may result with tree failure, and determine whether mitigation measures will eliminate the hazard.

4. For Landmark Tree(s), a Tree Risk Assessment that includes a Level 3 Testing: Advanced Techniques shall be prepared to confirm the presence of any potential risks. Where Tree Risk Assessment and Level 3 Testing: Advanced Techniques are required, the full costs of such testing and associated report will be the sole

responsibility of the applicant, whether that be the City, a homeowners' association or property owner.

B. Standard City Trees.

1. Upon completion of the above reports for a Standard Tree, the City Arborist shall make a recommendation to the Landscape Manager, or his/her designee as to whether findings for removal set forth in Section IV (Findings Required for Removal of a City Tree) can be made. If the Manager approves removal of the tree, the City shall provide notice in accordance with Section VII (Notifications) prior to removal of the tree.

2. If the Manager determines the application does not meet the findings set forth in Section IV (Findings Required for Removal of a City Tree), the application is denied and the applicant may appeal to the Commission in accordance with Section VI (Reforestation/Appeals).

C. Special City Trees

1. The homeowners' association or private property owner shall provide the Homeowners Association Board approval or Petition, respectively, as provided in Section VI(A) (Appeal of Standard or Problem Trees or Requests for Removal of Special Trees).

   Upon receipt of the board approval or requisite signatures and completion of the above required Tree Removal Reports, except in the case of an emergency, the City Arborist shall publish notice of the hearing in accordance with Section VII (Notifications) and agendize the Special Tree removal request for a hearing before the Commission to determine whether findings can be made for removal of the tree. The reports shall also be provided to the Councilperson of the district in which the Special Tree is located. In the case of a dead tree or in an emergency, once a recommendation to remove a Special Tree is made by the City Arborist to the Landscape Manager, or designee, and the Manager agrees with the recommendation, the City may immediately remove the tree.

2. After holding the hearing and considering all evidence, the Commission shall approve or deny the application for removal. The Commission shall be the final decision-making authority.

D. Problem Trees

1. Upon completion of the above reports for a Problem Tree, the City Arborist shall make a recommendation to the Landscape Manager, or his/her designee as to whether findings for removal set forth in Section IV (Findings Required for Removal of a City Tree) can be made. If the Manager approves removal of the tree, the City shall provide notice in accordance with Section VII (Notifications) prior to removal of the tree.

2. If the Manager determines the application does not meet the findings set forth in Section IV (Findings Required for Removal of a City Tree), the application is denied and the applicant may appeal to the Commission in accordance with Section VI (Reforestation/Appeals).

IV. FINDINGS REQUIRED FOR REMOVAL OF A CITY TREE

City Trees may be removed in each of the following circumstances if the tree removal request will not adversely impact the overall inventory, diversity and age of the City's Urban Forest.
Notwithstanding the foregoing, excessive leaves, fruit, flowers, petals, bees, birds, and other animals, or insects shall not constitute a finding for removal of a tree covered by this policy.

City Trees may be removed if at least one of the following findings are made based on the Tree Removal Reports:

A. Hazardous (Standard, Special and Problem Trees) – As to Standard, Special, and/or Problem Trees, the City Arborist has determined that the tree is dead, diseased, dying, or hazardous as those terms are defined above.

B. Impact On Infrastructure (Standard, Special and Problem Trees) – The Standard, Problem or Special Tree has a repeated history of damaging public or private sewers, water mains, roadways, sidewalks, street or sidewalk drainage, curbs, walls, fences, underground utilities, or foundations based on City records or other competent and reliable authority. Water or sewer blockage that results from City tree roots and causes significant public or private property damage (greater than $1,000.00) may be sufficient criterion for tree removal.

C. Problem Trees that are not designated as Special Trees may be removed if any of the following findings are made:

1. The tree creates, in the opinion of the City Arborist, a view impediment that cannot be resolved by normal nor alternative tree trimming procedures;

2. The tree has a repeated history of significant documented private property damage (greater than $1,000) due to Tuliptree scale (*Toumeyella liriodendri*) infestation; or

3. Maintaining the City Tree jeopardizes the property owner's homeowner's insurance.

D. Beautification or Capital Improvement Projects (Standard, Special and Problem Trees) – Removal of the tree is required in conjunction with a City Council-approved beautification project or capital improvement project.

E. Development Projects Requiring an Encroachment and/or Demolition Permit (Standard and Problem Trees) – The project plans including construction plans demonstrate that the City tree must be removed in conjunction with the project.

F. Departmental Determination – The City Manager, upon the advice of the Municipal Operations Director, City Attorney, or the Traffic Engineer, finds that removal of an individual Problem or Standard Trees is necessary to resolve claims or safety issues.

V. STANDARD CONDITIONS AND OTHER RELATED REQUIREMENTS

In the event of tree removal, the following serve as standard conditions for replacement.

A. The City will replace all trees removed in accordance with Council Policy G-6. If 36-inch boxed trees are not available or if funding or space constraints prevent planting of a 36-inch boxed tree, then the largest tree available for the space available will be planted. The full costs of removal and replacement of all City Trees will be the sole responsibility of the City, unless it is a Reforestation set forth in Section VI, or Problem Trees related to views and/or that jeopardizes a property owner's homeowners' insurance, or an applicant voluntarily pays for a new tree. Additionally, if an applicant desires to upgrade to a box size larger than a 36-inch box as a replacement (if available), then he/she will be responsible for the difference in price.

B. Special Trees will be replaced one-for-one with the same species or the closest equivalent whenever practical. An alternate species may be recommended by Staff if the same species is unavailable and will be subject to approval by the Commission detailing the necessity of removal and any specific previous treatment of the tree.

Private Property Development Projects. All encroachment permits (permits for private property development which are proposed to install improvements in the City right of way) or demolition permits that involve the removal or replacement of City tree(s) must be specifically noticed by the property owner to City staff prior to the building and/or demolition process. The proposed construction plans must indicate preservation of existing City trees wherever possible (except trees that are dead, dying, or in an advanced state of decline).

C. If the Standard or Problem Tree removal is approved in conjunction with a private development project, the property owner shall pay for all related tree removal and one-for-one replacement costs and meet all provisions of City Council Policies L-2 and L-6 and City Municipal Code Sections 13.08 and 13.09, or any successor policies or sections.

D. Other Requirements for Problem Trees.

1. No more than fifty (50) Problem Trees may be removed per year by staff under the above criteria without special approval of the Commission. If there are no removal criteria other than it being a Problem Tree species, then no more than one of three

problem parkway trees in a continuous row may be removed in a one-year period unless part of a reforestation is approved by the Commission.

2. The City Arborist shall report the removal of Problem Trees under the above criteria monthly to the Commission.

3. The cost to remove and replace Problem Trees will be the sole responsibility of the City based on funding, availability, and growth space, except for removals related to views and/or that jeopardizes a property owner's homeowners insurance.

E. Additional Considerations to Retain or Remove a Special Tree. During normal sidewalk, curb, and street repair activity requiring root pruning, sufficient timing in advance must be planned to ensure that pruning will not destabilize or kill the tree. If both sides of a Special City Tree's roots are to be pruned, one side should be pruned at minimum two (2) years in advance of the other side depending upon the species and other related factors. If root pruning methods are not practical and/or critical to the health of the tree, then alternate or special hardscape improvements should be considered by the City to retain the tree providing that these measures are practical, costs are reasonable, and that they comply with Americans with Disabilities Act standards. All proposed root pruning or other tree treatment shall be evaluated and approved by the City Arborist.

Additionally, if steps taken for Special City Trees under the provision above are proven to be impractical, the Special City Tree removal request shall go through Reforestation.

VI. REFORESTATION/APPEALS

An appeal otherwise known as an application for Reforestation may be initiated by a Department, homeowners' association or a private property owner. In the case of a homeowners' association or private property owner, the appeal shall be initiated by submitting an application to the City Clerk, utilizing the City Tree Removal form available on the Municipal Operations Department website: https://www.newportbeachca.gov/government/departments/municipal-operations and paying any applicable fee as set by resolution of the City Council.

A. Appeals of Standard and Problem Trees or Requests for Removal of Special Trees by Homeowners' Associations and Private Property Owners.

Private property owners and/or homeowners' associations shall meet the following signature requirements with the application.

1. Petitions. Private property owners who apply for removal of a Special Tree or appeal the Manager's determination for the removal of a Standard or Problem Tree must submit a petition signed by a minimum of 60% of City of Newport Beach property owners within a radius of 500 feet from the location of the proposed tree removal to a maximum of 100 properties/parcels. The 60% threshold is based on the number of properties, not the number of property

owners. The petition content must be approved and dated by City staff prior to distribution by the applicant. The staff-approved petition must be distributed by the applicant to all private property owners within the 500-foot radius. Signatures by non-property owners shall be invalid and only one signature per property shall be counted towards the 60% threshold. All petition signatures shall be verified by City staff for property owner status of the person or persons signing the petition. Petitions that are submitted more than ninety (90) days past the date stamped by staff before distribution shall be invalid and the request shall not be forwarded to the Commission for consideration. The Landscape Manager may extend this timeframe at his or her discretion; or

2. Homeowner Association Boards. Private property owners who are mandatory members of a homeowners' association where a City Tree is located must submit applications for removal of a Special Tree or appeal the Manager's determination for the removal of a Standard or Problem Tree through their association. The request shall include a resolution of the Board of Directors formally requesting a reforestation with a statement that all members of the homeowners' association have been officially notified and given an appropriate opportunity to respond before the Board voted on the request. The homeowners' association is responsible for notification of the outcome of the Board's vote to all association members, pursuant to their established procedure.

B. The requestor agrees, in writing, to pay 100% of the costs of the removal and replacement of the public tree(s) in advance of any removal activity. The actual removal and replacement work will be performed by a City contractor coordinated by the Municipal Operations Department. The total costs for removal and replacement work shall include only the contractor's costs and be paid in advance of any removal actions.

C. Once petitions or Board of Directors approval is/are submitted to the City, a hearing of the Commission will be scheduled. Notice of the hearing shall be published in accordance with the California Government Code Section 54950 et seq. and Section VII(B) (Public Hearing Notification Requirements).

D. The Municipal Operations Director, or a designee, shall prepare a full staff report for a regularly scheduled Commission meeting of all trees recommended for removal.

E. In addition to the findings set forth in Section IV (Findings Required for Removal of a City Tree), the Commission may consider any and all relevant circumstances, including but not limited to the following:

1. Health or overall condition of the tree(s);
2. Degree of verifiable public or private property damage from the tree(s);
3. Degree of verifiable view impairment from the tree(s);
4. Whether the tree species is a Problem City Tree (See Definitions);

5. The level of community support and/or opposition;
6. The value of the existing tree(s) versus the value of the replacement tree(s);
7. Whether the tree species is inappropriate for the location or does not conform to the current treescape; and/or

F. Efforts made to ensure adequate notification. The decision of the Commission shall be final and not appealable and/or subject to call for review.

G. Reforestation Work Upon Commission Approval.

If the Commission approves the reforestation request, the following criteria apply to the completion of the reforestation work.

1. Prior to removal of the tree, the notification requirements set forth in Section VII(A) (Tree Removal Notification Requirements) shall be met.

2. There shall be a minimum of a one-for-one replacement of all trees. Replacement trees must comply with City Council Policy G-6 unless the Commission approves a different tree designation and shall be a minimum size of 36-inch boxed trees and species, unless the space will not accommodate a 36-inch boxed tree or a tree cannot be planted due to planting restrictions contained in City Council Policy G-6. Per the Landscape Manager's discretion, a larger sized box tree may be planted if it is replacing a tree of significant size or value in the City's inventory and ample planting space is available. If there is no room for the replacement tree(s) at a specific site as designated by City Council Policy G-6, then the replacement tree(s) shall be planted in a public area in the same neighborhood at the option of the requestor.

   The requestor shall be responsible for watering and fertilizing the replacement trees to ensure their proper growth and development as outlined in City Council Policy G-6. Section 13.09.030 of the Municipal Code also requires property owners to water and fertilize parkway trees adjacent to their property.

VII. NOTIFICATIONS

A. Tree Removal Notification Requirements

1. Emergency – Dead trees and trees considered so hazardous as to necessitate an emergency removal shall be exempt from this provision. In the case of emergency removals, the Landscape Manager or the City Arborist shall have the authority to direct the removal of a hazardous tree.

2. Non-Emergency – For non-emergencies, the City shall post a Standard or Problem Tree that is not a hazard with an 8" x 5" placard at least seven (7) calendar days prior to the scheduled removal trees. The placard shall also note a Staff contact number and a date on which it was posted.

Staff shall also provide advance written notification, as applicable, to the adjacent property owner, the legally established homeowners' association, and the Councilperson of the district where the removal is proposed, of the intent to remove a Standard Tree.

Any appeal regarding a tree removal decision must be received by the Municipal Operations Director no later than seven (7) calendar days following the date of posting or notice of intent. The Director will delay tree removals until the appeal period has expired or until the Commission has acted upon an appeal.

B. Public Hearing Notification Requirements

1. Prior to PB&R Commission hearing on a tree removal request, the City shall post the Standard Tree or Problem Tree proposed for removal with an 8" x 5" placard at least fourteen (14) calendar days prior to the scheduled hearing. An 8" x 5" placard will be posted on a Special Tree considered for removal at least thirty (30) days before the hearing. The placard will include the following information: the date of its posting, the date, time and location of the hearing , and a City contact number. The placard will include the date it was posted, the date, time and location of the hearing and a City contact number.

2. For requests from a homeowner's association: City staff shall notify private property owners within a 500-foot radius of the tree requested for reforestation via postcard at least fourteen (14) calendar days and thirty (30) calendar days for Special Trees prior to the Commission hearing. The postcard will include the date, time and location of the hearing and a City contact number.

[Attachment – Exhibit A Special City Trees]

History

Action	**Policy #**	**Date Enacted**
Adopted	I-9	05-09-1966
Reaffirmed	I-9	08-30-1966
Amended	I-9	08-14-1967
Reaffirmed	I-9	11-12-1968
Reaffirmed	I-9	03-09-1970
Reaffirmed	I-9	02-14-1972
Amended	I-9	11-09-1976
Amended	I-9	11-12-1985
Amended	I-9	11-28-1988
Amended	I-9	03-14-1994 (changed to G-1)
Amended	G-1	04-11-1994
Amended	G-1	02-26-1996
Amended	G-1	07-14-1997

Amended (Administratively)	G-1	11-24-1997
Amended	G-1	08-10-1998
Amended	G-1	01-25-1999
Amended	G-1	02-22-2000
Amended	G-1	04-23-2002
Amended	G-1	04-27-2004
Amended	G-1	10-11-2011
Amended	G-1	09-08-2015
Amended	G-1	08-08-2017
Amended	G-1	02-09-2021
Amended	G-1	05-09-2023
Amended	G-1	12-09-2025
Amended	G-1	02-24-2026

EXHIBIT A

SPECIAL CITY TREES

TYPE	LOCATION	SPECIES	#
LANDMARK	Balboa Boulevard Median	Araucaria heterophylla	1
	Bob Henry Park	Ficus rubiginosa	1
	Castaways Park	Phoenix canariensis	1
	Lido Hotel Site	Ficus microcarpa 'Nitida'	2
	Dover Drive east of Irvine Avenue	Erythrina caffra	1
	Dover Drive at Westcliff	Liquidambar styraciflua	3
	John Wayne Park	Erythrina caffra	1
	Lido Isle Medians	Pinus pinea	4
	Main Street	Ficus microcarpa 'Nitida'	1
	Marine Avenue (Balboa Island)	Eucalyptus (Various Species)	47
	Ocean Blvd. (Corona del Mar)	Phoenix canariensis	5
	Wedge Area	Myoporum laetum	2
	West Jetty View Park (near Historical Marker)	Phoenix canariensis	2
	Westcliff & Dover (Groves) Bike Trail	Eucalyptus globulus	23
DEDICATED TREES	Bayside Park (Newport-Irvine Rotary Club)	Pyrus calleryana	
	Bayview Park (Gene Atherton)	Cinnamomum camphora	
	Bayview Park (Thomas Edward Mansfield & Owen Thomas Vatter)	Cassia leptophylla	
	Begonia Park (Dr. Leo V. Turgeon)	Bauhinia blakeana	
	Begonia Park (Cheryl Bailey Ringwald)	Prunus cerasifera	
	Bob Henry Park (Bob Henry)	Ficus rubiginosa	
	Bonita Canyon Sports Park (Elaine Linhoff)	Melaleuca linarifolia	
	Bonita Canyon Sports Park (Fern Pirkle)	Melaleuca linarifolia	
	Buffalo Hills Park (Bahia Community Earth Day Celebration)	Erythrina caffra	
	Buffalo Hills Park (North Beach Sunrise Rotary Club)	Stenocarpus sinutaus	
	Castaways Park (Kevin Murphy)	Pinus torreyana	
	Castaways Park (Mary Louise Romine)	Pinus torreyana	
	Castaways Park (Joe Clarkson)	Platanus racemosa	
	Castaways Park (Michael F. Gustin)	Platanus racemosa	
	Castaways Park (Robert W. Hanley)	Populus Fremontii	
	Castaways Park (Arthur Grant Kidmann Jr.)	Platanus racemosa	
	Castaways Park (Grover Stephens, Ph.D.)	Platanus racemosa	
	Castaways Park (John D. Woodruff)	Platanus racemosa	
	Castaways Park (Nancy Bergeson)	Quercus agrifolia	
	Castaways Park (Logan David Burley)	Quercus agrifolia	
	Castaways Park (Sawyer Dean Burley)	Quercus agrifolia	
	Castaways Park (Sawyer Dean Burley)	Quercus agrifolia	
	Castaways Park (Gregory Caurteau)	Quercus kelloggii	

Castaways Park (Bob & Susan Caustin)	Quercus agrifolia
Castaways Park (Joe Clarkson)	Quercus agrifolia
Castaways Park (Yen Chu Kuo)	Quercus agrifolia
Castaways Park (Ryan Lemmon)	Quercus agrifolia
Castaways Park (Virginia Najera)	Quercus agrifolia
Castaways Park (Eva Victoria Najera)	Quercus agrifolia
Castaways Park (David Rapp)	Quercus agrifolia
Castaways Park (Sheldon Powell Riley)	Populus Fremontii
Castaways Park (Nancy & Jack Skinner)	Quercus agrifolia
Castaways Park (Staycee Stone)	Quercus agrifolia
Castaways Park (Jason Stradman)	Quercus agrifolia
Castaways Park (Robert T. Talbot)	Quercus agrifolia
Castaways Park (Jan Vandersloot)	Quercus agrifolia
Castaways Park (Jean Watt)	Quercus agrifolia
Cliff Dr. Park (Susan Benz)	Bauhinia blakeana
Cliff Dr. Park (Francis P. Hemenway)	Cassia leptophylla
Cliff Dr. Park (Gary Lovell)	Quercus agrifolia
Cliff Dr. Park (Dr. Vandersloot)	Quercus agrifolia
Coastal Peak Park (Jared Romine)	Quercus agrifolia
Eastbluff Park (Lucy Huntsman)	Hymenosporum flavum
Eastbluff Park (Billy Covert)	Ficus macrophylla
Galaxy View Park (Trey Hunter)	Cupaniopsis anacardiodes
Galaxy View Park (Dylan Ayres)	Metrosideros excelsa
Galaxy View Park (Virginia Roberts)	Cassia leptophylla
Grant Howald Park (Jean & Coalson Morris)	Cassia leptophylla
Grant Howald Park (Skipper Mark Howes)	Hymenosporum flavum
Grant Howald Park (Mark Munro)	Metrosideros excelsa
Grant Howald Park (Pete Munro)	Metrosideros excelsa
Grant Howald Park (Cara Lee)	Spathodea campanulata
Irvine Terrace Park (Beckett Glyer)	Platanus racemosa
Irvine Terrace Park (U.S. Bicentennial Freedom Tree)	Platanus racemosa
Irvine Terrace Park (California Bicentennial)	Pinus Pinia
Irvine Terrace Park (Dana Harmon)	Liquidambar styraciflua
Irvine Terrace Park (Sister City of Okazaki)	Pinus nigra
L Street Park (Tim Van Ostenbridge)	Cassia leptophylla
Las Arenas Park (Ed Healy)	Melaleuca linarifolia
M Street (median) (Walter Knott)	Pinus pinea
Mariners Park (Sierra Beth)	Bauhinia variegata
Mariners Park (Dr. Anthony & Madeline DeCarbo)	Cedrus deodara
Mariners Park (Isy Pease)	Pinus halepensis
Mariners Park (Christopher & Marisha Thompson)	Pinus eldarica
Mariners Park (Meghan & Camielle Thompson)	Pinus eldarica
Mariners Park (Frank Tallman)	Pinus radiata

Mariners Park (North Beach Sunrise Rotary Club)	Senocarpus sinuatus	
Mariners Park (Graci Lee Henry)	Magnolia 'Little Gem'	
Mariners Park (Susana Lee Niederhaus)	Bauhinia variegata	
North Mariners Park (Marcie Schrauder)	Pinus radiata	
Newport Pier / 24th Street Bike Path (Marie "Maxine" Louchis)	Chamaerops humilis	
Old School Park (Mary Jo Tyler)	Bauhinia variegata	
Old School Park (Jean & Coalson Morris)	Cassia leptophylla	
Peninsula Park (Gray Lunde Tree)	Chamaerops humilis	
Peninsula Park (Don Perdue)	Ravenea rivularis	
San Miguel Park (Jon Walters)	Schinus molle	
Spyglass Hill Park (Dennis George Brice)	Acacia baileyana	
Spyglass Hill Park (Edith Mary Brice)	Acacia baileyana	
Veterans Park (Rosemary Rae Hill Hansen)	Lagenstoemia indica fauriei	
WCH & Superior Ave City Parking Lot (Louise Greeley)	Cassia leptophylla	
West Newport Park (Russell Marc Beaumont)	Erythrina caffra	
West Newport Park (Jeff Steven Reinker)	Erythrina caffra	
West Newport Park (Brownie Girl Scout Troop 2072)	Spathodea campanulata	
Various locations: Castaways Park and Cliff Drive Slopes (Dr. Jan David Vandersloot & Family)	Qurcus agrifolia	

NEIGHBORHOOD TREES	Along Avon Ave	Eucalyptus globulus	8
	Buena Vista and Lindo Ave	Erythrina caffra	1
	Candlestick Lane (Baycrest)	Eucalyptus citriodora	10
	Clay St. (Irvine Ave to St. Andrews Rd.)	Ficus microcarpa 'Nitida'	21
	Cliff Drive (north side, west of Dover Dr.)	Agathus robusta	4
	Cliff Drive Park (Scout House)	Ficus benjamina	1
	Commodore Rd.	Eucalyptus citriodora	2
	Corona del Mar State Beach	Washingtonia robusta	74
	601 Dover Drive	Eucalyptus ficifolia	1
	Dover Drive (Mariners Drive to Irvine Ave)	Eucalyptus globulus	6
	Eastbluff Park	Ficus macrophylla	6
	Glenwood Lane	Eucalytpus citriodora	2
	Goldenrod Ave (Ocean Blvd. to Fifth Ave.)	Washingtonia robusta	144
	Heliotrope Ave (Corona del Mar)	Pinus radiata	2
	Irvine Ave (17th St. to Dover Dr.)	Phoenix dactylifera	30
	Irvine Ave (17th St. to Dover Dr.)	Spathodea campanulata	39
	128 Kings Place	Roystonea regia	1
	L Street Park	Quercus suber	36
	Leeward Lane	Fraxinus uhdea 'Tomlinson'	38
	M Street Park	Pinus pinea	1
	Margaret Drive (median)	Erythrina caffra	1

Marguerite Ave. (Ocean Blvd. to Fifth Ave.)	Phoenix canariensis	64
Mariners Drive	Jacaranda mimosifolia	44
Newport Center Drive	Washingtonia robusta	363
Poppy Ave (Corona del Mar)	Eucalyptus rudis	24
Rhine Wharf Park	Archontophoenix cunninghamiana	12
Along Riverside Ave (adjacent to Cliff Dr Park)	Schinus terebinthefolius	10
725 St. James Rd.	Eucalyptus ficifolia	1
Sandalwood Lane	Eucalyptus citriodora	2
Santa Ana Ave.	Eucalpytus robusta	39
Seaview Ave (Corona del Mar)	Pinus radiata	1
Shorecliffs Entrance	Erythrina caffra	46
Starlight Circle	Eucalyptus citriodora	5
Via Lido Bridge	Eucalyptus globulus	16
Waterfront Drive (Avocado Ave to Acacia Ave)	Schinus molle	16
West Newport Park	Metrosideros excelsus	55

MAINTENANCE AND PLANTING OF CITYTREES

The City Council is vitally interested in beautification of City parkways. The City will endeavor to fund the care of the Urban Forest to the highest level possible through the efficient use of regular tree trimming, root pruning, root barrier and pesticide programs. Public cooperation in helping to develop and maintain healthy and attractive parkway trees is encouraged. Section 13.08.040 of the Municipal Code prohibits any person from tampering with City trees.

I. MAINTENANCE OF CITY TREES

The Municipal Operations Department will maintain City trees on a rotation schedule, including but not limited to trimming, staking, root pruning, nutrition, and pest control. An effort will be made to trim the parkway trees on less than a three-year cycle. More frequent trimming may be performed on approved trees and in approved view areas. Public safety issues such as low branches and heavy foliage will be given priority. An effort will be made to trim parkway trees located in heavy summer traffic areas during the fall and winter months. Annual trimming of certain species of trees prone to wind damage will be done prior to the winter season.

II. TREE TRIMMING STANDARDS

Tree trimming cycles and trimming standards shall represent the maximum feasible frequency given current fiscal conditions. Except as provided in the Supplemental Trimming Section below, trimming shall be in accordance with the standards of the International Society of Arboriculture (ISA). In those communities with a homeowner's association, periodic tree trimming with an emphasis on crown reduction or vista trimming will be considered by the City Arborist upon written request by the association.

III. SUPPLEMENTAL TREE TRIMMING

The City will consider requests to trim certain trees more frequently or to trim trees consistent with practices applied prior to the adoption of ISA standards (to enhance public and private views, preserve required sight/distance standards, or other public purposes) which are submitted by affected private property owners or the board of a homeowners association and the request is accompanied by a completed "Supplemental Tree Trimming Form" and full payment for the requested tree trimming. However, since these practices often require 'topping' or possible disfiguring of a tree(s) and are often aesthetically displeasing and injurious to a tree, reforestation shall be considered when supplemental tree trimming is impractical or infeasible as determined by the City Arborist.

The Landscape Manager shall establish procedures to implement the supplemental trimming provisions of this Policy. In areas with an active homeowner's association, approval must be obtained from a legally established association by the requestor of supplemental tree trimming if the requested trimming is to be undertaken within the association boundaries.

IV. TREE DESIGNATION LISTS

The City Council has adopted an official street tree list, the Street Tree Designation List (Exhibit A), which will be used by the Municipal Operations Department, to determine species for replacement of trees removed from established parkways and for planning purposes in all new subdivisions and commercial developments. A second list, the Parkway Tree Designation List (Exhibit B), has been added as a species palette for residents to choose approved, new and replacement, trees based on the size of parkway available for planting. The Eastbluff Community Association has its own City approved street tree list (Exhibit C).

The Municipal Operations Director, or designee, will have the authority to add species to the Street and Parkway Tree Designation Lists, which will be updated on an as-needed basis by the Municipal Operations Department staff and reviewed by the Parks, Beaches and Recreation Commission ("Commission") for approval before adoption by the City Council.

V. STANDARDS AND SPECIFICATIONS FOR PLANTING CITY TREES

This Section is intended for planting parkway trees related to new construction, in accordance with City Code 13.09.010.

General Requirements

1. 72-hour notification shall be given to the Municipal Operations Department staff by permittees prior to the initial installation of parkway trees for approval of species, material quality, and planting supervision. Inspection requests by permittees shall be scheduled 24-hours in advance using the Public Works inspection request line or via the City website as required.

2. Position of parkway trees is subject to approval by the Municipal Operations Department, and any tree not properly placed will be relocated by permittees at no cost to the City. In the interest of public safety, unless an exception is granted by the City Arborist, trees shall be planted not less than:

    - 15 feet back of beginning of curb returns at intersections.
    - 10 feet from lamp standards.
    - 10 feet from fire hydrants.
    - 5 feet from service walks or driveways.
    - 10 feet from meters and sewers.
    - 25 feet from stop signs.

3. Trees shall be a minimum container size of 36" size box, if growth space allows.

- Condition: Plants shall be symmetrical, typical for variety and species, healthy, vigorous, free from plant disease, insect pests and shall have healthy, normal root system free from being root bound. Trees shall not be pruned nor topped prior to delivery.
- Inspection: All plant material shall be subject to inspection and approval by the Municipal Operations Department, Municipal Operations Department staff prior to planting. The City has the right to reject any item offered in its sole and absolute discretion.
- Parkway Tree Planting: Per City Standards as found in the Tree Planting Detail available on the City's website.

4. Newly planted trees shall be irrigated with an automated system tied to the property under construction.

5. GUARANTEES

- 36" boxed trees shall be guaranteed as to growth and health for a period of one year after final acceptance by the Municipal Operations Department staff.
- Trees that fail to grow or are injured or damaged during planting operations shall be replaced within 15 days after notification. Replacement material shall be guaranteed to be specified as original guaranteed material.

VI. ESTABLISHED PARKWAYS

1. For all City tree planting in established parkways (not permit related), adjacent property owners and/or applicants must:

- Choose from the species listed on the Street Tree Designation List where it applies, or from the Parkway Tree Designation List for all other areas for planting new and replacement trees.
- Accept responsibility for watering and fertilizing new trees.
- Contact the City Arborist by sending a written request for one or more parkway trees or questions regarding this Policy to: Attn: City Arborist, P. 0. Box 1768, Newport Beach, California 92659-1768. Email is also available at pwinfo@newportbeachca.gov

2. The City will:

- Approve species, location, and spacing of tree planting.
- Furnish, install, stake, and initially fertilize new trees (exception would be trees planted in accordance with City Code 13.09.010).

- Prune and spray tree as required.
- Approve type of root barriers for installation.
- Assume trimming responsibilities.

VII. PARKWAYS IN ESTABLISHED RETAIL COMMERCIAL/OFFICE CENTERS

Parkway street trees that are removed because they are diseased or have damaged property may be replaced with the same species of trees (or a species other than the designated street tree) provided (a) the parkway street tree is located adjacent to or within an established retail commercial/office development; (b) replacement with the same species will maintain the appearance of the streetscape and/or ensure consistency with an established landscape master plan adopted by the adjoining landowner; (c) the parkway street trees have a history of little or no hardscape damage nor injury claims related to hardscape damage caused by the tree; and (d) the property owner has agreed in writing to repair or pay the cost of repair/and or replacement of hardscape or underground utilities damaged by the new trees.

[Attachment - Exhibit A]
[Attachment - Exhibit B]
[Attachment - Exhibit C]

History

Adopted I-19 - 11-22-1982
Amended I-19- 11-14-1983
Amended I-19- 10-22-1990
Amended I-19- 10-22-1992
Amended I-19 - 1-24-1994 (changed to G-6)
Amended G-6- 7-23-2002
Amended G-6 - 4-13-2004
Amended G-6 - 8-24- 2004
Amended G-6 - 9-8-2015
Amended G-6 - 8-8-2017
Amended G-6 - 2-9-2021
Amended G-6 - 11-14-2023
Amended G-6 - 11-14-2023
Amended G-6 12-9-2025
Amended G-6 2-24-2026

Exhibit A
Street Tree Designation List

STREET TREE DESIGNATION LIST					
ID	**HOA**	**FROM**	**TO**	**BOTANICAL NAME**	**COMMON NAME**
ANACAPA DR	Fashion Island	1300	1300	*Ficus rubiginosa*	**1.** Rusty Leaf Fig
BALBOA BLVD E		600	2100	*Syagrus romanzoffiana*	1. Queen Palm
BALBOA BLVD W		1000	1500	*Arbutus unedo* *Cassia leptophylla* *Washingtonia robusta*	1. Strawberry Tree 2. Gold Medallion Tree 3. Mexican Fan Palm
BALBOA BLVD W Median		1000	3200	*Washingtonia robusta*	1. Mexican Fan Palm
BLUE KEY	Harbor View Hills South	3600	3734	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
BLUE WATER DR	Broadmoor	2501	2825	*Magnolia grandiflora 'St Mary'*	1. Magnolia, St. Marv's
BOMBERO ST	Fashion Island	800	800	*Ficus rubiginosa*	1. Rusty Leaf Fig
BRIGHTON RD	Cameo Shores	4501	4651	*Bauhinia variegata*	1. Purple Orchid
BUCK GULLY DR	Harbor View Hills South	4000	4001	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
CAMDEN DR Parkway	Cameo Shores	4501	4699	*Bauhinia variegata*	1. Purple Orchid
CAMDEN DR Slope	Cameo Shores	4500	4599	*Bauhinia variegata*	1. Purple Orchid
CAMEO HIGHLANDS DR	Cameo Highlands	500	735	*Bauhinia variegata*	1. Purple Orchid
CAMEO SHORES RD Parkway	Cameo Shores	101	346	*Bauhinia variegata*	1. Purple Orchid
CAMEO SHORES RD Slope	Cameo Shores	100	350	*Bauhinia variegata*	1. Purple Orchid

Exhibit A
Street Tree Designation List

CATAMARAN DR	Harbor View Hills South	3400	3630	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
COAST HWY E		1600	1600	*1. Bauhinia blakeana* 2. *Archontophoenix cunninghamiana*	1. Hong Kong Orchid 2. King Palm
COAST HWY E		2200	3934	*1. Bauhinia blakeana* 2. *Arclwntophoenix cunninghamirma*	1. Hong Kong Orchid 2. King Palm
COAST HWY E		4001	4401	*1. Bnuhinia blakeana* 2. *Archontophoenix cunninghamirma*	1. Hong Kong Orchid 2. King Palm
COAST HWY E		4104	4400	*1. Bauhinia blakeana* 2. *Archontophoenix cunninglumiiana*	l. Hong Kong Orchid 2. King Palm
COAST HWY E Median		300	2100	*1. Spathodea campanulata* 2. *Archontophoenix cunninghamiana*	1. African Tulip Tree 2. King Palm
CORTLAND DR	Cameo Highlands	4500	4839	*Bauhinia variegata*	**1.** Purple Orchid
CROWN DR Even	Harbor View Hills	2720	2740	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
CROWN DR Parkway	Harbor View Hills	2501	2735	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
DE ANZA DR				*Magnolia grandiflora 'cultivar'*	

Exhibit A
Street Tree Designation List

DORCHESTER RD		Cameo Highlands	4500	4833	*Bauhinia variegata*	1. Purple Orchid
EBBTIDE RD	Even	Harbor View Hills	2700	2700	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
EBBTIDE RD	Parkway	Harbor View Hills	1100	2915	*Magnolia grandiflora 'Little Gem'*	**1.** Magnolia, Little Gem
EVENING CANYON RD			301	365	*Erythrina caffra*	1. Coral Tree
FAIRFIELD DR	Parkway	Cameo Shores	4501	4645	*Bauhinia variegata*	1. Purple Orchid
FAIRFIELD DR	Slope	Cameo Shores	4500	4500	*Bauhinia variegata*	1. Purple Orchid
FARALLON DR		Fashion Island	1900	2101	*Ficus rubiginosa*	1. Rusty Leaf Fig
GARRETT DR	Parkway	Cameo Highlands	501	725	*Bauhinia variegata*	1. Purple Orchid
GARRETT DR	Slope	Cameo Highlands	500	500	*Bauhinia variegata*	1. Purple Orchid
GOLDENROD AVE			200	721	*Washingtonia robusta*	1. Mexican Fan Palm
GOLDENROD AVE		Harbor View Hills	900	1133	*Magnolia grandiflora 'Little Gem'*	**1.** Magnolia, Little Gem
HAMPDEN RD	Even	Cameo Shores	4500	4700	*Bauhinia variegata*	1. Purple Orchid
HAMPDEN RD	Parkway	Cameo Shores	4501	4717	*Bauhinia variegata*	1. Purple Orchid
HARBOR VIEW DR	Parkway	Harbor View Hills	2500	3007	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
HARBOR VIEW DR	Slope	Harbor View Hills	2800	3101	*Magnolia grandiflora 'Little Gem'*	1.Magnolia, Little Gem

Exhibit A
Street Tree Designation List

HELIOTROPE AVE *7		200	721	1. *Magnolia grandiflora 'Little Gem'* 2. *Howea forsteriana*	1. Magnolia, Little Gem 2. Kentia Palm
HERON WAY	Harbor View Hills South	1300	1325	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
INLET ISLE DR	Harbor View Hills South	3701	4012	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
IRVINE AVE Median				*1. Phoenix dactylifera* 2. *Spathodea campanulata*	1. Date palm 2. African tulip
ISLAND VIEW DR	Broadmoor	2501	2727	*1. Magnolia, grand flora 'Little Gem'* 2. *Howea forsteriana*	1. Magnolia, 'Little Gem' 2. Kentia Palm
JAMBOREE RD		500	600	*1. Tabebuia impetiginosa* 2. *Liquidambar styraciflua 'Rotundiloba'*	1. Pink or Lavendar Trumpet 2. Roundleaf Sweet Gum
JAMBOREE RD Median		800	900	*1. Tabebuia impetiginosa* 2. *Liquidambar styraciflua 'Rotundiloba'*	1.. Pink or Lavendar Trumpet 2. Roundleaf Sweet Gum
JAMBOREE RD Median		1100	1500	*1. Tabebuia impetiginosa* 2. *Liquidambar styraciflua 'Rotundiloba'*	1. Pink or Lavendar Trumpet 2. Roundleaf Sweet Gum
KEEL DR	Harbor View Hills South	1200	1537	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem

Exhibit A
Street Tree Designation List

KEYBAY	Harbor View Hills South	3800	3930	*Magnolia grandiflora 'Little Gem'*	**1.** Magnolia, Little Gem
KEY VIEW	Harbor View Hills South	1436	1456	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
KEY WEST	Harbor View Hills South	1200	1224	*Magnolia grandiflora 'Little Gem'*	**1.** Magnolia, Little Gem
LIGHTHOUSE LN	Broadmoor	2500	2828	*Magnolia grandiflora 'St Mary'*	1. Magnolia, St. Mary's
MACARTHUR BLVD				*1. Magnolia grandiflora 'Little Gem'* 2. *Liquidambar stymcifiua 'Rotundiloba'*	1. Magnolia, Little Gem 2. Roundleaf Sweet Gum
MARGUERITE AVE		200	721	*Archontophoenix cunninghamiana*	1. King Palm
MARGUERITE AVE		1600	1740	*Archontophoenix cunninghamiana*	1. King Palm
MARGUERITE AVE Even		1520	1520	*Archontopoenix cunninghnmiana*	1. King Palm
MILFORD DR	Cameo Shores	101	345	*Bauhinia variegata*	1. Purple Orchid
MORNING CANYON RD		318	342	*Erythrina caffra*	1. Coral Tree
NEWPORT BLVD		100	600	*1. Tipuana tipu* 2. *Tristania laurina* 3. *Washingtonia robusta*	1. Tipu 2. Water Gum 3. Mexican Fan Palm

Exhibit A
Street Tree Designation List

NEWPORT BLVD			2600	3300	*1. Tipuana tipu* 2. *Tristania laurina* 3. *Washingtonia robusta*	1. Tipu 2. Water Gum 3. Mexican Fan Palm
NEWPORT CENTER DR			100	900	*Washingtonia robusta*	1. Mexican Fan Palm
NEWPORT CENTER DR			1000	1200	*Washingtonia robusta*	1. Mexican Fan Palm
NEWPORT CENTER DR	Median		100	900	*Washingtonia robusta*	1. Mexican Fan Palm
NEWPORT CENTER DR	Median		1000	1200	*Washingtonia robusta*	1. Mexican Fan Palm
ORRINGTON RD	Parkway	Cameo Shores	4500	4645	*Bauhinia variegata*	1. Purple Orchid
ORRINGTON RD	Slope	Cameo Shores	4510	4510	*Bauhinia variegata*	1. Purple Orchid
OUTRIGGER DR		Harbor View Hills South	1200	1430	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
PARK GREEN DR		Harbor View Hills South	3601	3907	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
PEARL AVE		Balboa Island	100	132	*Magnolia grandiflora 'Samuel Sommers'*	1. Magnolia, Samuel Sommers
PEBBLE DR	Parkway	Harbor View Hills	2700	2921	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
PEBBLE DR	Slope	Harbor View Hills	2800	2800	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
PERHAM RD	Parkway	Cameo Shores	4501	4645	*Bauhinia variegata*	1. Purple Orchid
PERHAM RD	Slope	Cameo Shores	4500	4500	*Bauhinia variegata*	1. Purple Orchid
POPPY AVE			200	352	*Tristania laurina*	1.WaterGum

Exhibit A
Sheet Tree Designation List

					Spathodea campmwlata	2.African Tulip Tree
QUIET COVE			3400	3449	*Geijera parviflora*	1. Australian Willow
ROCKFORD PL		Cameo Highlands	500	521	*Bauhinia variegata*	1. Purple Orchid
ROCKFORD RD		Cameo I-lighlands	500	721	*Bauhinia variegata*	1. Purple Orchid
ROXBURY RD		Cameo Shores	4500	4646	*Bauhinia variegata*	1. Purple Orchid
SALT AIR CIR		Broadmoor	2501	2601	*Magnolia grandiflora 'St Mary'*	1. Magnolia, St. Mary's
SALT AIR DR	Odd	Broadmoor	1301	1301	*Magnolia grandiflora 'St Mary'*	1. Magnolia, St. Mary's
SALT AIR DR	Slope	Broadmoor	1300	1320	*Magnolia grandiflora 'St Mary'*	1. Magnolia, St. Marv's
SAN CLEMENTE DR		Fashion Island	850	901	*Ficus rubiginosa*	1. Rusty Leaf Fig
SAN MIGUEL DR		Fashion Island	300	366	*Ficus rubiginosa*	1. Rusty Leaf Fig
SAN MIGUEL DR		Fashion Island	1600	2601	*Ficus rubiginosa*	1. Rusty Leaf Fig
SAN NICOLAS DR		Fashion Island	500	567	*Ficus rubiginosa*	1. Rusty Leaf Fig
SAND KEY		Harbor View Hills South	1200	1235	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SANDCASTLE DR		Harbor View Hills South	850	1555	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SANDPIPER DR	Parkway	Harbor View Hills	1010	1106	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem

Exhibit A
Street Tree Designation List

SANDPIPER DR	Slope	Harbor View Hills	1015	1101	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SANDUNE LN		Harbor View Hills South	3800	3930	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SANTA BARBARA DR		Fashion Island	870	1001	*Ficus rubiginosa*	1. Rusty Leaf Fig
SANTA CRUZ DR		Fashion Island	800	901	*Ficus rubiginosa*	1. Rusty Leaf Fig
SANTA MARIA RD		Fashion Island			*Ficus rubiginosa*	1. Rusty Leaf Fig
SANTA ROSA DR		Fashion Island	1500	1501	*Ficus rubiginosa*	1. Rusty Leaf Fig
SAUSALITO DR		Harbor View Hills South	3400	3621	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SEA LN		Harbor View Hills	900	950	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SEABREEZE LN		Harbor View Hills South	3400	3631	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SEACREST DR		Harbor View Hills South	1200	1533	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SETTING SUN DR	Parkway	Harbor View Hills	2701	3007	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SETTING SUN DR	Slope	Harbor View Hills	2700	3000	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SURFVIEW LN		Harbor View Hills South	3500	3620	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SURREY DR		Cameo Highlands	4500	4824	*Bauhinia variegata*	1. Purple Orchid

Exhibit A
Street Tree Designation List

TILLER WAY		Harbor View Hills South	900	1039	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
TOPSIDE LN		Harbor View Hills South	3798	4015	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
TREMONT LN	Slope	Cameo Shores	4500	4600	*Bauhinia variegata*	1. Purple Orchid
WATERFRONT DR			2200	2220	*Schinus molle*	California Pepper
WAYNE RD		Cameo Highlands	4500	4621	*Bauhinia variegata*	1. Purple Orchid
WHITE SAILS WAY		Harbor View Hills	1000	1133	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
2'+	Acacia baileyana	**Bailey Acacia**	25	15	Evergreen	L	Yes	No	No	
2'+	Archontophoenix cunninghamiana	**King Palm**	40	20	Evergreen	**M**	Yes	Yes	Yes	
2'+	Chionanthus retusus	**Chinese Fringe Tree**	20	15	Deciduous	**M**	Yes	Yes	No	
2'+	Heteromeles arbutifolia	**California Holly**	20	15	Evergreen	L	No	No	No	Available-15 Gal
2'+	Ligustrum lucidum	**Glossy Privet**	25	15	Evergreen	L	Yes	Yes	No	
2'+	Melaleuca nesophila	**Pink Melaleuca**	25	15	Evergreen	L	Yes	No	No	
2'+	Photiniax fraseri	**Fraser Photinia**	20	10	Evergreen	M	Yes	Yes	No	
2'+	Prunus cerasifera 'Newport'	**Newport Plum**	15	10	Deciduous		Yes	No	No	
2'+	Prunus cerasifera 'Purple Pony'	**Dwarf Purple Leafed Plum**	15	10	Deciduous		Yes	No	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
2'+	Rhaphiolepis x 'Montie'	**Indian Hawthorne**	15	10	Evergreen	**M**	Yes	Yes	No	
2'+	Tecoma stans	**Yellow Bells**	20	15	Evergreen	**M**	Yes	No	No	
2'+	Trachycarpus fortunei	**Windmill Palm**	30	10	Evergreen	**M**	Yes	Yes	Yes	
2'+	Tristania laurina	**Water Gum**	20	10	Evergreen	**M**	Yes	Yes	No	
3'+	Betula pendula	**European White Birch**	40	25	Deciduous	H	Yes	Yes	Yes	
3'+	Brahea armata	**Mexican Blue Palm**	30	15	Evergreen	L	Yes	No	No	
3'+	Brahea edulis	**Guadalupe Palm**	30	10	Evergreen	L	No	Yes	No	
3'+	Cercis canadensis 'Forest Pansy'	**Forest Pansy Redbud**	15	10	Deciduous	M	Yes	Yes	No	
3'+	Cercis occidentalis	**Western Redbud**	15	10	Deciduous	L	Yes	Yes	No	
3'+	Chitalpa tashkentensis	**Chitalpa**	25	25	Deciduous	L	Yes	Yes	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
3'+	Duranta repens	**Golden Dewdrop**	20	15	Evergreen	**M**	Yes	No	No	
3'+	Eriobotrya deflexa	**Bronze Loquat**	25	25	Evergreen	**M**	Yes	Yes	No	
3+	Handroanthus chrysotricha	**Yellow Trumpet Tree**	25	20	Deciduous	**M**	Yes	No	No	
3'+	Heteromeles arbutifolia	**Toyon Tree**	15	10	Evergreen	L	No	No	No	Available-15 Gal
3'+	Howea forsteriana	**Kentia Palm**	35	20	Evergreen	**M**	Yes	Yes	No	
3'+	Hymenesporum flavum	**Sweetsha de**	40	20	Evergreen	**M**	No	No	No	Available-15 Gal
3'+	Lagerstroemia indica 'Indian Tribes'	**Crape Myrtle**	25	20	Deciduous	**M**	Yes	Yes	Yes	Natchez (white) Dynamite (vibrant red), Tuscarora (pink) Muskogee (purple)
3'+	Livistona chinensis	**Chinese Fountain Palm**	20	10	Evergreen	M	Yes	No	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
3'+	Livistona decora	**Fountain Palm**	20	10	Evergreen	**M**	Yes	No	No	
3'+	Magnolia grandiflora 'Little Gem'	**Little Gem Magnolia**	20	15	Evergreen	**M**	Yes	Yes	Yes	
3'+	Maytenus boaria	**Mayten Tree**	20	15	Evergreen	M	Yes	Yes	Yes	
3'+	Rhus integrifolia	**Lemonade Berry**	10	10	Evergreen	VL	No	No	No	Available-IS Gal
3'+	Syagrus romanzoffiana	**Queen Palm**	50	20	Evergreen	**M**	Yes	Yes	Yes	
3'+	Washingtonia robusta	**Mexican Fan Palm**	90	20	Evergreen	L	Yes	Yes	No	
3'+	Wodyetia bifurcata	**Foxtail Palm**	40	20	Evergreen	**M**	Yes	No	No	
4'+	Arbutus 'Marina'	**Strawberry Tree**	20	20	Evergreen	L	Yes	Yes	Yes	
4'+	Brachychiton populeneus	**Bottle tree**	50	40	Evergreen	L	Yes	Yes	No	
4'+	Cassia leptophylla	**Gold Medallion tree**	25	20	Evergreen	M	Yes	Yes	No	
4'+	Geijera parvifolia	**Australian Willow**	40	25	Evergreen	L	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
4'+	Laurus noblis	**Grecian Laurel**	40	30	Evergreen	L	Yes	Yes	Yes	
4'+	Laurus 'Saratoga'	**Saratoga Laurel**	40	30	Evergreen	L	Yes	No	No	
4'+	Melaleuca citrinus	**Lemon Bottlebrush**	25	20	Evergreen	L	Yes	Yes	No	
4'+	Melaleuca viminalis	**Weeping Bottlebrush**	25	20	Evergreen	**M**	Yes	Yes	No	
4'+	Rhus lancea	**African Sumac**	25	20	Evergreen	L	Yes	No	No	
4'+	Spathodea campanulata	**African Tulip Tree**	30	20	Evergreen	**M**	Yes	Yes	No	
4'+	Stenocarpus sinuatus	**Firewheel Tree**	25	15	Evergreen	**M**	Yes	No	No	
5'+	Agonis flexuosa	**Peppermint Tree**	35	35	Evergreen	L	Yes	No	Yes	
5'+	Agonis flexuosa 'Afterdark'	**Afterdark Peppermint Willow**	35	35	Evergreen	L	Yes	No	No	
5'+	Albizia julibrissin	**Silk Tree**	40	40	Deciduous	M	Yes	Yes	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
5'+	Bauhinia variegata	**Purple Orchid Tree**	30	20	Deciduous	M	Yes	Yes	No	
5'+	Brachychiton acerfolius	**Flame Tree**	40	30	Evergreen	L	Yes	Yes	No	
5'+	Calodendron capense	**Cape Chestnut**	40	40	Deciduous	**M**	Yes	No	No	
5'+	Erythrina americana (E. coralloides)	**Naked Coral Tree**	30	30	Deciduous	L	Yes	Yes	No	
5'+	Fraxinus oxycarpa 'Raywood'	**Raywood Ash**	35	30	Deciduous	**M**	Yes	Yes	Yes	
5'+	Ginkgo biloba 'Fruitless'	**Maidenhair Tree**	60	40	Deciduous	**M**	Yes	Yes	Yes	
5'+	Tabebuia heterophylla	**Pink Trumpet Tree**	30	30	Deciduous	**M**	Yes	Yes	Yes	
5'+	Jacaranda mimosifolia	**Jacaranda**	40	50	Deciduous	**M**	Yes	Yes	Yes	
5'+	Koelreuteria paniculata	**Goldenrain Tree**	25	25	Deciduous	L	Yes	Yes	Yes	
5'+	Lophostemon confertus	**Brisbane Box**	60	40	Evergreen	M	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
5'+	Lyonothamnus floribundus	**Catalina Ironwood**	50	30	Evergreen	VL	Yes	No	No	
5'+	Magnolia grandiflora 'Majestic Beauty'	**Majestic Beauty Magnolia**	40	20	Evergreen	M	Yes	Yes	Yes	
5'+	Magnolia grandiflora 'Russett'	**Russett Magnolia**	20	15	Evergreen	**M**	Yes	Yes	Yes	
5'+	Magnolia grandiflora 'Saint Mary'	**Saint Mary Magnolia**	25	20	Evergreen	**M**	Yes	Yes	Yes	
5'+	Magnolia grandiflora 'Samuel Sommer'	**Samuel Sommer Magnolia**	40	30	Evergreen	**M**	Yes	Yes	Yes	
5'+	Melaleuca linnarifolia	**Flaxleaf Paperbark**	30	30	Evergreen	L	Yes	No	No	
5'+	Metrosideros excelsa	**New Zealand Christmas Tree**	40	40	Evergreen	**M**	Yes	No	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
5'+	Parkinsonia x 'Desert Museum'	**Desert Museum Palo Verde**	30	35	Semi	L	Yes	Yes	Yes	
5'+	Pinus brutia	**Afghan Pine**	60	50	Evergreen	L	Yes	Yes	Yes	
5'+	Pistacia chinensis	**Chinese Pistache**	40	40	Deciduous	**M**	Yes	Yes	Yes	
5'+	Podocarpus macrophyllus	**Yew Pine**	50	50	Evergreen	M	Yes	No	No	
5'+	Prunus ilicifolia subsp. lyonii	**Catalina Cherry**	30	30	Evergreen	VL	No	No	No	Available-15 Gal
5'+	Pyrus betulaefolia 'Southworth'	**Dancer Pear**	25	20	Deciduous		Yes	Yes	No	
5'+	Pyrus calleryana 'Aristocrat'	**Aristocrat Pear**	30	40	Deciduous	**M**	Yes	Yes	Yes	
5'+	Pyrus calleryana 'Chanticleer'	**Chanticle er Pear**	35	20	Deciduous	**M**	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
5'+	Pyrus calleryana 'Redspire'	**Redspire Pear**	35	25	Deciduous	M	Yes	Yes	Yes	
5'+	Pyrus kawakamii	**Evergreen Pear**	35	25	Deciduous	M	Yes	Yes	No	
5'+	Quercus douglasii	**Blue Oak**	50	50	Deciduous	VL	Yes	Yes	No	
5'+	Quercus ilex	**Holly Oak**	50	50	Evergreen	L	Yes	Yes	Yes	
5'+	Sapium sebiferum	**Chinese Tallow Tree**	40	35	Deciduous	**M**	Yes	Yes	No	
5'+	Sophora japonica 'Regent'	**Chinese Scholar Tree**	40	40	Deciduous	M	Yes	Yes	No	
8'+	Araucaria heterophylla	**Norfolk Island Pine**	80	30	Evergreen	M	Yes	Yes	No	
8'+	Brachychiton discolor	**Pink Flame Tree**	70	50	Semi	L	No	No	No	Available-15 Gal
8'+	Cinnamomum camphora	**Camphor Tree**	50	60	Evergreen	**M**	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
8'+	Erythrina caffra	**Kaffirboom Coral Tree**	40	40	Evergreen	L	Yes	Yes	No	
8'+	Fraxinus velutina 'Modesto'	**Modesto Ash**	50	30	Deciduous	**M**	Yes	Yes	Yes	
8'+	Koelreuteria bipinnata	**Chinese Flame Tree**	50	50	Deciduous	**M**	Yes	Yes	Yes	
8'+	Pinus canariensis	**Canary Island Pine**	80	50	Evergreen	L	Yes	Yes	Yes	
8'+	Pinus pinea	**Italian Stone Pine**	60	40	Evergreen	L	Yes	Yes	Yes	
8'+	Pinus torreyana	**Torrey Pine**	70	40	Evergreen	L	Yes	Yes	No	
8'+	Platanus x hispanica	**London Plane Tree**	70	40	Deciduous	**M**	Yes	Yes	No	
8'+	Platanus mexicana	**Mexican Sycamore**	60	40	Evergreen	**M**	Yes	Yes	No	
8'+	Platanus racemosa	**California Sycamore**	60	40	Deciduous	M	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
8+	Podocarpus gracilior	**Fern Pine**	60	60	Evergreen	M	Yes	Yes	Yes	
8'+	Quercus agrifolia	**Coast Live Oak**	70	80	Evergreen	L	Yes	Yes	Yes	
8'+	Quercus engelmannii	**Engleman Oak**	60	80	Evergreen	L	Yes	Yes	No	
8'+	Quercus lobata	**Valley Oak**	70	50	Deciduous	L	Yes	Yes	No	
8'+	Quercus virginiana	**Southern Live Oak**	60	80	Evergreen	M	Yes	Yes	Yes	
8'+	Roystonea regia	**Cuban Royal Palm**	80	40	Evergreen	**M**	Yes	Yes	No	
8'+	Schinus molle	**California Pepper**	40	50	Evergreen	VL	Yes	Yes	Yes	
8'+	Tipuana tipu	**Tipu Tree**	50	60	Semi	**M**	Yes	Yes	Yes	
8'+	Ulmus parvifolia 'Drake'	**"Drake" Chinese Elm**	60	60	Semi	**M**	Yes	Yes	Yes	
8'+	Zelkova serrata	**Sawleaf Zelkova**	40	40	Deciduous	L	Yes	Yes	No	

Exhibit C

Eastbluff Community Association Street Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
2'+	Tabebuia chrysotricha	**Yellow Trumpet Tree**	25	20	Deciduous	**M**	Yes	No	No	
3'+	Cercis canadensis 'Forest Pansy'	**Forest Pansy Redbud**	15	10	Deciduous	**M**	Yes	Yes	No	
3'+	Cercis occidentalis	**Western Redbud**	15	10	Deciduous	L	Yes	Yes	No	
3'+	Chitalpa tashkentensis	**Chitalpa**	25	25	Deciduous	L	Yes	Yes	No	
3'+	Eryobotrya deflexa no fruit	**Bronze Loquat**	25	25	Evergreen	**M**	Yes	Yes	No	
3'+	Lagerstroemia indica 'Indian Tribes'	**Crape Myrtle**	25	20	Deciduous	**M**	Yes	Yes	Yes	
3'+	Magnolia grandiflora 'Little Gem'	**Little Gem Magnolia**	20	15	Evergreen	**M**	Yes	Yes	Yes	
3'+	Rhus lancea	**African Sumac**	25	20	Evergreen	L	Yes	No	No	

Exhibit C

Eastbluff Community Association Street Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
4'+	Arbutus unedo	**Strawberry Tree**	20	20	Evergreen	L	Yes	Yes	Yes	
4'+	Cassia Ieptophylla	**Gold Medallion tree**	25	20	Evergreen	**M**	Yes	Yes	No	
4'+	Geijera parvifolia	**Australian Willow**	40	25	Evergreen	L	Yes	Yes	Yes	
4'+	Spathodea campanulata	**African Tulip Tree**	30	20	Evergreen	M	Yes	Yes	No	
5'+	Agonis flexuosa	**Peppermint Tree**	35	35	Evergreen	L	Yes	No	Yes	
5'+	Albizia julibrissin	**Silk Tree**	40	40	Deciduous	**M**	Yes	Yes	No	
5'+	Bauhinia variegata (purpurea)	**Purple Orchid Tree**	30	20	Deciduous	**M**	Yes	Yes	No	
5'+	Brachychiton acerfolius	**Flame Tree**	40	30	Evergreen	L	Yes	Yes	No	
5'+	Calodendron capense	**Cape Chestnut**	40	40	Deciduous	M	Yes	No	No	
5'+	Fraxinus oxycarpa 'Raywood'	**Raywood Ash**	35	30	Deciduous	M	Yes	Yes	Yes	
5'+	Ginkgo biloba 'Fruitless'	**Maidenhair Tree**	60	40	Deciduous	M	Yes	Yes	Yes	

Exhibit C

Eastbluff Community Association Street Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
5'+	Jacaranda mimosifolia	**Jacaranda**	40	50	Deciduous	M	Yes	Yes	Yes	
5'+	Koelreuteria paniculata	**Goldenrain Tree**	25	25	Deciduous	L	Yes	Yes	Yes	
5'+	Lyonothamnus floribundus	**Catalina Ironwood**	50	30	Evergreen	VL	Yes	No	No	
5'+	Magnolia grandiflora 'Russett'	**Russett Magnolia**	20	15	Evergreen	M	Yes	Yes	Yes	
5'+	Magnolia grandiflora 'Saint Mary'	**Saint Mary Magnolia**	25	20	Evergreen	M	Yes	Yes	Yes	
5'+	Magnolia grandiflora 'Samuel Sommer'	**Samuel Sommer Magnolia**	40	30	Evergreen	M	Yes	Yes	Yes	
5'+	Magnolia grandiflora. 'Majestic Beauty'	**Majestic Beauty Magnolia**	40	20	Evergreen	**M**	Yes	Yes	Yes	
5'+	Melaleuca linnarifolia	**Flaxleaf Paperbark**	30	30	Evergreen	L	Yes	No	No	
5'+	Melaleuca quinquinerva (viridifolia)	**Cajeput Tree**	40	20	Evergreen	M	Yes	Yes	Yes	

Exhibit C

Eastbluff Community Association Street Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
5'+	Metrosideros excelsa	**New Zealand Christmas Tree**	40	40	Evergreen	**M**	Yes	No	No	
5'+	Pistacia chinensis	**Chinese Pistache**	40	40	Deciduous	**M**	Yes	Yes	Yes	
5'+	Prunus ilicifolia subsp. lyonii	**Catalina Cherry**	30	30	Evergreen	VL	No	No	No	Available -15 Gal
5'+	Quercus douglasii	**Blue Oak**	50	50	Deciduous	VL	Yes	Yes	No	
5'+	Quercus ilex	**Holly Oak**	50	50	Evergreen	L	Yes	Yes	Yes	
5'+	Tabebuia heterophyll	**Pink Trumpet Tree**	30	30	Deciduous	**M**	Yes	Yes	Yes	
8'+	Brachychiton discolor	**Pink Flame Tree**	70	50	Semi	L	No	No	No	Available-15 Gal
8'+	Cinnamomum camphora	**Camphor Tree**	50	60	Evergreen	**M**	Yes	Yes	Yes	
8'+	Fraxinus velutina 'Modesto'	**Modesto Ash**	50	30	Deciduous	M	Yes	Yes	Yes	
8'+	Lophostemon confertus	**Brisbane Box**	60	40	Evergreen	M	Yes	Yes	Yes	
8'+	Platanus acerifolia	**London Plane Tree**	70	40	Deciduous	**M**	Yes	Yes	No	

Exhibit C

Eastbluff Community Association Street Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
8'+	Podocarpus gracilior (Afrocarpus gracilior)	**Fern Pine**	60	60	Evergreen	M	Yes	Yes	Yes	
8'+	Schinus molle	**California Pepper**	40	50	Evergreen	VL	Yes	Yes	Yes	
8'+	Tipuana tipu	**Tipu Tree**	50	60	Semi	M	Yes	Yes	Yes	
8'+	Ulmus parvifolia	**"Drake" Chinese Elm**	60	60	Semi	M	Yes	Yes	Yes	

TEMPORARY BANNERS EXTENDING OVER OR WITHIN THE PUBLIC RIGHT-OF-WAY

Findings and Purpose

Temporary banners and signs pose risks to the public in the form of potential physical obstructions in or over the right-of-way and by distracting an individual who otherwise would, and should, focus on other users. The City Council also finds that, in the absence of the size and number limits specified in this policy, temporary banners or signs could reduce property values, adversely impact land uses, and interfere with the recreational objectives of visitors to the City of Newport Beach. A total prohibition on the installation of temporary banners and signs within the public right-of-way is appropriate, with the exception of the provisions of this Policy and Newport Beach Municipal Code Chapter 20.42, because there are adequate alternative means of communication for those wishing to engage in commercial or non-commercial speech except for non-profit groups organizations conducting community wide events that are co-sponsored by the City of Newport Beach and open to the general public. Finally, the City Council has determined that the restrictions contained in this policy and the provisions of Newport Beach Municipal Code Title 20 are the least restrictive means available to accomplish the public safety, economic, and aesthetic objectives of the City Council.

General Provisions

Temporary banners and signs shall not be permitted within or over any public street or pedestrian right-of-way with the exception of those signs specified in Newport Beach Municipal Code Chapter 20.42, or any successor statute, and banners notifying the general public of a community wide event, open to the general public, conducted by a non-profit corporation or organization, and co-sponsored by the City of Newport Beach. Temporary banners and signs shall be installed in strict compliance with the provisions of this Policy and any conditions imposed on the permit by the Public Works Director and, if required, by the Utilities Director.

Permit Process

A. Except as provided in Newport Beach Municipal Code Title 20, or any successor statute, no person shall install any temporary banner or sign within any public right-of-way without first obtaining a permit issued by the Public Works Department.

B. Applications for a temporary banner permit shall be submitted to the Public Works Department on a form supplied by the City, and prior to thirty (30) days of planned installation date.

C. The Public Works Director shall determine if the application complies with the standards specified in this policy.

D. The Public Works Director shall approve/deny/recommend City Council approval of the application within five (5) working days. If the City Council approves the request, subsequent requests for the same event maybe approved by the City Manager, provided that the size, number, location, and banner type (language and graphics) are unchanged.

E. The Public Works Director shall approve the permit if the application conforms with the standards contained in this policy.

F. The Public Works Director shall deny the permit if the application does not conform to the standards in this policy and shall give the applicant written notice of, and the reasons for, the denial.

G. The Public Works Director may impose a refundable security deposit to be applied to any damages, repairs to standards, poles, or City property not corrected by permittee within fourteen (14) days of banner removal or any special services required by City.

H. The Permittee shall agree to indemnify and hold harmless the City of Newport Beach.

I. The Permittee shall maintain a minimum of $1,000,000 in liability insurance from a company with a Best's Key Rating Guide parameter of "A" or better and a financial size category of "VIII" or higher.

Standards

A. Manner of Installation

1. Permittee shall install no more than 100 banners;

2. a) Banners on streetlight poles shall be no more than two-and-one-half (2.5) feet wide and eight (8) feet high. Wind load calculations, determined by a registered engineer, shall be required for banners greater than twenty (20) square feet;
   b) Banners other than streetlight pole banners shall be no more than four (4) feet by eight (8) feet wide and are subject to review and approval for safety sight distance and clearance issues.

3. No more than one (1) banner shall be installed on any pole or standard and banners may not be installed between poles or standards;

4. The banners shall contain only the name of the permittee and if applicable, the date, time, and name of the event to be conducted by the permittee;

5. All banner brackets on streetlight poles shall be mounted at least fourteen (14) feet above the ground surface;

6. All banner brackets on streetlight poles shall be installed using stainless steel band clamps and the brackets must be sufficiently strong to withstand wind-load generated by ninety (90) mile per hour winds. Each banner shall have a minimum of two (2), five (5) inch half circle wind slits;

7. Poles or standards shall be wrapped with forty-five (45) milliliter thick black rubber sheet or other pre-approved material under all stainless steel brackets and clamps and no portion of any bracket shall be in direct contact with the surface of any street light pole or standard.

In addition, all street light pole(s) being used shall be inspected and approved by the Utilities Department;

8. Banners shall be installed only at locations specified on the permit;

9. Permittee shall install and remove banners in strict compliance with the traffic control, signage and warning device criteria specified in the WATCH handbook and/or the California Manual on Uniform Traffic Control Devices; and

10. If more than one permittee requests the use of the same street light pole(s) at the same time, the City may require removal of some of the banners to allow other organizations to install banners authorized under City policies.

B. Time of Installation

1. Permittee shall contact the Public Works Department at least forty-eight (48) hours prior to the installation of any banner on streetlight poles pursuant to the permit; and

2. All banners and supporting material shall be removed within thirty (30) days after the date of installation.

C. Place of Installation

1. Banners shall only be installed on City-owned poles and standards, or approved locations in roadway medians, in City parks, and on other City owned facilities;

2. Banners shall not be installed on any pole or standard which could create sight distance problems for pedestrian or vehicular traffic;

3. Banners shall not be installed on poles or standards in any residential district;

4. Banners shall only be installed at the approved locations indicated on the plan submitted with the banner application; and

5. City-owned poles within Caltrans right-of-way shall require an additional review/approval process with Caltrans Permit Department.

History
Adopted L-8 – 10-25-1977
Adopted M-4 – 1-24-1994
Amended M-4 – 2-26-1996 (changed to L-16)
Amended L-16 – 2-24-1997
Amended L-16 – 5-8-2001
Amended L-16 – 4-8-2003
Amended L-16 – 10-10-2006
Amended L-16 – 5-14-2013
Amended L-16 – 5-12-2015

Amended L-16 – 8-14-2018
Amended L-16 – 2-24-2026

REDUCING BARRIERS TO WIRELESS SERVICE FACILITIES ON PRIVATELY OWNED PROPERTY, ON CITY-OWNED AND CITY-HELD TRUST PROPERTY, AND THE PUBLIC RIGHT-OF-WAY

Purpose

The purpose of this policy is to reduce barriers to wireless service facilities on private property, City-owned and City-held trust property, and the public right-of-way. This policy describes the manner in which these locations may be used as locations for personal wireless service facilities that transmit voice and/or data.

Policy

It is the Policy of the City to effectively balance the needs of its residents, visitors, and businesses to use and have access to state-of-the-art wireless telecommunication systems (such as wireless Internet, voice, and other data communications) with the needs of residents to safely and effectively enjoy their property. This Policy shall be used when considering applications to install wireless communications devices on private property, City-owned, or City-held property by any wireless telecommunications provider or siting company.

Except for sites identified as ineligible for personal wireless service facilities pursuant to this Policy, all proposals affecting City-owned or City-held trust property shall be processed through the Community Development Department and the Public Works Department and shall be exempt facilities as provided in Chapters 20.49 and 21.49.

Chapters 20.49 and 21.49 of the Newport Beach Municipal Code (NBMC) shall be used for wireless service facilities on private property. The NBMC shall be reviewed to reduce the barriers to wireless service facilities.

Agreement Required

All personal wireless service facilities located on City-owned property or City-held Trust property, or in the public right-of-way must have an agreement approved as to form by the City Attorney and approved as to substance (including, but not limited to, compensation, term, insurance requirements, bonding requirements, and hold harmless provisions) by the City Manager. The agreement shall be executed prior to the issuance of a street construction permit (encroachment permit).

City Sites Eligible or Ineligible for Personal Wireless Service Facility Placement

A. Sites Eligible for Use. The City Council has determined that the following City locations are acceptable for placement of personal wireless service facilities, in no particular order of preference:

   1. Newport Beach Civic Center.

   2. Parks.

3. Police Headquarters.

4. Lifeguard Headquarters.

5. The Community Centers.

6. Medians and parkways along public streets

7. The Central Library and Branch Libraries.

8. The Corporate Yards.

9. Qualifying City-held easements.

10. Streetlights (following certification and acceptance by the Utilities Department of an effective test of the facility's impacts to the light standard under various environmental conditions), which may be located upon the right-of-way, or City-trust held property.

11. Leased City property, subject to the lease provisions.

12. Open space areas owned by the City where no sensitive habitat exists and the personal wireless service facilities are located on existing structures, are designed to be unobtrusive and/or stealth-integrated to preserve the visual character and natural landscape of the site.

B. Sites Ineligible for Use. The City Council has determined that the following City locations are unacceptable for placement of personal wireless service facilities:

1. Open space areas owned by the City where placement of facilities in these areas would aesthetically impair the pristine nature of the area.

2. Other properties owned by the City where the placement of facilities would conflict with existing structures, including utilities, or otherwise impact use of the facility or property for its designated purpose.

3. Traffic signal poles.

Compensation and Term

The City Manager shall follow these rules when developing any agreement for the placement of any personal wireless service facilities on City-owned or City-held trust property, or in the public right-of-way:

A. Compensation for personal wireless services facilities located in the public right-of-way shall be based on the rates established by Federal Communications Commission (FCC) Small Cell Order (FCC 18-133).

B. Compensation on City-owned property other than a City streetlight shall be determined based on the California Department of General Services published telecommunications lease rates for

installation of all types on City-owned public, non-commercial, and commercial properties, as may be amended or replaced. At the discretion of the City Manager, a discount not to exceed twenty percent (20%) may be applied to these rates to facilitate the installation of personal wireless service facilities in locations that address local coverage gaps or improves telecommunication coverage for residents.

C. The Agreement shall provide for a specific term to be determined by the City Manager.

D. The Agreement shall provide for the following rent adjustments:

1. Rent adjustments for personal wireless services facilities located in the public right-of-way shall be adjusted annually by the Consumer Price Index (CPI), or any subsequent rates established by the FCC .

2. Rent adjustment on City-owned property other than City streetlights shall be adjusted annually based on the California Department of General Services published telecommunications lease rates.

E. The Agreement shall require the applicant to post a bond, letter of credit, or other financial security/securities ("Financial Security") in an amount that equals or exceeds the anticipated cost of removing the personal wireless service facility or personal wireless service facilities and repairing any damage to City property at the completion of the Agreement term or in the event that the applicant ceases use of or abandons the personal wireless service facility or otherwise does not remove the personal wireless service facility including any equipment or cabinet whether underground, in the public right-of-way, or on City or private property. The Financial Security shall name the City as eligible for receipt of the Financial Security's proceeds if the applicant ceases use of or abandons the personal wireless service facility(ies).

City Communications Systems Exempt

This Policy shall not apply to any communications system used by City personnel for communications deemed necessary for City operations.

History

Adopted L-23 – 9-24-2002
Amended L-23 – 10-10-2006
Amended L-23 – 8-14-2018
Amended L-23 – 2-24-2026

CITY COUNCIL

Open Meeting Policies

The Newport Beach City Council is required to comply with the Ralph M. Brown Act (Brown Act). Unless an exception applies, the Brown Act requires public entities to deliberate and ~~take action~~act in open session. The City Council has adopted these rules to ensure compliance with the Brown Act and to promote full citizen participation in the discussions and decisions of their elected and appointed representatives.

A. Regular Meetings. The City Council shall hold r~~R~~egular m~~M~~eetings as allowed by the City Charter and the Ralph M. Brown Act. The schedule for r~~R~~egular m~~M~~eetings is set annually by resolution of the City Council. Regular meetings shall begin at 4:00 p.m., or as otherwise scheduled due to the demand of business, and shall follow the order of business set forth in this p~~p~~olicy.

The City Council may hold a regular meeting, special meeting, or an adjourned regular ~~or special meeting~~ at any location authorized by the City Charter and the Brown Act. When the day for any regular meeting falls on a legal holiday, no meeting shall be held on such holiday, but a regular meeting shall be held at the same hour~~s~~ on the following business day.

B. All regular, special, and adjourned meetings of the City Council shall be called, noticed, and conducted in compliance with the Brown Act.

C. Placing an Item(s) on a Future City Council Agenda. A member of the City Council may place an item(s) on a future City Council agenda for consideration by submitting a title or topic sufficient to satisfy the requirements of the Brown Act on or before 5:00 p.m. on the Tuesday preceding the meeting at which the item is to be considered. Item(s) to be placed on a future City Council agenda shall be primarily focused on issues that directly impact the finances, property, authority, policies, or interest of the City ~~of Newport Beach~~ and/or finances, property, or rights of the residents of the City ~~of Newport Beach~~. When requested, the City Attorney shall assist a ~~City~~ Council Member with the drafting of an agenda title or topic to ensure consistency with the Brown Act. These items will appear under the section of the agenda titled, "Matters Which Council Members Have Asked to be Placed on a Future Agenda". ~~and a~~Any Council Member may ask clarifying questions regarding the item to ensure understanding of the matter; however, the City Council will not discuss or debate the item. At the Council meeting, if three (3) members of the City Council wish to examine the issue, staff will prepare an appropriate report and return the item to the City Council for discussion and/or action. Additionally, the City Manager may place an item(s) on the agenda at the City Manager's discretion.

D. It is the intent of the City Council that no item will be introduced on a City Council agenda after the hour of 11:00 p.m. Furthermore, it is the City Council's intent that if an item introduced and being discussed by 11:00 p.m. is not concluded by 12:00 a.m., the City Council should adjourn the meeting to another date. The intent and purpose of this policy is to encourage a reasonable hour in which the City Council business is discussed and to protect against fatigue in discussing and deciding important City issues.

Order of Business

Unless modified as provided herein, ~~To the~~to the extent the business needs of the City require City Council consideration of the items set forth below, the agenda for r~~R~~egular m~~M~~eetings of the City Council shall contain the following items in the following order:

~~Study Session (if any)~~

~~Current Business (if Study Session is scheduled)~~

- ~~Clarification of Items on the Consent Calendar~~
- ~~Presentations (will be considered with the remainder of the Regular Meeting agenda items if no Study Session is scheduled)~~
- ~~Study Session Items~~

~~Public Comments on Agenda and Non-Agenda Items (if Study Session and/or Closed Session is scheduled)~~

~~Recess (if Study Session and/or Closed Session is scheduled)~~

Study Session / Regular Meeting Agenda Items ~~(at 4:00 p.m. or, if there is Study Session and/or Closed Session, when the meeting is reconvened)~~

Roll Call

~~Closed Session Report~~

Invocation

Pledge of Allegiance

Presentations

Study Session (if any)

~~Notice to the Public~~

Public Comments on Agenda and Non-Agenda Items~~Items (if Study Session and/or Closed Session is not scheduled)~~

City Council Announcements and Oral Reports from City Council on Committee Activities (non-discussion item)

Matters Which Council Members Have Asked to be Placed on a Future Agenda (non-discussion item – Council Members may ask clarifying questions)

Public Comments on Consent Calendar

Consent Calendar:

A. Reading of Minutes and Ordinances

B. Ordinances for Introduction

C. Ordinances for Adoption

D. Resolutions for Adoption

E. Contracts and Agreements

F. Miscellaneous (for example: Planning Commission Agendas, budget amendments, and permit applications)

Items Removed from the Consent Calendar

~~Public Comments on Non-Agenda Items~~

Public Hearings

Continued Business

Current Business

Motions for Reconsideration

Public Comment on Closed Session Items (if any)

Closed Session (if any) - Council Chambers Conference Room

Closed Session Report (if any)

~~Closed Session, if necessary (report if applicable)~~

Adjournment

The City Manager or Mayor shall have the discretion to change the order of business. Council Members may change the order of business by majority vote of the City Council. The City Clerk shall comply with all Brown Act rules related to publishing instructions required to be provided including the process for accommodations under the Americans with Disability Act and Senate Bill No.707.

Rules of Order for City Council Proceedings

A. Rules of Order. Except as provided in this p~~P~~olicy, the City Charter, other rules, or practices followed by the City Council, or applicable provisions of s~~S~~tate law, the procedures of the City Council shall be guided by the latest revised edition of Robert's Rules of Order ("Rules").

~~1. Failure to Observe Rules of Order.~~ Rules adopted to expedite the transaction of the business of the City Council in an orderly fashion are deemed to be procedural only and the failure to strictly observe such rules shall not affect the jurisdiction of the City Council or invalidate any action taken at a meeting that is otherwise held in conformity with law.

B. Public Input. Members of the ~~general public~~public have the right to address the City Council on any item on the agenda, as well as any item under the subject matter jurisdiction of the City Council~~body~~. Generally, the time allotted for public comment is three (3) minutes; however, the Presiding Officer may limit speaking time on any item based on the number of agenda items to be considered at the meeting and/or the number of speakers for each agenda item.

1. Agendized Matters and Consent Calendar. Speakers on agenda items, including, but not ~~-~~limited to, Consent Calendar items, shall limit their comments to ~~three (3) minutes~~the time allotted for public comment and shall step down from the lectern immediately after their time has elapsed unless the P~~p~~residing O~~o~~fficer has granted the speaker's request for additional time. As appropriate, th~~Th~~e P~~p~~residing O~~o~~fficer may grant the speaker additional time ~~if the speaker is addressing the Council on a complicated or complex matter or if the speaker represents a group of individuals whose individual testimony would exceed the total time allotted to the speaker~~. Speakers shall limit their comments to matters relevant to the item on the agenda.

2. Non-agendized Matters. The agenda shall contain a public comment section during which any member of the public may address the Council on any non-agenda item generally considered to be a municipal affair and within the subject matter jurisdiction of the Council. Public comments shall not be used for electioneering—including advocating for or against any candidate or ballot measure—or for advertising, promoting, or soliciting on behalf of any commercial business. To ensure that all members of the public have an opportunity to address the Council during public comments, each speaker shall be limited to the time allotted for public comment ~~three (3) minutes~~ and shall immediately step down from the lectern upon expiration of the allotted time unless the P~~p~~residing O~~o~~fficer has granted the speaker's request for additional time. Staff and/or members of the City Council may briefly respond to each speaker who testifies during public comments. Responses shall be limited to the specific issue(s) raised by the speaker and shall generally be limited to information helpful to the public's understanding of the issue(s) raised by the speaker. The City Council shall not ~~take action~~act relative to any public comment unless an action ~~would be~~is authorized by Section 54954.2(b) of the Government Code, or any successor statute.

3. Consent Calendar. A Consent Calendar item may be pulled by ~~the Mayor or a member~~any member of the City Council. If a Consent Calendar item is pulled, members of the public may speak on each pulled item for up to the amount of time allotted for public comment~~three (3) minutes~~, unless the Ppresiding Oo~~f~~ficer has granted the speaker's request for additional time.

Officers

A. Presiding Officer. The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, or at the Mayor's request, the Mayor Pro Tem shall preside. In the absence of the Mayor and Mayor Pro Tem, the most senior member of the City Council present shall be the Presiding Officer. ~~City Clerk shall call the City Council to order, whereupon a temporary Presiding Officer shall be elected by the City Council Members present to serve until the arrival of the Mayor or Mayor Pro Tem.~~

1. Powers and Duties of Presiding Officer.

a. Participation. The Presiding Officer may ~~move~~make a motion, debate, and vote on all agenda items ~~from the Chair~~.

b. Question to be Stated. Prior to any vote, other than to move City staff's recommendation, the ~~The~~ Presiding Officer, or at the Presiding Officer's request, the City Clerk~~,~~ shall state (or announce) the motion. ~~prior to opening any subject to debate. The Presiding Officer or such member of the City staff as he or she may designate shall verbally restate each question immediately prior to calling for the vote.~~

c. Signing of Documents. The Presiding Officer shall sign all ordinances, resolutions, contracts, and other documents necessitating his/~~ or~~ her signature which were adopted in his/~~ or~~ her presence, unless he/~~ or~~ she is unavailable, in which case the signature of an alternate Presiding Officer may be used.

d. Sworn Testimony. The Presiding Officer may require any person addressing the City Council to be sworn as a witness and to testify under oath, and the Presiding Officer shall so require a witness to be sworn if directed to do so by a majority vote of the Council.

B. Parliamentarian. The City ~~Clerk~~ Attorney shall be designated as Parliamentarian for the City Council proceedings to advise the Presiding Officer. Within the limitations imposed ~~by Robert's~~by the Rules ~~of Order~~, the Presiding Officer has the authority to determine proper parliamentary procedure.

Conduct of City Council Business

A. Rules for Discussion/Debate.

1. Getting the Floor. Every Council Member desiring to speak shall first address the Presiding Officer and ~~,~~ gain recognition by the Presiding Officer~~, and shall confine himself or herself to the question under debate, avoiding personalities and indecorous language~~.

2. Opening Discussion/Debate. The following three steps are necessary prior to opening discussion/debate on any subject, except as noted.

a. Motions. The Presiding Officer may open a matter for discussion or debate prior to the making of any motion. ~~Before any subject is open to debate, a motion must be made. The motion is a proposal in that it sets forth something the person making the motion favors.~~

b. Motions - Second Required. Except for the nomination of a Council Member to serve as Mayor or Mayor Pro Tem, ~~A~~a motion by any member of the Council, including the Presiding Officer,~~, may not be open to debate without a~~ shall require a second. Such action does not mean that the seconder endorses the motion, but only that he/~~-~~she wishes to have the motion considered.

c.

~~c. Stating of Motion. The motion must be stated (or announced) by the Presiding Officer prior to opening the subject to debate.~~

Exceptions:

i. Oral Presentations. Oral presentations may be made by City staff, or someone designated by staff, prior to a motion being made, discussed, or ~~and~~ debated upon.

ii. Questions to Staff. At any time during the proceedings, every Council Member desiring to question ~~the~~ City staff shall, after recognition by the Presiding Officer, address the questions to the City Manager, the City Clerk, or the City Attorney, who shall be entitled either to answer the inquiry himself/~~ or~~ herself or to designate a member of his/her staff for that purpose.

iii. Public Hearings. For matters that are the subject of a public hearing, the procedures for opening debate are suspended until after the public hearing is closed.

3. Addressing the Council

a. Manner of Addressing Council. Each person desiring to address the Council shall step up to the microphone, may state his/her name and address for the record, state the subject he/she wishes to discuss, may state whom he/she is representing if he/she represents an organization or other persons and, unless further time is granted by the Mayor, ~~and~~ shall limit his/her remarks to ~~three (3) minutes~~the time allotted for public comment. All remarks shall be addressed to the Council as a whole and not to any member thereof or to the audience. No question shall be asked of a Council Member or a member of the City staff without the permission of the Presiding Officer.

b. Exception:

The City Council may preside over administrative hearings or designate a hearing officer to take evidence and submit proposed findings and recommendations. In the event the City Council conducts any hearing that is quasi-judicial or administrative in nature, the following procedure shall be followed:

i. The Ppresiding Ooofficer may ask the City Manager to summarize the nature of the hearing and the issues to be resolved by the City Council.

ii. The Ppresiding Ooofficer shall invite the person or entity that filed the application for permit, license, or other entitlement (applicant) to make a presentation. The applicant shall have a reasonable amount of time, as determined by the Presiding Officer, to present evidence or testimony relevant to any issue before the City Council. The City Council, City Manager, or City Attorney may ask questions of the applicant, or any witness presented by the applicant.

iii. In the event the matter is pending before the City Council by virtue of an appeal, the Ppresiding Ooofficer shall then invite the appellant to make a presentation. The appellant shall have a reasonable amount of time, as determined by the Presiding Officer, to present evidence or testimony relevant to any issue before the City Council. The City Council, City Manager, or City Attorney may ask questions of the appellant, or any witness presented by the appellant.

iv. Upon conclusion of the presentations by the applicant and the appellant, if any, the Ppresiding Ooofficer shall invite testimony from members of the audience.

v. Prior to closing the hearing, the Ppresiding Ooofficer shall give the applicant and the appellant, if any, the opportunity to comment on the evidence with the right to comment limited to no more than five (5) minutes. In the case of an appeal, the applicant's opportunity to comment on the evidence shall precede that of the appellant.

~~vi. The presiding officer shall have the discretion to require the applicant, the appellant, and their respective witnesses, to present testimony under oath.~~

vii. The Ppresiding Ooofficer shall have the right to exclude testimony or evidence which is not relevant to any issue before the City Council.

~~b. Spokesman for Group of Persons. To expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the City Council on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesman be chosen by the group to address the City Council and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the City Council, subject to the right of all members of the public to speak on any item on the agenda pursuant to the Brown Act.~~

4. After Motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the City Council ~~from the audience on the matter under consideration~~ without first securing permission to do so by a majority vote of the City Council or Presiding Officer.

5. Interruptions. A Council Member, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer, unless a point of order or personal privilege is raised by another Council Member, or unless the speaker chooses to yield to a question by another Council Member. If a Council Member, while speaking, is called to order, he/~~or~~ she shall cease speaking until the question of order is determined and, if determined to be in order, he/~~or~~ she may proceed. Members of the City staff, after

recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

6. Points of Order. The Presiding Officer shall determine all points of order subject to the right of any Council Member to appeal to the Council. If an appeal is taken, the question shall be "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order.

7. Point of Personal Privilege. The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which the integrity, character or motives are questioned or where the welfare of the City Council is concerned. A Council Member raising a point of personal privilege may interrupt another Council Member who has the floor only if the Presiding Officer recognizes the privilege.

~~8. Limitation of Debate. No Council Member shall be allowed to speak more than once upon any particular subject~~subject, ~~or for more than five minutes, until every other Council Member desiring to do so shall have spoken.~~

8~~9~~. Protest Against Council Action. Any Council Member shall have the right to have the reasons for his or her dissent from, or his or her protest against, any action of the Council entered in the minutes. Such dissent or protest to be entered into the minutes may be made in the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons...."

9~~10~~. Remarks of Council Member and Synopsis of Debate. A Council Member may request through the Presiding Officer the privilege of having an abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

B. Rules of Decorum.

1. Council Members. While the City Council is in session, the members must preserve order and decorum. Each Council Member shall conduct himself/~~ or~~ herself with decorum and shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the City Council, nor disturb any member while speaking or refuse to obey the orders of the Presiding Officer.

a. Each Council Member has the duty to:

i. Respect and adhere to the American ideals of government, rule of law, principles of public administration, and high ethical conduct in the performance of public duties.

ii. Represent and work for the common good of the City and not for any private interest.

iii. Refuse to accept gifts of favors or promises of future benefits which might compromise or tend to impair independent judgment or action.

iv. Provide fair and equal treatment for all persons and matters coming before the City Council.

v. Learn and study the background and purpose of important items of business before voting.

vi. Faithfully perform all duties of office.

vii. Refrain from disclosing any information received during any closed session of the City Council held pursuant to state law.

viii. Decline any employment incompatible with public duty.

ix. Refrain from abusive conduct, personal charges or verbal attacks upon the character, motives, ethics, or morals of other members of the City Council, City commission, committee or board, City staff, or the public, or other personal comments not germane to the issues before the City Council. Members are to be tolerant of all views expressed at public meetings.

x. Listen courteously and attentively to all public discussions at City Council meetings and avoid interrupting other speakers, including other members except as permitted by established Rules of Order.

xi. Maintain the highest standards of public conduct by refusing to condone breaches of public trust or improper attempts to influence legislation.

2. Decorum of Speakers and Members of the Audience. The Presiding Officer is responsible for maintaining decorum during public meetings. Speakers shall direct all comments to the City Council and not the audience. ~~Speakers~~ No person, whether they are present at a City Council meeting or participating in a meeting via a two-way telephonic service or a two-way audiovisual platform, shall ~~not~~ engage in any willful conduct that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting including, but not limited to, noncompliance with established rules of decorum, such as clapping or making sounds that disrupt the proceeding, exceeding the speaker's time limit, or speaking out of turn. ~~willful conduct which interrupts the meeting or interferes with the orderly conduct of the meeting.~~ Any person(s) ~~speaker~~ engaging in such conduct shall be called to order by the P~~p~~residing O~~o~~fficer and, if the conduct continues, the person(s) may be removed from the meeting. Prior to removing the person(s), the Presiding Officer shall warn the person(s) that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The Presiding Officer may then direct the Seargent-at-Arms to remove the person(s) if they do not promptly cease their disruptive behavior~~and, if the conduct continues, the presiding officer may order the speaker barred from speaking and/ or attending the meeting~~.

For meetings conducted via teleconference or video conference: the Presiding Officer may mute, disconnect, or remove a participant who is disruptive after issuing a warning.

No person shall be declared out of order, prevented from speaking or barred from ~~attendance at~~attending any meeting because of any disagreement with the speaker's position or view on any matter, because of the speaker's identity, or because of any disagreement with the content of relevant testimony.

~~3. Members of the Audience. No member of the audience shall willfully interrupt the orderly conduct at the meeting. The presiding officer shall direct the removal of any individual whose willful interruption~~

~~renders infeasible the orderly conduct of the meeting. In the event the removal of the individual or individuals willfully interrupting the meeting does not restore order, the presiding officer may order the meeting room cleared and continue in session. Media representatives shall be allowed to remain at the meeting except those representatives of whose willful conduct interrupted the meeting.~~

34. Persons Authorized to Approach the City Council Dais. No person except members of the City Council and ~~the~~ City staff shall enter the area between the public speakers' podiums and the City Council d~~D~~ais without the consent of the Presiding Officer.

45. Enforcement of Decorum. The Chief of Police, or such member or members of the Police Department as he/~~ or~~ she may designate, shall be Sergeant-at-Arms of the City Council and shall carry out all orders given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meetings. Any Council Member may move to require the Presiding Officer to enforce the rules upon affirmative vote of a majority of the City Council.

Teleconference Disruption Policy

A teleconference disruption occurs when a technological failure prevents real-time, two-way participation by the public or members of the legislative body, including but not limited to: the loss of internet connectivity; audio or video failure; platform outages (e.g., Zoom, Teams, telephonic service); and the inability of the public to provide live comment.

If a temporary disruption occurs: the Presiding Officer shall announce the disruption on the record; the meeting shall be recessed; City staff will make a good faith effort to restore service (for up to an hour); and no deliberation or voting shall occur during the disruption. If service is restored, the Presiding Office shall reconvene the meeting and summarize the interruption for the record. If service is not restored, the City Council shall vote, by roll call, as to whether good faith efforts were made and the public interest in continuing the meeting outweighs remote access.

Ex Parte Communications

Members of the City Council shall disclose ex parte communications, if any, prior to the consideration of quasi-judicial items and any other items where the law requires disclosure (collectively ("quasi-judicial matter").

Members of the City Council ~~, and City employees, agents and representatives~~ shall not engage in any c~~E~~x p~~P~~arte communication with any member of a b~~B~~oard, c~~C~~ommission, or c~~C~~ommittee regarding any quasi-judicial matter pending, or reasonably expected to come, before that member's b~~B~~oard, c~~C~~ommission, or c~~C~~ommittee.

For purposes of this policy, the term c~~E~~x p~~P~~arte communication shall mean any oral or written communication directed to a member which is intended, or is reasonably calculated, to influence the member's decision on any quasi-judicial matter but does not include communications between members during deliberations ~~preliminary~~ prior to a decision or communications where all interested parties or their representatives are present. The term quasi-judicial matter shall mean the appeal of any discipline imposed

on any City employee, the appeal of any grievance filed by a City employee or employee association, or a proceeding to revoke any license, permit, or approval granted by the City Council, any bBoard, cCommission, or cCommittee, or any City employee and which is pending, or is reasonably expected to come, before the City Council or any City bBoard, cCommission, or cCommittee.

The provisions of this policy do not apply to eEx pParte communications between City employees and any member of the City Council or a bBoard, cCommission, or cCommittee regarding a quasi-judicial matter which has been submitted to, or can reasonably be expected to be heard by, the City Council, bBoard, cCommission, or cCommittee that is considered legal advice or when the eEx pParte communication is initiated by the member and requests only background information available to members of the general public.

City Council Voting Procedures

A. ~~A.~~ Voting Procedure. Any vote of the City Council, including a roll call vote, may be registered by the members raising their hands or by answering "Yes" for an affirmative vote, "Abstain" for an abstention, or "No" for a negative vote upon the member's name being called by the City Clerk, or by the Presiding Officer. Following the vote, the City Clerk shall audibly announce the results of the vote by name indicating whether the question carried or was defeated. The same shall be recorded in the minutes as the vote. The Presiding Officer in his/~~ or~~ her discretion may publicly explain the effect of a vote for the audience, or he/~~ or~~ she may direct a member of the City sStaff to do so, before proceeding ~~to~~with the next item of business.

B. Substitute Motions and Amendments to Motions. A Council Member may move to substitute a new motion for the original motion; however, an amendment to a motion is preferred for minor changes rather than a substitute motion.~~-~~ Only one substitute motion shall be made to replace the original motion, and the City Council shall vote on the substitute motion first. If the substitute motion passes, the original motion is replaced. If the substitute motion fails, the original motion is considered. If both the original and substitute motion fail, a Council Member may make a new motion for consideration by the City Council.

C~~B~~. Disqualification for Conflict of Interest. Any Council Member who is disqualified from voting on a particular matter ~~by reason of~~because of a Political Reform Act, Levine Act, or other conflict of interest~~-~~, shall publicly state the nature of such disqualification in an open meeting. Except for Consent Calendar items, ~~Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Council Member affected, be decided by the other Council Members. A~~a Council Member who is disqualified by reason of a conflict of interest o~~i~~n any matter shall not remain in his or her seat during the debate and vote on such ~~matter, but~~matter but shall request and be given the permission of the Presiding Officer to step down from the ~~Council table~~City Council dais. If the conflict involves a matter on the Consent Calendar the Council Member must announce the nature of the conflict, refrain from participating on the item, but may remain present at the City Council d~~D~~ais. A Council Member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

D~~C~~. Failure to Vote. Every Council Member should vote unless they are disqualified from voting~~by reason of a conflict of interest~~. The vote of Council Member who abstains, absent a disqualifying conflict of interest, shall be counted with the majority vote of the quorum on the question voted upon.

E~~D~~. Tie Vote. Tie votes shall be considered a lost motion~~s~~ and may be reconsidered by ~~any Council Member~~the City Council.

F~~E~~. Changing Vote. A Council Member may change his/~~ or~~ her vote only if the Council Member makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item of business is taken up.

G~~F~~. Reconsideration. A motion to reconsider ~~the vote on~~ any action taken by the City Council at either the current~~is~~ meeting or ~~the~~ the previous meeting may ~~be made~~ only be made by ~~one of the~~a Council Member~~s~~ who voted ~~with~~on the prevailing side. A motion for reconsideration requires a second, which may be made by any Council Member, regardless of how they originally voted.

Closed Session Agenda

The closed session agenda shall be prepared by the City Attorney, and the City Attorney may place an item on the agenda at the City Attorney's discretion. Any member of the City Council may place an item on the Closed Session Agenda for consideration by submitting a title or topic sufficient to satisfy the requirements of the Brown Act to the City Attorney on or before 5:00 p.m. on the Wednesday preceding the meeting at which the item is to be considered. The closed session agenda shall strictly conform to the format specified in the Brown Act. The City Attorney shall prepare a written report, or give an oral report, of any action taken in C~~c~~losed S~~s~~session that is required to be reported in open session by the Brown Act.

Selection of Mayor and Mayor Pro Tem

Section 404 of the City Charter provides for the selection of the Mayor and the Mayor Pro Tem by the City Council. This section provides that a Mayor and a Mayor Pro Tem shall be selected at least as often as Council elections are held and that the Mayor and Mayor Pro Tem shall serve at the pleasure of the City Council.

~~Effective with the selection of the Mayor and the Mayor Pro Tem during November of 1984, i~~It is the policy of the City Council that the Mayor and the Mayor Pro Tem election shall occur every year at the December meeting. ~~thereafter. The election shall take place pursuant to Section 404 of the City Charter.~~

Seating Arrangement for City Council

Each year, f~~F~~ollowing ~~each Council election~~the selection of the Mayor, members of the City Council shall be seated at the City Council table with senior Council Members having first choice of seats. The Mayor, however, shall be seated in the center of the City Council table and the Mayor Pro Tem~~pore~~ shall always be seated immediately next to and to the right of the Mayor. In the event of equal seniority among members of the City Council, selection of City Council seats shall be made by the Council Member who received the highest margin of victory percentage in the most recent election.

City Council Correspondence

The City Clerk is authorized to open and examine all mail or other written communications addressed to the City Council and to immediately give a copy to the City Manager. The City Manager shall give immediate attention to administrative business referred to in the communication that does not require City Council action and may be promptly concluded or shall prepare a staff report for the next available City Council meeting. Except as otherwise permitted by law, all mail or written communications from the public, residents, or applicants shall be submitted to the City Council by 5:00 p.m. on the Monday immediately prior to the meeting at which the City Council will consider the item that is the subject of the mail or written communications to allow time for the City Council to adequately consider the mail or written communications.

Ordinances, Resolutions and Contracts

A. Ordinances, Resolutions and Contracts. All ordinances, resolutions, and contracts shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or requested by the Mayor, or City Manager, or prepared by the City Attorney on his/ ~~or~~ her own initiative. ~~The Planning Commission may initiate zoning and planning ordinances.~~

B. Prior Review by Administration Staff. All ordinances, resolutions, and contract documents shall, before presentation to the City Council, be reviewed by the City Manager or his/~~-~~her designee.

C. Reading of Adopted Ordinances. If a motion to waive reading of all ordinances has been adopted at the beginning of the Council meeting, the City Clerk will read the adopted ordinances by title only. ~~If any Council Member so requests, the ordinance shall be read in full.~~

Preparation and Reading of Minutes

The City Clerk shall have ~~the exclusive~~exclusive responsibility for preparation of the minutes, and any directions for changes in the minutes shall be made only by majority action of the City Council.

Unless the reading of the minutes of a City Council meeting is ordered by a majority vote of the City Council, such minutes may be approved without reading if the minutes were ~~City Clerk~~ previously ~~furnished~~ made available to ~~each~~the City Council ~~Member~~ and ~~the public binder and website with a copy~~the public.

Recording of Open Meetings

A. All regular meetings of the City Council shall be recorded.

B. Any person attending an open and public meeting of the City Council shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera unless the City Council determines, based upon evidence in findings made by the Mayor, that continued recording would create noise, illumination, or view obstruction problems that are disrupting or would disrupt the proceedings. The Mayor may impose conditions on any recordation, which in the absence of the conditions, would disrupt the proceedings.

C. Any audio tape or video record of any open and public meeting made by or at the direction of the City ~~of Newport Beach~~Council shall be subject to inspection pursuant to the California Public Records Act (Sections 6250 et seq. of the Government Code). If a City Council meeting has simultaneously recorded audio and video, the audio recording may be destroyed after the City Council meeting minutes for that meeting have been approved by the City Council and the video recording has been uploaded to the document imaging system. Any person may inspect a video or audio recording without charge on a recorder made available by the City of Newport Beach.

~~City Council Member Requests for Research or Information~~

~~The City of Newport Beach is a City Council-City Manager form of government. The City Council appoints a City Manager to implement policy, to ensure laws are enforced, to direct the daily operations of City government, and to prepare and monitor the municipal budget. Because Council Policy is implemented on a daily basis through City staff, it is critical that the relationship between the City Council and City staff be well understood by all parties so that policies and programs may be implemented successfully.~~

~~The purpose of this policy is to further guide the implementation of Charter Section 406 (Interference in Administrative Service) so that the long tradition of positive relationships between members of the City Council and City staff is maintained.~~

~~A. General Interactions with City Staff:~~

~~1. The City Manager, City Attorney, and City Clerk are appointed directly by the City Council to provide executive, administrative, and legal services. , and Public Information OfficerIn many cases, the City Manager encourages direct contact with department directors within this Policy's guidelines, thus enabling the Council Member to get appropriate information quickly and easily.~~

~~2. If a Council Member's request is expected to take more than thirty (30) minutes (or in the case of a request from the Mayor, two (2) hours) to research, gather information, report on or otherwise respond to any inquiry, the City Manager, City Attorney, or City Clerk shall ask that the Council Member or Mayor place the request on the agenda for formal Council action before staff spends time or resources on the request.~~C

~~B. Requests for Information or Research:~~

~~1. For new issues, actions, or research proposed by a Council Member that require approval by the City Council, Council Members will follow the procedure provided in this policy to place an item on the City Council agenda.~~

~~2. For issues or actions that have been previously approved by the City Council, or which do not require City Council approval, Council Members will, depending on the nature of the request, route the request for information or research through the City Manager, City Attorney, or City Clerk. It shall be the responsibility of the City Manager, City Attorney, or City Clerk to promptly respond as to their recommended disposition of the request. Upon authorization by the City Manager, City Attorney, or City Clerk, the Council Member may communicate directly with other city staff members (such as department directors) or City consultants.~~

~~3. Council Members' contact with City staff or City consultants, other than City Council appointees, is limited to asking questions and obtaining information and not giving direction or assignments.~~

Expressions of Official City Position or Policy

Council Members are authorized to convey information to the public~~:~~ as provided for by Council p~~P~~olicy; by law; that is factual in nature, (e.g., about City programs, projects, and other City business); as well as official positions and policies of the City that have been approved by the City Council as a body. If a member of the City Council desires that a particular official City position or policy be established or expressed on a given

issue, not previously approved by the City Council, the Council Member shall submit their recommendations on said position or policy to the entire City Council as provided in this ppolicy, for evaluation and disposition as the City Council sees fit.

Except as provided in this pPolicy, any ~~City~~ Council Member who wishes to communicate a statement or opinion regarding any matter which the City Council has not taken an official position on shall ensure that said statement or opinion cannot be construed by the public as being an official position or policy of the City. When communicating such opinion or statement, a ~~City~~ Council Member shall not use City equipment, City email addresses, or City stationery. Additionally, such communications shall make it clear that the Council Member is expressing their own personal opinion. The City Council finds this policy furthers an important public purpose by ensuring the public does not confuse personal opinions expressed by ~~City~~ Council Members with official expressions of City policy.

Use of City Stationeary and Email

Members of the City Council are authorized to use City stationery and email when corresponding on matters relating to official City business. Correspondence shall identify the author of the correspondence and email. Use of City stationeary or email for private personal matters or statements of personal opinion is not permitted.

The style and content of City stationary utilized by individual City departments shall be approved by the City Manager to minimize the number of styles and promote use of a City-wide standard.

Private Digital Communications

Digital communication(s) by a Council Member on a Digital Communication Platform, as that term is defined in Council Policy D-5, that is owned or controlled by a Council Member or a third-party (*i.e.*, someone other than the City) and which discusses matters within the subject matter jurisdiction of the City Council, shall be deemed to be made in their personal capacity. Digital communications by a Council Member through a Digital Communication Platform owned or controlled by the Council Member or a third-party that discusses City matters shall make it clear that the Council Member is not speaking on behalf of the City (*i.e.*, "views expressed are my own"). All social media platforms owned or controlled by the Council Member that discusses City matters shall contain a notice that they are the personal page of the Council Member.

History

Adopted A-1 – 2-09-1959 ("Seconds to Motions")
Adopted A-3 – 2-09-1959 ("Seating of Councilmen")
Adopted A-6 – 11-13-1967 ("Recording of Meetings")
Amended A-l and A-3 – 11-12-1968
Reaffirmed A-1, A-3, and A-6 – 3-9-1970
Reaffirmed A-1, A-3, and A-6 – 2-14-1972
Adopted G-3 – 5-8-1972 ("City Council Instructions to Staff")
Adopted A-10 – 8-21-1972 ("Procedural Rules for Council Meetings", and incorporating A- l and A-3)
Amended A-10 – 11-24-1975

Amended A-6 – 6-13-1977
Amended A-6 – 10-25-1977
Amended A-10 – 11-28-1977
Amended A-10 – 7-24-1978
Amended A-10 – 9-11-1978
Amended A-10 – 11-27-1978
Adopted A-13 – 2-12-1979 ("Use of City Stationery by Councilmen")
Amended A-10 – 10-23-1979
Amended A-10 – 11-12-1979
Amended A-10 – 7-28-1980
Amended A-6 & A-10 – 2-9-1981
Deleted A-3 – 2-9-1981
Amended A-1 – 10-25-1982
Amended A-10 – 6-25-1984
Amended A-10 – 10-22-1984
Adopted A-1 – 11-20-1984 ("Election of Mayor and Mayor Pro Tem")
Amended A-10 – 6-24-1985
Amended A-10 – 3-24-1986
Amended A-10 – 1-12-1987
Amended A-10 – 5-26-1987
Amended A-10 – 11-28-1988
Amended A-10 – 11-27-1989
Amended A-13 – 1-8-1990
Amended A-10 – 8-13-1990
Amended A-10 – 10-22-1990
Amended A-10 – 6-28-1993
Adopted A-11 – 1-24-1994 (“Recording of Council Meetings")
Amended A-6 – 1-24-1994 (renamed to "Open Meetings")
Amended A-1 – 1-24-1994
Amended A-13 – 1-24-1994 (changed to A-8)
Amended A-6 and A-10 – 3-28-1994
Amended A-6 – 6-27-1994
Amended A-6 – 12-12-1994
Amended A-11 – 2-27-1995
Amended A-10 – 10-09-1995
Corrected A-1 & A-8 – 2-26-1996
Amended A-10 – 2-26-1996
Amended A-6 – 2-26-1996
Adopted A-13 – 5-28-1996 ("Decorum and Order for City Commissions, Committees and Boards")
Amended A-6 – 12-9-1996
Amended A-1 – 2-24-1997
Adopted A-15 – 11-10-1997 ("Ex Parte Communication")
Amended A-6 – 5-26-1998
Adopted A-16 – 6-22-1998 ("Conflict of Interest Procedures")
Amended A-6 – 3-14-2000

Amended A-6 – 2-27-2001
Amended A-6 – 3-27-2001
Amended A-6 and A-10 – 8-28-2001
Amended A-6 – 1-27-2004
Amended A-6 – 3-09-2004
Amended A-6 – 3-28-2006
Amended A-6 – 2-26-2008
Amended A-6 – 10-27-2009
Amended A-6 – 12-6-2010
Amended A-6 & A-10 – 2-22-2011
Amended A-6 – 11-27-2012
Amended A-6 and A-10 – 1-8-2013
Amended A-6 – 5-14-2013
Adopted A-3 – 5-14-2013 ("Request for Research or Information")
Amended A-11 – 5-13-2014
Amended A-6 – 6-9-2015
Adopted A-20 – 7-14-2015 ("Expression of Official City Position")
Amended A-11 – 4-12-2016
Amended A-13 – 1-24-2017
Amended A-1 – 8-8-2017 (incorporating A-3, A-6, A-8, A-10, A-11, A-13, A-15, A-16, and A-20, and renaming to “City Council”)
Amended A-1 – 1-22-2019
Amended A-1 – 7-14-2020
Amended A-1 – 4-27-2021
Amended A-1 – 2-14-2023
Amended A-1 – 5-14-2024
Amended A-1 – 2-24-2026

BOARDS, COMMISSIONS & COMMITTEES

Service on City Boards, Commissions, and Committees is one of the principal means by which residents participate in the conduct of City government. The City is fortunate to have highly skilled, educated and experienced residents that are willing to selflessly donate their time and resources to positively contribute towards the betterment of our c~~C~~ity. This Policy prescribes the rules, guidelines, and ideals that govern our City's Boards, Commissions, and Committees.

Board, Commission, & Committee Formation Process

A. Boards and Commissions shall be established by City Charter or ordinance of the City Council. Committees shall be established by ~~a~~ resolution of the City Council in accordance with this policy.

B. Boards, Commissions, and Committees shall be designated either 1) Permanent; 2) Standing; or 3) Ad Hoc. Boards, Commissions, and Committees having a definite termination date may be extended by City Council action.

C. With the assistance of the City Attorney, all Boards, Commissions, and Committees shall determine ~~the applicability of, and comply with,~~ if the Ralph M. Brown Act applies and, if applicable, comply with its provisions.

D. All Boards, Commission, and Committee meetings open to the public shall include an opportunity for public comments and questions.

~~E. Boards and Commissions may be reviewed on or before December 31 of each year consistent with the Maddy Act (Cal. Gov. Code § 54972). Committees may be reviewed in October of each year for any needed additions, changes or deletions by the City Manager and the City Council. Within this review, the City Council shall consider whether the work done by Committees is duplicative of other Committees' work, and shall consider merging or disbanding committees as appropriate. This provision shall not however prevent such changes at other times of the year.~~

Types of Boards, Commissions, & Committees

Boards and Commissions (Permanent)

These shall consist of citizens with a staff liaison pursuant to the enabling City Charter section~~,~~ or ordinance ~~or resolution~~. Appointments are made pursuant to this p~~P~~olicy.

City Council Committees (Standing or Ad Hoc)

These shall consist of City Council Members ~~and City staff~~ as prescribed by the enabling ~~ordinance or~~ resolution. Annually, ~~T~~the Mayor ~~annually~~ shall appoint the City Council Members subject to confirmation by the full City Council.

City Council/Citizens' Committees (Standing or Ad Hoc)

These shall consist of City Council Members, citizens, and City staff as prescribed by enabling ~~ordinance or~~ resolution. Annually, t~~T~~he Mayor annually shall appoint City Council M~~m~~embers to these Committees subject to confirmation by the full City Council. Appointment of citizens and staff members to these Committees shall be addressed in the respective enabling ~~ordinance or~~ resolution.

Citizens' Advisory Committees (Standing or Ad Hoc)

These shall be comprised solely of citizens with perhaps a City Council or staff liaison. Appointments generally shall be made annually by the Mayor subject to confirmation by the full City Council. ~~-~~However, the enabling ~~ordinances or~~ resolution~~s~~ may provide that appointees represent each of the Council Districts in which case appointments shall be made by individual City Council M~~m~~embers for their respective Council ~~d~~Districts, subject to confirmation by the full City Council.

Joint Governmental Committees (Permanent or Standing)

These are committees comprised of representatives from several governmental agencies. Representatives ~~to~~on these committees can be either City Council Members or City staff. Appointment to joint governmental committees shall be made annually by the Mayor subject to confirmation by the full City Council.

City Staff Committees (Permanent, Standing, or Ad Hoc)

These are comprised of staff members designated by their job title as prescribed by enabling ~~ordinance or~~ resolution.

Member Appointment Process

New Boards, Commissions, or Committees – Citizen Appointment

Unless otherwise provided in the formation ordinance or resolution, the City Clerk shall advertise in a newspaper of general circulation the opportunity for citizens to be appointed to a new Board, Commission, or Committee and the application procedure. Final appointments shall not be made for at least ten (10) working days after the posting of the vacancy notice.

Annual Appointment List

On or before December 31 of each year, the City Clerk shall, consistent with the Maddy Act (Cal. Gov. § 54972), prepare a list of all appointive terms of Boards, Commissions, and Committees which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position. Also, the City Clerk shall list all Boards, Commissions, and Committees whose members serve at the pleasure of the City Council, and the necessary qualifications of each position. ~~—~~The list shall be posted ~~I:\Temp\Council Policy Ad Hocd~~ in the City's normal posting location for agendas, as well as the Newport Beach Public Library located at 1000 Avocado Avenue.

Qualifications

Appointees to Boards, Commissions, and Committees shall be electorates and residents of the City, unless an ~~. However, when exceptions are warranted, the reasons shall be so stated in that Boards, Commissions or Committee's~~ exceptions is set forth in the enabling ordinance or resolution.

The City Clerk ~~shall further~~shall maintain a file of c~~C~~andidates for Board, Commission, and Committee appointments, which shall be reviewed each year by the City Clerk to ensure that those applicants are still available and eligible for appointments. Applications shall be retained in the active file for two (2) full years; thereafter they will be destroyed.

Vacancies

Approximately two (2) months prior to a scheduled vacancy, the City Clerk shall prepare and submit to a newspaper of general circulation~~,~~ information relating to the vacancy including meeting dates and times~~;~~~~,~~ Board, Commission, or Committee functions~~;~~~~,~~ ~~and~~ the method of obtaining and submitting applications; and establishing a date prior to

June 1 as the last date to submit applications. The City Clerk shall notify each applicant of the receipt of their application.

Consistent with the Maddy Act (Cal. Gov. § 54974), within twenty (20) days after an unscheduled vacancy occurs on a Board, Commission or Committee, a special vacancy notice shall be posted in the City Clerk's office, and other locations as directed by City Council. Additionally, the City Clerk shall prepare and submit information relating to the vacancy including meeting dates and times, and the Board, Commission or Committee application procedure. ~~—~~Final appointments (other than emergency appointments) shall not be made for at least ten (10) working days after the posting of the vacancy notice.

Pursuant to Charter Section 705, if an unscheduled vacancy occurs within six (6) months from the expiration of the term, the City Council has the discretion to appoint a replacement to serve the balance of the unexpired term plus one (1) full term.

Board, Commission, and Committee appointees may be replaced after three (3) consecutive unexcused absences from meetings.

Periodically, situations may arise wherein due to the occurrence of a number of simultaneously scheduled Board, Commission, or Committee vacancies, it may be appropriate to make certain adjustments in the advertising and recruitment procedures, which are regularly utilized to fill these vacancies. In these cases, the City Council may make any necessary ~~the following~~ adjustments by majority vote at a regular public meeting.~~:~~

~~A. The two (2) month period prior to the occurrence of a scheduled vacancy, which is established for advertising purposes, may be extended to three (3) months.~~

~~B. The last date to submit applications for a vacancy may be changed from the third Wednesday prior to June, to no sooner than the third Wednesday prior to May 1.~~

~~C. The period established for the ad-hoc Appointments Committee's recommendation to the Council of candidates, may be extended from at least two (2) weeks, to at least four (4) weeks prior to the date of appointment.~~

When vacancies occur, the City Council shall make every effort to appoint the best-qualified person to serve the interest of Newport Beach. ~~–~~The City Council ~~shall only~~ should only appoint a person~~s~~ who ha~~ve~~s filed an application for appointment with the City Clerk no later than five (5) days prior to the date on which the City Council will recommend ~~nominates~~ candidates for open positions. Generally, t~~T~~he application ~~shall~~ serves as the~~a~~ basis for determining if the person is a qualified elector and resident of the City, has no conflict of interest that would prevent the applicant from serving, and

otherwise satisfies the criteria for appointment specified in the City Charter and any relevant ordinance, resolution or City Council Policy. ~~-~~In determining whom to appoint to a Board or Commission, the City Council seeks diversity of opinions and discourages the appointment of persons to Boards and Commissions who: 1) in their professional capacity supervise or are supervised by another member of the same Board or Commission; or 2) are a member of the same family as another member of the same Board or Commission. Also, the City Council prefers that members of Boards, Commissions, and Committees represent different geographical areas of the City, but the location of a person's residence shall only be~~is~~ a consideration ~~only~~ when applicants are otherwise equally qualified.

Limit on Service

To afford the maximum opportunity for citizen service, no person shall be eligible for appointment to any one (1) City Board, Commission, or Committee for more than two (2) consecutive four (4) year terms, exclusive of a prior appointment to fill an unexpired term. ~~—~~Appointees shall serve on only one (1) standing City Board, Commission, or Committee at any time.

Optional Ad Hoc Appointments Committee

Unless an alternative appointment procedure is provided in the formation ordinance or resolution, at such time when an appointment to a Board, Commission, or Committee is necessary, the Mayor, at his/her discretion, may establish an ad-hoc Appointments Committee composed of three (3) Council Members. If appointed by the Mayor, the ad-hoc Appointments Committee's duties are as follows:

A. Review all applications for positions to City Boards, Commissions, and Committees. The ad-hoc Appointments Committee will review applicant answers to all questions contained in the application;

B. Conduct any necessary interviews with individual applicants; and

C. ~~At least two (2) weeks prior to the date of appointment,~~ Make a r~~R~~recommendation to the full City Council ~~at a regular public meeting~~ on the appointment of ~~—~~a candidate(s) ~~, two (2) or more candidates, if a sufficient number of candidates are available, (s)~~ the ad-hoc Appointments Committee believes is most qualified for each Board, Commission, or Committee vacancy. ~~City Council Members may wish to interview the recommended candidates further prior to final selection by the City Council. By having a goal of two (2) or more candidates for each vacancy, it is the intent of the City Council that at least two (2) separate individuals should be considered for each vacancy (*i.e.*, if there are two (2)~~

~~vacancies, the City will attempt to have four (4) separate individuals under consideration).~~

The ad-hoc Appointments Committee, in conducting their review of applications and interviews with the individual applicants, if any, shouldall attempt to determine if there exists a potential conflict of interest, which might interfere with the performance of the applicant's duties in an impartial manner free from bias. It is generally recognized that from ~~time-to-time~~time to time it is possible for any individual to have a conflict on any one (1) given issue~~; .~~

~~Th~~however, the ad-hoc Appointments Committee~~, however,~~ shouldall endeavor to avoid recommending appointments of applicants with a substantial conflict of interest, which would require repeated disqualification from voting on issues that are likely to come before the Board, Commission, or Committee.

If no alternative appointment procedure is provided in the formation ordinance/resolution, and if the Mayor does not form an ad-hoc Appointments Committee, the City Clerk shall review all applications and submit all qualified applicants to the City Council for consideration at an open and noticed meeting.

Voting Procedure

A. If possible, the City Council shouldall vote on all appointments and seats on each Board, Commission, and Committee simultaneously. The voting will be by paper ~~ballot~~ballot, and the City Clerk will tabulate and announce the results, including the vote tally.

B. Each member of the City Council will cast the number of votes as indicated on the paper ballot for each seat from the list of the nominees. ~~In order to~~To be appointed, the nominees must receive at least four (4) votes.

C. For Boards, Commissions, and Committees with two (2) vacancies, if two (2) of the nominees receive four (4) or more votes, they will be automatically appointed.

D. If there is a tie vote, ballots will be distributed to the Council Members to vote for the tying candidates only.

E. ~~In the event that~~If no one receives four (4) votes, nominees receiving zero (0) or one (1) vote will be dropped and the City Council will cast two (2) votes from the list of the remaining nominees, and the determination will be made as previously stated.

City Clerk Responsibilities

The City Clerk shall also be responsible for the following functions associated with Board, Commission, and Committee appointments:

A. Preparation of letters for the Mayor's signature notifying successful candidates of their appointment.

B. Preparation of letters for the Mayor's signature notifying unsuccessful candidates for appointment.

C. Preparation of letters for the Mayor's signature thanking outgoing members for their service.

If established, once the final appointments are made by the City Council, the ad-hoc Appointments Committee will be dissolved.

Business Improvement District Appointments

The appointment of Business Improvement District advisory boards or the designation of an owners' association is exempt from this ~~City Council Policy, but~~policy but shall be consistent with the California Streets and Highways Code.

Decorum and Order

Board, Commission, and Committee deliberations and actions should be conducted in an atmosphere free from personal animosity and hostility. ~~—~~Each member of a Board, Commission, and Committee has the duty to:

A. Respect and adhere to the American ideals of government, rule of law, principles of public administration, and high ethical conduct in the performance of public duties.

B. Represent and work for the common good of the City and not for any private interest.

C. Refuse to accept gifts, favors, or promises of future benefits which might compromise or tend to impair independent judgment or action.

D. Provide fair and equal treatment for all ~~persons~~people and matters coming before the Board, Commission, or Committee.

E. Learn and study the background and purpose of important items of business before voting.

F. Faithfully perform all duties of office.

G. Refrain from disclosing any information received confidentially concerning the business of the City or received during any closed session of the Board, Commission, or Committee held pursuant to state law.

H. Decline any employment incompatible with public duty.

I. Refrain from abusive conduct, personal charges, or verbal attacks upon the character, motives, ethics, or morals of other members of the Board, Commission, or Committee, City staff, or the public, or other personal comments not germane to the issues before the body. Members are to be tolerant of all views expressed at public meetings.

J. Listen courteously and attentively to all public discussions at Board, Commission, or Committee meetings and avoid interrupting other speakers, including other members except as permitted by established Rules of Order.

K. Faithfully attend all sessions of the Board, Commission, or Committee unless unable to do so for some compelling reason or disability.

L. Maintain the highest standards of public conduct by refusing to condone breaches of public trust or improper attempts to influence legislation.

If a Board, Commission, or Committee member cannot abide by these provisions, he/~~or~~ she should submit a letter of resignation or be removed from office by action of the Mayor and City Council.

Ex Parte Communications

Members of Boards, Commissions, and Committees shall disclose ex parte communications, if any, prior to the consideration of quasi-judicial items and any other items where the law requires disclosure (collectively "quasi-judicial matters").

Members of Boards, Commissions, or Committees ~~and City employees, agents and representatives~~ shall not engage in any e~~E~~x p~~P~~arte communication with any members of the City Council or other ~~a~~ Board, Commission, or Committee members regarding any quasi-judicial matter pending, or reasonably expected to come, before that member's Board, Commission, or Committee.

For purposes of this policy, the term eEx pParte communication shall mean any oral or written communication directed to a member which is intended, or is reasonably calculated, to influence the member's decision on any quasi-judicial matter but does not include communications between members during deliberations preliminary to a decision or communications where all interested parties or their representatives are present. The term quasi-judicial matter shall mean the appeal of any discipline imposed on any City employee, the appeal of any grievance filed by a City employee or employee association, or a proceeding to revoke any license, permit, or approval granted by the City Council, any Board, Commission, or Committee, or any City employee and which is pending, or is reasonably expected to come, before any City Board, Commission, or Committee.

The provisions of this policy do not apply to eEx pParte communications between City employees and any member of a Board, Commission, or Committee regarding a quasi-judicial matter which has been submitted to, or can reasonably be expected to be heard by, the Board, Commission, or Committee that is considered legal advice or when the eEx pParte communication is initiated by the member and requests only background information available to members of the general public.

Minutes

Written minutes, upon approval of the Board, Commission, or Committee, constitute the official record of its activities. Minutes will be prepared for all public meetings by City support staff and distributed to the entire member body for review prior to official approval. -Additions or corrections to the minutes are made at public meetings upon official Board, Commission, or Committee approval. Member requests for inclusion on the record of a specific action or comment shall be recorded at the next publicly -noticed meeting.

Recording of Open Meetings

A. Open and public meetings of Boards, Commissions, and Committees may be audio recorded upon request of the chairperson or pursuant to any procedural rule or by-law adopted by the Board, Commission, or Committee.

B. Any person attending an open and public meeting of any Board, Commission, or Committee shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera unless the Board, Commission, or Committee determines, based upon evidence in findings made by the chairperson, that continued recording would create noise, illumination, or view obstruction problems that are disrupting or would disrupt the proceedings. The chairperson may impose conditions on any recordation, which in the absence of the conditions, would disrupt the proceedings.

C. Any audio tape or video record of any open and public meeting made by or at the direction of the City of Newport Beach shall be subject to inspection pursuant to the California Public Records Act (Sections 6250 *et seq.* of the Government Code). Notwithstanding the provisions of Section 34090 of the Government Code, any audio or video recording of any open or public meeting of any Board, Commission, or ~~C~~Committee, may be erased or destroyed ~~one year~~one year after the taping or recordation, excluding Planning Commission, which shall be ~~as those are kept~~ permanently retained. ~~-~~Any person may inspect a video or audio recording without charge on a recorder made available by the City of Newport Beach.

Conflict of Interest

No member of any Board, Commission, or Committee shall, at the time of appointment or during the term of office, hold a position or office in another entity or organization which creates a conflict of interest with respect to the member's service on the Board, Commission, or Committee.

Expression of Official City Position or Policy

If members of City Boards, Commissions, or Committees desire that a particular official City position or policy be established or expressed on a given issue, they shall submit their recommendations on said position or policy to the City Council for evaluation and disposition as the City Council sees fit. In their interactions with the media, members of City Boards, Commissions, and Committees shall comply with the media policies in City Council Policy D-1.

This policy is not intended to restrict communication~~s~~ between Boards, Commissions, and Committees and others on matters exclusively within the purview or responsibility of such Boards, Commissions, or Committees, but rather is intended to avoid confusion ~~with regard to~~about the official City position or policy, which is defined as that of the City Council.

Fundraising & Contracting

A. No Board, Commission, or Committee shall have the authority to independently raise and collect funds on behalf of itself, any other Board, Commission, Committee, or the City. ~~-~~Any such funds shall be generated by and collected through legally established nonprofit groups and organizations which are independent of the City. An exception to this policy may be granted by the City Council on a per project basis when circumstances justify the exception.

B. No Board, Commission, or Committee which has been established by the City Charter or by the City Council, shall have the authority to enter into any contract

with any agency, group, entity, or individual without authorization from the City Council.

Use of City Stationary

Members of Boards, Commissions, and Committees are authorized to use City stationery when corresponding on matters relating to official City business. Said correspondence shall identify the author of the letter as such. Correspondence from individual Board, Commission, and Committee members must have the approval of their respective Board, Commission, or Committee. Use of City stationery for private personal matters is not permitted.

History

Adopted A-4 - 6-28-1965 ("Boards and Commission Appointments")
Amended A-4 - 8-15-1966
Amended A-4 – 9-26-1966
Adopted A-6 – 11-13-1967 ("Recording of Council Meetings")
Amended A-4 – 6-10-1968
Reaffirmed A-4 & A-6 – 3-9-1970
Reaffirmed A-4 – 2-14-1972
Adopted A-9 – 5-8-1972 ("City Council Committees")
Amended A-9 – 6-11-1973
Amended A-9 – 5-12-1975
Amended A-9 – 12-8-1975
Amended A-9 – 6-28-1976
Amended A-9 – 8-9-1976
Amended A-4 – 7-12-1976
Amended A-9 – 12-13-1976
Amended A-9 – 1-10-1977
Amended A-9 – 1-24-1977
Amended A-6 – 6-13-1977
Amended A-4 – 9-12-1977
Amended A-6 – 10-25-1977
Amended A-4 – 11-28-1977
Amended A-4 – 12-19-1977
Adopted F-18 – 3-27-1978 ("Fund Raising")
Adopted F-19 – 4-10-1978 ("Contracts")
Amended A-4 – 6-26-1978
Amended A-9 – 9-11-1978
Amended A-4 – 11-27-1978
Adopted A-12 – 1-8-1979 ("BCC Expression of City Position")
Adopted A-13 – 2-12-1979 ("Use of City Stationary")
Amended A-4 - 3-12-1979
Amended A-9 – 10-1-1979
Amended A-9 – 11-12-1979

Amended A-4 – 7-14-1980
Amended A-6 & A-9 – 2-9-1981
Amended A-4 – 7-27-1981
Amended A-4 & A-9 – 11-23-1981
Amended F-18 – 11-14-1983
Amended A-9 – 1-12-1987
Amended A-13 – 1-8-1990
Amended A-9 – 10-22-1990
Amended A-9 – 1-24-1994
Amended A-4 – 1-24-1994 (changed to A-2)
Created A-11 – 1-24-1994 ("Recording of City Meeting")
Reaffirmed A-12 – 1-24-1994 (changed to A-7)
Amended A-13 – 1-24-1994 (changed to A-8)
Created A-5 – 1-24-1994 ("Fund Raising/Contracts", incorporating F-18 & F-19)
Amended A-9 & A-11 – 2-27-1995
Amended A-2 & A-9 – 2-26-1996
Adopted A-13 – 5-28-1996 ("Decorum and Order for BCC's")
Corrected A-5, A-7 & A-8 – 2-26-1996
Amended A-2 - 8-12-1996
Amended A-2 – 2-24-1997
Adopted A-15 – 11-10-1997 ("Ex Parte Communication")
Amended A-9 – 5-26-1998
Adopted A-16 – 6-22-1998 ("Conflict of Interest Procedures")
Amended A-2 – 3-22-1999
Amended A-2 – 7-12-1999
Amended A-2 – 9-27-1999
Amended A-2 – 3-14-2000
Amended A-2 – 5-8-2001
Amended A-2 – 4-23-2002
Amended A-2 – 5-14-2013
Amended A-11 – 5-13-2014
Amended A-2 & A-9 – 5-12-2015
Amended A-11 – 4-12-2016
Amended A-13 – 1-24-2017
Amended A-2 – 8-8-2017 (incorporating A-5, A-7, A-8, A-9, A-11, A-13, and A-15)
Amended A-2 – 7-26-2022
Amended A-2 - 2-24-2026

DISCRETIONARY GRANTS

It shall be the policy of the City Council that the City of Newport Beach's ("City") budget specifically allows the City Council to, at any time during the year, direct revenue towards worthy projects or programs which the City Council deems beneficial to Newport Beach's resident's quality of life. The City Council notes that it has multiple tools at its discretion to assist non-profit agencies, community groups, community events, or enhancement projects within the c~~C~~ity. These tools are:

A. Community Programs Grants from the General Fund;

B. Special Event Grants from the General Fund;

C. "District Discretionary Grant Accounts" from the General Fund;

D. Culture and Arts Grants pursuant to Council Policy I-10; and

E. Federal Community Development Block Grant (CDBG) Social Service Funds.

These funds shall be provided in the following manner:

~~(~~CDBG~~)~~ Social Services funds shall be allocated according to standards set by the federal government and appropriated at least once each year. The level of funding offered for social services in Newport Beach shall be based upon federal formulas and the specific amount of CDBG revenue allocated to the City in any one fiscal year. The Community Development Department shall administer these funds after City Council approval of the funds' expenditure.

Community Programs Grants shall be expended from the General Fund in an amount up to~~the amount of~~ $75,000 each fiscal year. The City Manager's Office shall review all requests for Community Programs Grants and shall forward recommendations for funding to the City Council for final approval. At the time of the City Manager's presentation of any Community Programs Grant award proposals to the City Council, the City Manager shall show which entities, if any, have received funds from the Community Programs Grant, Special Event Grant, District Discretionary Grant, Culture and Arts Grant, or CDBG Social Services Fund during the same fiscal year.

The City Manager or his/her designee shall follow these priorities when recommending Community Programs Grants:

A. Local groups located within the c~~C~~ity and offering programs to Newport Beach~~City~~ residents;

B. Regional groups located in Orange County and offering programs to Newport Beach ~~City~~ residents; and

C. Groups located in California and offering programs to Newport Beach ~~City~~ resident.~~s; and~~

~~D. Groups that have not received funding from any City source for three (3) consecutive years or more.~~

Groups not offering programs or services to local residents shall not be eligible for support from the City.

Special Events Grants are intended to allow meritorious community, social or athletic event~~s~~ organizers to offset some or all of their City fees for their event. Doing so should decrease costs to the event organizer so that beneficiaries can see even greater benefit from any fundraising associated with the events. The City Manager or his/her designee shall, in consultation with the City Council, establish a threshold amount for the proposed City budget that reflects adequate support for these events. The City Manager shall establish an administrative policy for these grants. The City Manager may divide the funding into more than one category to ensure that different types of events are fairly measured with peer events. The City Council shall consider and approve the Special Event Grant allocations by recipient.

~~The City reserves the right to audit the expenditure of these funds within a year of receipt.~~

District Discretionary Grant Accounts. At the start of the fiscal year, the City Manager shall provide an account for each Council District within the City Council's b~~B~~udget ~~division~~ known as the District Discretionary Grant Accounts. The City Council shall set a funding level of these a~~A~~ccounts during the budget process preceding the June adoption of the City's budget. Each City Council Member shall have, at his or her discretion, the ability to allocate their District's funding to uses, projects, or community entities that benefit the City as a whole or the City Council Member's district specifically. Any expenditure from these a~~A~~ccounts must have an identifiable public benefit.

Requests to expend these funds should be directed by each City Council Member to the Finance Director. Expenditures will be reported to the City Council annually. The report will include a brief description and the public benefit associated with each expenditure.

At the conclusion of the fiscal year in which the District Discretionary Grant Accounts received appropriation, all unencumbered funds in the a~~A~~ccounts shall be deposited in the City's General Fund Reserve Account.

History

Adopted F-22 – 7-8-1985
Amended F-22 – 10-28-1991
Amended F-22 – 1-24-1994 (changed to A-12)
Amended A-12 – 5-22-2001
Amended A-12 – 6-22-2010
Amended A-12 – 9-27-2011
Amended A-12 – 5-12-2015
Amended A-12 – 4-9-2019
Amended A-12 – 12-9-2025
Amended A-12 ~~–~~ 2-24-2026

NEWPORT BEACH CITY COUNCIL AIRPORT AND AVIATION POLICY

A. EXECUTIVE SUMMARY

One of the City Council's primary objectives is to protect Newport Beach residents from the adverse impacts of aircraft operations at/from John Wayne Airport (JWA). Aircraft noise, emissions, and overflight activity represent one of the most significant long-term threats to residents' quality of life.

The City lacks direct legal authority to regulate airport operations, but the JWA Settlement Agreement (Settlement Agreement) remains the most restrictive in the nation and is the City's most effective tool for limiting adverse impacts from commercial operations. The City Council will continue to prioritize the maintenance of the curfew and the protections that the Settlement Agreement provides.

The City will also advocate for community engagement in the planning and implementation of Advanced Air Mobility (AAM) technologies, including Electric Vertical Take Off and Landing (eVTOL) aircraft and expanded drone usage, and work to minimize the impacts of AAM operations on residents' quality of life.

B. LEGAL FRAMEWORK

The City Council understands that aircraft operations and airport regulation are primarily governed by federal law.

1. Federal Aviation Administration.

   The Federal Aviation Administration (FAA) has exclusive authority to regulate aviation safety, efficiency and designated United States airspace, thereby preempting local or City control over flight paths and altitudes.

2. John Wayne Airport and the 1985 Settlement Agreement.

   The existing restrictions set forth in the Settlement Agreement, as amended, predate the Airport Noise and Capacity Act of 1990 (ANCA). Hence, the existing restrictions under the Settlement Agreement are grandfathered under federal law. While the parties to the Settlement Agreement can agree to amend it, any amendment thereto cannot place additional restrictions on JWA airport operations.

3. Airport Noise and Capacity Act.

ANCA severely limits new noise or access restrictions on modern aircraft. To impose any new restriction, an airport operator (the County) must provide substantial evidence that proposed measures (e.g., limits on operations, noise, etc.) are reasonable and do not unjustly discriminate. Specifically, under 14 Code of Federal Regulations Part 161 (Part 161), any proposed mandatory restriction on noise/capacity (such as flight caps or curfews) must meet the following six statutory criteria:

a. The restriction is reasonable, non-arbitrary, and non-discriminatory;
b. It does not create an unreasonable burden on interstate or foreign commerce;
c. It maintains safe and efficient use of navigable airspace;
d. It does not conflict with any existing federal statute or regulation;
e. There has been an adequate opportunity for public comment; and
f. It does not create an unreasonable burden on the national aviation system.

4. Grant Assurances.

Airports receiving federal grants must sign "grant assurances" that legally obligate them to keep the airport open to public use on fair and reasonable terms without unjust discrimination.

C. POLICY

1. Objective.

The City Council's objective is to minimize the adverse impacts of JWA operations on Newport Beach residents and ensure that emerging Advanced Air Mobility (AAM) and other technologies are implemented safely and in a manner that protects privacy and quality of life.

2. JWA Settlement Agreement.

As a signatory, the City shall prioritize the protections afforded by the Settlement Agreement ~~,~~ consistent with this policy.

3. JWA Facilities and Operations.

The City shall continue to oppose any changes to facilities or operations that negatively impact Newport Beach residents including:

a. A second air carrier runway or runway extension.
b. Any modification to the noise curfew.

c. Through-the-fence operations.
d. Port of Entry designation by U.S. Customs and Border Protection.
e. Changes to the existing general aviation activity levels, facilities, the County's General Aviation Improvement Program, land-use map, and General Aviation Noise Ordinance.
f. Limitations on the Remote Monitoring System and public access to noise data.

Also, the City may evaluate feasible operational or technological measures to reduce impacts, including higher departure altitudes, strict adherence to FAA-approved departure routes, use of quieter Noise Abatement Departure Procedures (e.g., NADP-1), and encourage the adoption of quieter and cleaner aircraft technology.

4. Advanced Air Mobility.

The City will proactively engage in AAM planning and the integration of eVTOLs and drones to advocate for robust community engagement and coordination among the FAA, DOT, operators and service providers, airports and Fixed Base Operators, developers, and regional and local government.

5. Alternative Transportation Service.

Recognizing the lack of a feasible second airport in Orange County, the City shall support efforts to accommodate regional air travel demand outside JWA, including:

a. Improved transportation connections to out-of-county airports.
b. Development or expansion of air service at other regional airports.
c. Expanded air cargo facilities at other regional airports, where appropriate.

6. Public Agency Support and Participation.

The City may continue participation in the Corridor City Coalition and advocate for policies that:

a. Align regional transportation plans with JWA constraints.
b. Improve access to underutilized regional airports

The City will actively participate in regional planning efforts, including SCAG's Regional Transportation Plan, and regularly engage county, state and federal officials.

7. **Community Involvement.**

The City recognizes the importance of community organizations and will support informed, constructive advocacy aligned with this Policy. The City will engage and educate residents on matters relating to aviation and this Policy.

8. **Monitoring and Reporting.**

The City Manager shall coordinate implementation of this Policy and periodically report to the City Council and Aviation Committee on:

a. Settlement Agreement compliance.
b. Regional airport and transportation planning.
c. State and federal legislative actions.

History

Adopted B-1 – 2-14-1972 ("Airport Land Use Commission for Orange County")
Reaffirmed B-1 – 12-10-1973
Reaffirmed B-1 – 11-11-1974
Amended B-1 – 10-14-1975 (renaming "Orange County Airport")
Amended B-1 – 11-27-1978
Created B-2 – 11-27-1978 ("Airport Land Use Commission for Orange County"/same as B-1)
Amended B-1 – 10-14-1980
Amended B-1 – 7-27-1981
Amended B-1 – 9-27-1982
Amended B-2 – 9-27-1982 (renaming "Limitations of John Wayne Airport and Promotion of a New Regional Airport")
Amended B-1 –3-14-1983
Amended B-1 – 5-23-1985
Amended B-1 and B-2 – 12-9-1985
Amended B-1 and B-2 – 10-22-1990
Amended B-2 – 7-13-1992
Amended B-1 – 12-13-1993 (incorporating B-2)
Amended B-1 – 2-27-1995
Amended B-1 – 3-22-1999 (changed to A-17)
Amended A-17 – 7-25-2006
Amended A-17 – 5-12-2015
Amended A-17 – 2-24-2026

PARK FEE POLICY

Purpose

The City of Newport Beach maintains an extensive park and open space system. The acquisition and development of our park and open space properties is funded, in part, through the payment of park fees paid by persons or entities who subdivide properties. The Subdivision Map Act requires park fees to be used only for the purpose of developing new or rehabilitating existing neighborhood or community parks or recreational facilities to serve the subdivision that paid the fees. The City is required to develop a schedule specifying how, when and where the park fees will be used. The purpose of this Policy is to establish the criteria to be used in deciding which facilities serve subdivision residents and schedule whereby park fees are properly and timely committed to appropriate projects. This policy also identifies which park serve as citywide resources.

Policy

A. Service Criteria.

The Recreation and Open Space Element of the General Plan states that community parks and view parks serve the entire c~~C~~ity. Community parks are those with improvements such as community buildings, parking, swimming, facilities for picnicking, active sports and other facilities that serve a larger population. View parks serve as citywide resources because of their unusual beauty and view opportunities. Neighborhood parks serve all ages and include unique recreational facilities, such as basketball courts, tennis courts, turf areas, active sports fields, community buildings, unique play areas. –Trails serve as healthy recreation and transportation opportunities by providing people with attractive, safe, accessible and low- or no-cost places to recreate such as cycling, walking, jogging and hiking. Accordingly, park fees generated by any subdivision within the c~~C~~ity may be used to develop new or rehabilitate existing community parks, view parks, ~~and those~~ neighborhood parks, as those trails listed on Exhibit A.

The Recreation and Open Space Element divides the c~~C~~ity into 12 service areas consisting of relatively discrete residential communities. These service areas were created for the purpose of determining whether particular geographical areas were deficient in terms of park and recreational facilities and to identify acquisitions or improvements which would provide residents with greater recreational opportunities. Accordingly, park fees generated by a subdivision within any service area may be used to create new, or rehabilitate, existing park or recreational facilities within that service area and as provided in the Recreation a~~nd Open Space~~ Element.

B. Implementation Schedule.

Park fees shall be placed in the Facilities Financial Planning Reserve Fund immediately upon receipt with a special designation as Park Fees. These funds, after special designation, shall be used solely for the acquisition or establishment of new, or the rehabilitation of existing, park, open space and recreational facilities. The park fees shall also be placed on a schedule that lists the location of the subdivision, the fees paid, the date on which the fees were paid or the date on which building permits had been issued for 1/2 of the lots created by the subdivision (whichever occurs later), the service area within which the subdivision is located, the neighborhood park, recreation and open space facilities eligible for park fees generated by that subdivision, and the date on which the park fees must be committed to specific project of improvements. The park fees shall be used only for the park and recreation facilities identified on Attachment A and shall be utilized in accordance with the policies and standards specified in the General Plan. Designations for expenditures will be made as part of the annual budget adoption.

[Attachment - Exhibit A]

History

Adopted I-3 – 9-20-1960 ("Park Standards")
Amended I-3 - 8-30-1966
Amended I-3 – 11-12-1968
Amended I-3 – 3-9-1970
Amended I-3 – 2-14-1972
Amended I-3 – 12-10-1973
Amended I-3 – 2-25-1974
Amended I-3 – 5-9-1977
Amended I-3 – 6-13-1977
Adopted I-1 – 6-27-1994 ("Park Fee Policy")
Amended I-1 – 4-23-2002
Amended I-1 - 4-8-2003 (changed to B-1)
Amended B-1 – 4-13-2004
Amended B-1 – 9-13-2005
Amended B-1 – 8-11-2009
Amended B-1 – 5-14-2013
Amended B-1 – 5-12-2015
Amended B-1 – 8-8-2017

Amended B-1 -- 2-24-2026

EXHIBIT A

PARK DEDICATION POLICY

PARKS GUIDE

The following view parks serve as citywide resources by reason of their unusual beauty and the view provided:

Back Bay View Park
Bayview Park
Begonia Park
Channel Place Park
Civic Center Park
Cliff Drive Park
Corona del Mar State Beach Park
John Wayne Park
Galaxy View Park
Inspiration Point
Irvine Terrace Park
Los Trancos (lower, middle, upper)
Canyon Watch
Harbor Watch
Castaways Park
Jasmine View Park
Kings Road Park
Lido Park
Lookout Point
Newport Island Park
Peninsula Park
Rhine Wharf Park
Sunset View Park
West Jetty View Park
Westcliff Park

The following Community and Neighborhood Parks serve as citywide resources by reason of the unique recreational opportunities they offer:

Arroyo Park - Lighted multi-purpose field, basketball court, picnic areas and playground.

Bonita Canyon Sports Park - Four youth baseball fields, one multi-purpose field, one soccer field, tennis courts, pickleball courts, basketball court, 2 playgrounds and connecting trail to Arroyo Park.

Bonita Creek Park - Community center, playground, lighted multi-purpose fields, and basketball court.

Buck Gully- hiking trails

Buffalo Hills Park - Basketball court, baseball/softball diamond, volleyball court, multi-purpose fields.

Carroll Beek Community Center and Balboa Island Park - Basketball court, tot playground and community center.
Civic Center Park – Scenic view, dog park, art sculptures, cactus garden, Civic green, and walking trails and community room.

Coastal Peak Park – Two multi-purpose fields, playground, two picnic pavilions and basketball court.

Community Youth Center/Grant Howald Park - Basketball court, tennis courts, playground, community center, softball and multi-purpose field.

Eastbluff Park - Baseball diamond, multi-purpose field, playground, and view of the Back Bay.

Harbor View Nature Park - Natural vegetation area.

Lincoln Athletic Center - Gymnasium, lighted baseball/softball diamond and multi-purpose fields.

Marina Park – Community center, sailing center, picnic area, playground, basketball courts and fitness course.

Mariners Park - Multi-purpose room, baseball/softball facilities, racquetball courts, lighted tennis courts, multi-purpose fields, and an ADA equipped play area.

Newport Coast Community Center – Gymnasium, multi-purpose facility with classrooms

OASIS Senior Center - Multi-purpose senior facility with classrooms, large multi-purpose room, and fitness center.

Peninsula Park - Beach sited multi-purpose field, playground (ADA compliant), picnic and barbecue facilities, baseball/softball diamond and gazebo.

San Joaquin Hills Park - Tennis courts, pentanque courts, lawn bowling facility.

San Miguel Park - Ball diamond, athletic field, four racquetball courts, basketball court and an ADA equipped play area.

Sunset Ridge Park – Baseball field, soccer fields, butterfly garden, scenic view and playground.

Theater Arts Center - Ninety seat community theater.

West Newport Community Center- Gymnasium

West Newport Park - Tennis courts, racquetball courts, basketball court, and 3 playgrounds.

38th Street Park - Basketball courts and playground (ADA compliant).

Big Canyon Nature Park – hiking trails
Bob Henry Park – Multipurpose field, ball diamond, playground, picnic areas
Newport Aquatic Center - rowing, canoeing, kayaking, paddle boarding facility

North Start Beach – aquatic center
Spyglass Hill Park – playground, picnic area
16th Street Community Center – multipurpose facility with classroom

The following Trails serve as citywide resources by reason of providing unique recreational opportunities within the existing urban and natural environment:

Arroyo Trail

Back Bay Trail
Balboa Island Loop
Bonita Canyon Sports Park Trail
Bonita Creek Trail Buffalo Hills Trail
Buck Gully Trail
Castaways Trail
Corona del Mar Loop
Fashion Island Loop
Newport Ridge Trail
Upper Bay Trail

NAMING OF CITY PARKS/PUBLIC FACILITIES & PLAQUE DEDICATIONS

The City of Newport Beach has a comprehensive program to provide park and open space to serve the leisure and recreation needs of residents. It is desirable that appropriate names be selected for parks and public facilities. The following guidelines shall serve as policy on this matter.

A. Suggestions for naming new or existing parks or public facilities shall be reviewed by the Parks, Beaches and Recreation Commission with a recommendation being transmitted to the City Council for approval.

B. New or existing park or public facilities names can be chosen from, but not limited to, the following categories:

1. Streets or schools bordering park

2. Topography

3. Theme

4. Common names already in place for the area

5. Persons that have been deceased for at least fifteen (15) years.

C. Facility rooms or site amenities may be dedicated in honor of persons if done as part of a capital/fundraising campaign and with the approval of the City Council.

D. Plaques for City facilities and parks shall include the City seal in a prominent position and the following information in the specific order given:

1. Council-approved facility or park name.

2. Date of dedication (opening) or rededication.

3. City Council Members currently in office. The names and titles of the Mayor and Mayor Pro Tem shall be first, followed by the names of the remaining Council Members in alphabetical order. For large, multi-year projects, include the names of Council Members who were in office at the time of project award.

4. If applicable, the names of the appropriate, current Board or Commission members.

5. Current City Manager.

6. The name of the appropriate, current Department Director (the director whose department is most closely affiliated with the use of the facility) at the time of dedication or rededication.

7. If applicable, the names of key project partners, i.e., other government entities or funding entities.

8. Optional: the n~~N~~ames of the firms of the City's construction partners, e.g., architect, general contractor, construction manager.

In cases of dedications of a major remodeling project or facility expansion, the existing plaques shall continue to be displayed.

History

Adopted I-22 – 9-12-1988
Amended I-22 – 1-24-1994 (changed to I-9)
Amended I-9 – 2-27-1995
Amended I-9 – 4-8- 2003 (changed to B-9)
Amended B-9 – 5-13-2003
Amended B-9 – 8-8-2017
Amended B-9 – 10-11-2022
Amended B-9 – 2-24-2026

PUBLIC USE OF CITY FACILITIES

Purpose

City of Newport Beach (City) facilities, which include parks, playing fields, gymnasiums, community rooms and swimming pools, are available to the public for civic, social, educational, athletic, cultural activities and limited commercial use. It is the intent of this Policy to provide use regulations and application and scheduling procedures to accommodate groups that wish to use City facilities.

Procedure

A. Applications to use City facilities must be made on forms provided by the Recreation and Senior Services Department (Department). Applicants must provide all information as may be required by the Department to assure compliance with the requirements and regulations of this Policy.

B. Applicants will be required to provide a security deposit in an amount that will promote use of the Recreation and Senior Services facilities in an orderly manner without damage to the facilities. Security deposits will be refunded upon inspection of facilities and confirmation that no property damage has occurred or additional cleanup is required.

C. Applicants will be required to acknowledge that neither the City nor the Department assumes any liability for injury or loss of personal property. Prior to the use of the facility, the application must have approval of the Recreation and Senior Services Director or designated representative.

D. Approval or denial of a reservation request will be provided within five working days of receipt of a completed application.

E. Reservations for use of Department facilities may be made up to six months in advance, but no later than ten working days before the event with the exception of park reservations which may be made no later than five working days before the event.

F. The City is not liable for any and all accidental injury to any and all persons or loss or damage to group or individual property. When it is deemed to be in the best interest of the general public, the City will require the permittee to furnish a Certificate of Insurance naming the City of Newport Beach as an additional insured. The amount of the insurance shall not be less than $1,000,000 per occurrence of commercial general liability insurance.

G. A Facility Use Permit shall not be transferred, assigned or sublet. All Facility Use Permits will be issued for specific facilities and for specific hours, and the premises must be vacated as scheduled.

H. The reservation request and rental agreement must be completed and signed by an adult age 21 and over who will attend, supervise and be responsible for the entire event or activities. Proof of residency is required at the time of application in order to receive the resident rate. Proof of non-profit status is required at the time of application in order to receive the non-profit rate.

I. A Facility Use Permit which authorizes the rental of facilities may be revoked for violation of any rental policies.

Regulations and Restrictions

All uses of Department facilities will be subject to the following regulations and restrictions:

A. Use of Alcohol.

1. Alcoholic beverages are prohibited and shall not be permitted in or on any municipal facilities operated by the Department, except beer and wine may be served for special occasions at the OASIS Senior Center, Newport Theatre Arts Center (NTAC), Newport Coast Community Center (NCCC), Civic Center Community Room (CCCR), Newport Beach Junior Guard Center, Witte Hall, and Marina Park when done in compliance with State of California Department of Alcoholic Beverage Control (ABC) regulations and approved in writing by the Recreation and Senior Services Director. Approval to serve beer and wine shall not be deemed to approve service of alcohol in violation of Section 25604 of the Business and Professions Code. The Recreation and Senior Services Director will require the permittee to pay City costs to provide additional security when alcohol is served.

2. The use of alcoholic beverages is by written permission only and must be requested at the time the facility use request is submitted. The Department reserves the right to place restrictions on the use of alcoholic beverages in accordance with State lL~~L~~aw and these guidelines. "Alcohol use" means the presence of any beverage that contains any amount of alcohol.

3. Alcohol is not allowed when an event is designated for minors such as school age award programs, birthday parties, and/or receptions.

4. When alcohol is served, there shall be a minimum of two security guards present at the facility at all times. The guards must arrive 30 minutes before guest arrival time and remain until the contract end time. One guard must be positioned at the entrance of the event and one guard positioned in the event area. The parking lot must be monitored every 30 minutes. The security guards shall have the authority to enforce all rules and regulations governing facility rentals. In the event that the Police are called, the cost of their services shall be deducted from the applicant's security deposit. The applicant will be billed for any costs exceeding the security deposit.

5. No alcoholic beverage shall be served to any person less than 21 years of age. Injuries caused to any person as a result of alcoholic beverages being served to or consumed by someone under the age of 21 while on the City's premises, shall be the sole responsibility of the organization or individual renting the facility.

6. The distribution or consumption of alcoholic beverages shall be in compliance with all applicable laws, including regulations of the ABC. Any organization using City facilities shall be solely responsible for obtaining all permits or licenses relating to the distribution and consumption of alcoholic beverages on the premises.

7. Alcohol may only be served by an adult 21 years of age or older. If evidence is found that alcohol is being served that was not authorized by the Department or to a minor, the Police will be notified and the event will be terminated and all fees and deposits will be forfeited.

8. The City shall require the applicant to carry general liability insurance when alcohol is available, but not sold. The City shall require a full liquor liability premium in addition to general liability insurance when alcohol is sold in exchange for money. The cost of the required liability insurance shall be borne by the applicant.

B. Smoking is prohibited in and on all City property including restrooms and within 100 feet of a park, park facility or beach.

C. For all indoor facility rentals involving youth, 17 years and under, there shall be at least one adult for every 20 minors, or increments thereof, in attendance, who shall remain in the facility for the duration of the activity.

D. No group's activities shall interfere with the administration of the Department.

E. Non-profit 501 (c) (3) groups may use the facility for fundraising activities and charge entrance fees and collect donations provided that a detailed plan of the event, including the expenses, marketing plan and procedure for collecting fees, is submitted with the rental application.

F. Facilities and equipment are to be left in the same condition as they were prior to the rental. The permittee is responsible to pay for any damage to property or loss of property. A fee equal to total replacement cost will be charged. It shall be the responsibility of the permittee to see that unauthorized portions of the facility are not used. Continued or repeated use of City facilities will be contingent upon care of the facility, property and equipment, and observance of all approved rules and regulations.

G. No gambling of any kind shall be conducted on, or in, City facilities, and the permittee shall insure that no disorderly or illegal conduct shall be allowed in any facility.

H. The use of public address equipment will be limited to that provided by the facility, unless written approval has been secured by the Department through a Special Event Permit.

I. Private groups wishing to collect fees, donations or admission charges, or those using the facility to market a product, give a presentation, or advertise their business, will be considered commercial users.

J. The posted occupancy of City facilities shall not be exceeded.

K. Storage space will not be granted at any time.

L. Facilities are not available for reservations on the following holidays: Christmas Eve, Christmas Day, Easter, Presidents' Day, Independence Day, Labor Day, Martin Luther King Day, Memorial Day, New Year's Eve, New Year's Day, Thanksgiving and Veterans Day.

M. All persons using the facilities shall observe and obey regulations of this policy, the rules of the Department and all applicable City, State and Federal laws, rules and regulations.

N. Vehicles are not permitted on park grass or fields. Parking is permitted in designated spaces. Overnight parking is not allowed.

O. Minors must remain in the rented facility room and shall not be allowed to roam unsupervised throughout the facility.

P. When no alcohol is served but the group size is 200 or more, one security guard may be required, at the discretion of the Department Director.

Q. Policies and guidelines regarding caterers shall be adhered to.

R. All professional services utilized for events require a City of Newport Beach business license and liability insurance listing the City as additionally insured.

S. Animals are not permitted within City fFacilities with the exception of service animals. However, this provision shall not apply to activities or programs of the Recreation and Senior Services Department.

Fee Classifications - Priorities of Use

Permission for use of City facilities shall be granted on a first-come first-served basis, subject to the following priorities:

A. All official Department initiated and/or conducted activities, including those of the Friends of OASIS at the OASIS Senior Center, and exemptions noted in City Council Policies B-5 and B-10.

B. All official City of Newport Beach activities.

C. All official City co-sponsored groups and/or activities such as community groups and activities which are non-profit, self-governing, privately organized and of an educational nature which may be brought under the sponsorship of the Department.

D. Official public agency sponsored programs and activities not included in A, B, and C above.

E. Youth Sports Commission Member Organizations.

F. Resident non-profit youth serving organizations with 50% or more of membership consisting of Newport Beach residents.

G. Recreational, social, or civic activities of groups which are resident promoted and sponsored by local non-profit* organizations which are open to the public and have 50% or more of memberships consisting of Newport Beach residents.

H. Recreational or social activities of private Newport Beach residents which are not open to the public. (private parties).

I. Recreational, social, or civic activities and/or groups which are non-resident promoted and sponsored by non-profit organizations which are open to the public, but not qualifying under D above.

J. Schools, colleges, hospitals, and other similar civic groups not qualifying under the definition of non-profit.

K. Others.

*

Non-profit status is defined as an organization that is so defined by the Internal Revenue Service, § 501(c) (3) and has a State of California Tax Identification Number.

Fees, Deposits, and Cancellation Procedures

Fees may be charged for the use of City facilities and shall be established and periodically adjusted and approved by the City Council. Fees are imposed to cover overhead, processing, deposits, maintenance, and replacement costs for application and scheduling and maintenance of the facilities.

A. A security deposit will be required for all room rentals. All or a portion of the deposit may be retained by the Department after inspection of the facility by the Recreation and Senior Services Director or a designated representative and a determination that the facility has not been left clean and/or in good repair.

B. A separate additional cleaning fee may be charged for rental of the OASIS Event Center, Newport Coast Community Center, Community Youth Center, Civic Center Community Room, Newport Beach Junior Guard Center, Witte Hall, and Marina Park Community Center.

C. No fee or deposit shall be charged for use of City facilities by the City of Newport Beach, or events co-sponsored by the City of Newport Beach or its departments, with the exception of direct costs.

D. Cancellations for any facility other than the OASIS Event Center, Newport Coast Community Center, Community Youth Center, Civic Center Community Room, Newport Beach Junior Guard Center, Witte Hall, and Marina Park may occur seventy-two hours prior to the scheduled use of facilities without forfeiting fees collected by the City, with exception of a City service refund processing fee. Cancellations with less than seventy-two hour notice will be charged a cancellation fee established by resolution of the City Council. In the event of cancellation by the City, notice will be given as far in advance of the scheduled use as possible.

E. Cancellation of rentals by users for the OASIS Event Center, Newport Coast Community Center, Community Youth Center, Civic Center Community Room, Newport Beach Junior Guard Center, Witte Hall, and Marina Park that occur less than thirty days prior to the scheduled use of the facility will be charged 25% of the rental fee. Cancellations with less than seventy-two hour notice will be charged the entire rental fee.

History

Adopted I-5- 11-22-1962 ("Use Priorities and Fees")
Amended I-5- 3-9-1970
Reaffirmed I-5- 2-14-1972
Adopted G-4- 5-13-1974 ("Use of City Facilities")
Amended I-5- 5-28-1974
Amended I-5- 2-13-1978
Amended G-4 and I-5- 10-10-1978
Amended I-5 - 2-12-1979
Amended I-5- 5-14-1979
Amended I-5- 8-28-1979
Amended I-5- 11-26-1979
Amended G-4 and I-5- 2-9-1981
Amended I-5- 11-23-1981
Amended I-5- 10-12-1982
Amended I-5- 10-25-1982
Amended G-4 and I-5- 4-23-1984
Amended I-5- 11-28-1988
Amended I-5- 11-27-1989
Amended I-5- 3-25-1991
Adopted I-25- 5-26-1998 ("Public Use of City Facilities", and incorporating G-4 and I-5)
Amended I-25- 5-8-2001
Amended I-25- 4-23-2002
Amended I-25- 4-8-2003
Amended I-25- 7-22-2003 (changed to B-13)
Amended B-13- 9-13-2005
Amended B-13- 10-10-2006
Amended B-13- 8-11-2009
Amended B-13- 5-14-2013
Amended B-13- 5-12-2015
Amended B-13- 8-8-2017
Amended B-13- 11-14-2023
Amended B-13- 2-24-2026

ECONOMIC DEVELOPMENT POLICY

Purpose

The City Council recognizes that the City's ability to deliver quality municipal services is dependent on adequate tax revenues derived primarily from the properties and businesses located within the c~~C~~ity. Healthy, thriving businesses not only increase property, sales and bed taxes, but they also provide employment opportunities that support local businesses and the strong residential property values that Newport Beach enjoys. The City Council seeks to promote economic prosperity and growth within the c~~C~~ity to maintain and enhance a healthy economy, provide revenues for high quality municipal services, and infrastructure maintenance and improvements, and preserve the unique commercial villages in Newport Beach. All of these objectives serve the overriding purpose of protecting the quality of life of Newport Beach residents, and the City Council recognizes the need to balance economic development objectives with protection of the environment and the health and safety of the community.

Policy Implementation

The City Manager shall provide an effective and efficient structure for implementing economic programs, utilizing staffing or consulting services in support of ~~annual~~ key directives from the City Council.

History

Adopted G-1 – 10-28-1968 ("Improvement in Govt. Efficiency & Economy)
Amended G-1 – 11-12-1968
Amended G-1 – 3-9-1970
Reaffirmed G-1 – 2-14-1972
Amended G-1 – 12-10-1973
Reaffirmed G-1 – 11-11-1974
Adopted F-28 – 3-22-1993 (incorporating G-1, "Economic Development Policy")
Amended F-28 – 1-24-1994 (changed to F-17)
Amended F-17 – 5-8-2001 (changed to K-10)
Amended K-10 – 6-10-2008
Amended K-10– 9-27-2011 (changed to D-9)
Amended D-9 – 8-8-2017
Amended D-9 – 2-24-2026

INCOME AND OTHER PROPERTY

The City owns and manages an extensive and valuable assortment of property including streets, parks, beaches, public buildings and service facilities. The City also owns, ~~or~~ ground leases, and/or operates a yacht basin, resort hotel and apartment property, a luxury residential development, and various other income-producing properties. Much of the income property is tidelands, filled tidelands, or waterfront. The u~~U~~nencumbered fee value of income property is substantial.

As owner/manager of property, the City is the steward of a public trust, and S~~s~~tate law requires the City to maximize its returns on S~~s~~tate-managed property or be subject to a charge of ~~making a gift of public funds~~not protecting the public interest. Nevertheless, the City Council recognizes the importance of this property not only as a revenue generator, but also as a means to provide otherwise financially less feasible uses and facilities that benefit the community.

In managing its property, the City will continually evaluate the potential of all City owned property to produce revenue. This may include leasing or licensing unused land, renting vacant space, and establishing concessions in recreation areas or other similar techniques. The City Council will evaluate the appropriateness of establishing new income-~~-~~generating opportunities on City controlled areas using sound business principles and after receiving input from neighbors, users and the public.

Subject to limited exceptions, the City is required to comply with the California Surplus Land Act ("Surplus Land Act") (Gov. Code, §§ 54220-54234) before taking any action to dispose (including the long-term lease and sale) of City property by declaring it either surplus land or exempt surplus land. Under the Surplus Land Act, not every action involving land owned by the City constitutes a "disposition of property," meaning that not every use or transfer of land automatically triggers the requirements of the Surplus Land~~s~~ Act. Each real property transaction will require its own analysis to determine whether the Surplus Land Act applies and the steps the City is required to take for compliance, if any.

The policy of the City Council is that income and other property be held and managed in accordance with the following:

A. Whenever a lease, license, management contract, concession, or similar action regarding income property is considered by the City, an analysis shall be conducted to determine if the Surplus Lands Act applies to the transaction, and the maximum or open market value of the property. This analysis shall be conducted using appraisals or other techniques to determine the highest and best use of the property and the highest income generating use of the property.

B. All negotiations regarding the lease, license, management contract, concession, or similar action regarding income property shall include review of an appraisal or analysis of the use being considered for the property conducted by a reputable and independent professional appraiser, real estate consultant, or business consultant.

C. The City shall seek, whenever practical and financially advantageous, both in the short and long term, to operate or manage all property and facilities directly with City staff or contractors, provided staff has~~ve~~ the expertise needed to competently do so, or to oversee the work of contractors.

D. In most negotiations regarding the lease, license, management contract, concession, or similar action regarding an income or other property, the City shall seek revenue equivalent to the open market value of the highest and best use; and, whenever practicable the City shall conduct an open bid or proposal process to ensure the highest financial return.

E. However, in some circumstances the City may determine that use of a property by the public for recreational, charitable, or other nonprofit purpose is preferred and has considerable public support, in which case the City may determine that non-financial benefits justify not maximizing revenue from such property. In such circumstances, the City has a vested interest in ensuring that the lessee of such property operates the activities conducted on or from the property in the manner that has been represented to the City throughout the duration of any lease or contract with the City.

F. Whenever less than the open market or appraised value is received or when an open bid process is not conducted, the City shall make specific findings setting forth the reasons thereof. Such findings may include but need not be limited to the following:

1. The City is prevented by tideland grants, Coastal Commission guidelines, or other restrictions from converting the property to another use.

2. Redevelopment of the property would require excessive time, resources, expertise and costs, which would outweigh other financial benefits.

3. Converting the property to another use or changing the operator, manager, concessionaire, licensee, or lessee of the property would result in excessive vacancy, relocation or severance costs, real estate commissions, tenant improvement allowances, expenses, or rent concessions which would outweigh other financial benefits.

4. Converting residential property to another use or opening residential leases to competitive bid would create recompensable liabilities and other inequities for long-term residents.

5. The property provides an essential or unique service to the community, is an essential community asset, or a clearly preferred use that enjoys substantial support in the community that might not otherwise be provided were full market value of the property be required.

6. The property serves to promote other goals of the City such as affordable housing, preservation of open space, uses available to the public, or marine related services.

G. Generally, lengths of licenses, leases, management contracts, concessions, or similar agreements will be limited to the minimum necessary to meet market standards or encourage high quality improvements and will contain appropriate reappraisal and inflation protection provisions. Also, all agreements shall contain provisions to assure complete audits periodically through their terms.

H. All negotiations regarding the license, lease, management contract, concession, or similar action regarding income property shall be conducted by the City Manager or his/her designee under the direction of any appropriate City committees.

I. To provide an accurate accounting of actual net revenues generated by the City's income property, all costs directly attributable or allocable to the management of a specific income property shall be charged against the gross revenues collected on that property in the fiscal year the costs are incurred.

Costs so chargeable include, but are not limited to, property repairs and maintenance, property appraisals, and consultant fees, as authorized by the City Council, City Manager, or by this ~~Income Property~~ Policy.

J. The City Manager or his/her designee is authorized to sign a license, lease, management contract, concession, or similar agreement or any amendment thereto, on behalf of the City. Notwithstanding the foregoing, the City Manager or his/her designee, or a City Council member, may refer any license, lease, management contract, concession or similar agreement or any amendment thereto, to the City Council for its consideration and/or action. For those agreements where less than the open market or appraised value is received or an open bid process was not conducted, the City Manager shall inform the City Council at least forty-five (45) days prior to extending the term of the agreement.

K. The City's portfolio of quality income--producing properties adds an element of diversification to a portfolio otherwise invested primarily in financial assets. Certain of those income properties are restricted from sale by their terms of grant, state agency regulations or rules, other federal and state guidelines, private covenant or agreement or otherwise. For those properties not so restricted from sale, an analysis shall be prepared to determine the following prior to such income producing property being offered for sale:

1. The process for complying with the Surplus Lands Act.

~~1.~~2. The maximum open market value of the City's interest in the property in its as is condition.

~~2.~~3. If the property is in an important location, a determination of the possible future consequences of the City no longer controlling that property.

~~3.~~4. If the current rent is contractually low and significant rent increases are likely within a finite period.

~~4.~~5. The likelihood of significant increases in the ability of the property to generate income after the expiration of any current lease of the property.

~~5.~~6. The likelihood of a lease extension being requested by the tenant and the ability to substantially increase rents or require significant improvements to enhance the utility and the value of the property as consideration for granting such an extension.

~~6.~~7. The value of the revenue stream from (i) lease income over the life of an existing lease and/or (ii) likely lease revenue if an existing lease were to be renewed or the property re-let to a different tenant; and/or (iii) lease income from the property if it were to be converted to its highest and best use, compared with the financial benefits of the use of the proceeds of a sale and if, considering the totality of the circumstances, such use of the proceeds of a sale is preferable to retaining the property in question.

History

Adopted F-24 – 7-27-1992
Amended F-24 – 1-24-1994
Amended F-7 – 2-27-1995

Amended F-7 – 2-24-1997
Amended F-7 – 5-26-1998
Amended F-7 – 8-11-2009
Amended F-7 – 5-14-2013
Amended F-7 – 2-12-2019
Amended F-7 – 11-14-2023
-Amended F-7 – 2-24-2026

~~Amended F-7~~

CITY TRAVEL POLICY STATEMENT

Purpose

To set forth the policy for official City travel for reimbursement of expenses incurred by City Council members, appointed officials, members of special boards, commissions, committees, and employees while traveling overnight on official City business. This policy will not apply for commuter (local) training seminars and local City business expenses, nor is it intended to supersede Police Officer Standard Training reimbursable travel policies established by the State of California or the Newport Beach Police Department. The governing rule for all City travel expenses will be availability, economy, convenience, and propriety.

Travel Policy

A. The City will provide reimbursement for expenses directly related to attendance at approved conferences, seminars, meetings, and other official functions / purposes.

B. Official travel is planned, approved, and budgeted at the dDepartment level.

C. All official travel must be approved prior to the time of the travel by the ~~Finance~~ Administrative Services Director.

D. The City Manager will adopt and enforce administrative procedures that assure that all City authorized travel is:

1. Paid directly by the City or reimbursed to the traveler based on actual, itemized expenses or ~~should be~~ covered by per diem payment.

2. The City's per diem rate for Meals and Incidental Expenses (M&IE) will be equal to the U.S. General Services Administration's (GSA) M&IE rates. (www.GSA.gov).

Procedure

A. Each Department Director will include all planned trips in the dDepartment's annual budget requests. The Travel Authorization Form will be used as a planning/cost estimation guide. For unbudgeted, unplanned travel, the same form will be prepared at the time travel is requested.

B. All requests for travel advances will include the original Travel Authorization Form signed by the Department Director.

C. The Travel Expense Claim Form will be used to file the final travel claim with the ~~Finance~~ Administrative Services Director. A copy of the Travel Authorization Form must be attached.

Special Reimbursement Rules Related to Legislative Bodies Including City Council, Appointed Officials, Members of Special Boards, Commissions and Committees

The California Government Code Section 53232 et seq. provides restrictions on expense reimbursements paid to members of legislative bodies, which include members of the City Council, appointed officials, and members of special boards, commissions and committees created by charter, ordinance, resolution, or formal action of the City Council. Members of a legislative body may only be reimbursed for actual and necessary expenses incurred in the performance of official duties and their travel claims must be accompanied by the receipts documenting each expense.

Continuity of City Government Policy

With the advent of different modes of rapid transportation, there is the possibility of accidents injuring or killing several people simultaneously. Since Council Members are required to attend conferences, conventions, and meetings outside City Hall, it is desirous to require that whenever possible, no more than three members of the City Council use the same transportation at the same time.

When it comes to the Council's attention that a conference, convention, or meeting in which transportation is required, Council Members shall ~~make an effort~~try to arrange their itinerary so that no more than three members of the City Council use the same transportation. The City Clerk will be utilized to provide alternate travel arrangements where necessary ~~in order to~~to comply with this policy.

This policy will help ensure that there will be a continuity of City government and that there is always a majority of Council members capable of fulfilling the responsibilities placed upon them by the City.

In addition, the City Manager, Department Directors and other key personnel should use the same guidelines in traveling separately on official business whenever practicable.

History

Adopted A-2 – 5-13-1963 (“Authorization of Staff Trips”)
Amended A-2 – 8-30-1966
Amended A-2 – 11-12-1968
Amended A-2 – 3-9-1970
Amended A-2 – 2-14-1972
Adopted A-11 – 12-10-1973 (“Council Travel)
Amended A-2 – 11-11-1974
Amended A-11 – 11-23-1981
Amended A-11 – 11-28-1988
Adopted F-25 – 6-8-1992 (“City Travel”) (incorporating A-2 and A-11)
Amended F-25 – 1-24-1994 (changed to F-8)
Amended F-8 – 2-26-1996

Amended F-8 – 4-23-2002
Amended F-8 – 10-10-2006
Amended F-8 – 8-11-2009
Amended F-8 – 9-27-2011
Amended F-8 – 2-12-2019
Amended F-8 – 5-25-2021
Amended F-8 – 12-9-2025
Amended F-8 – 2-24-2026

CONTRACT PROCUREMENT AND AUTHORITY TO CONTRACT

Purpose

This policy sets forth requirements for contract procurement and City Council's delegation of authority for entering into contracts. "Entering into a contract" or "executing a contract" is synonymous with the awarding and signing of a contract and means the formal approval of the contract terms and intent to be bound thereby. "Contracts" includes all agreements, purchase orders, and purchase requisitions, which is applicable regardless of whether the City is expending or receiving funds. The types of contracts covered by this policy include, but are not limited to, settlements, right of entry agreements, cost sharing agreements, joint defense agreements, cooperative agreements, reimbursement agreements, grant agreements, professional services agreements, former employee services agreements , independent instruction and recreation contracts, public works contracts, and "as-needed" or "on-call" services agreements.

Background

The City shall not be bound by any contract or amendment thereto, unless the same shall be made in writing, approved by the City Council or employee designated by the City Council; signed on behalf of the City by (i) the Mayor or by such other employees designated by the City Council, (ii) the City Clerk, and (iii) the City Attorney (Charter § 421). The City Attorney shall approve the form of all contracts made by the City and amendments thereto and all bonds given to the City, endorsing his or her approval thereon in writing (Charter § 602(e)).

Delegation of Authority to Enter Into and Amend Contracts

The City Council hereby delegates its authority to contract to the City Manager and through him or her to the Assistant City Manager, Department Directors, and to the City Attorney as set out below. The City Manager has final authority to approve any contract within the City Manager's approval limit.

All formalities required under the provisions of the Charter shall be applied to these contracts.

The City Manager may make exceptions to the City's standard contract terms, including but not limited to, insurance and indemnification requirements, based on operational considerations and weighing the particular risks involved. When deciding

whether to modify standard contract terms, the City Manager shall consult with the City Attorney and Department Directors, as necessary. This authority shall not be delegated below the Assistant City Manager level.

Contracts may not be written to circumvent any of the authority limits described herein.

The City Manager shall, in consultation with the City Attorney, adopt and enforce administrative procedures that ensure: (1) all contracts are entered into at a reasonable, fair and competitive price to the City; (2) all necessary formalities are followed and the requirements of federal, state, and local laws, including Council policies, are met; (3) best accounting practices are followed; and (4) the contracting process of the City is open and transparent, and provides accountability.

A. Authority to Enter into Contracts

The authority to enter into original contracts is delegated as set out below.

1. The City Manager

The City Manager is authorized to execute all contracts without prior Council approval, in an amount that shall not exceed $120,000. For contracts involving expenditure of funds, the services and the funds must have been approved by the City Council as part of the annual approved budget. Execution of contracts for grants and donations shall be in accordance with City Council Policies F-3, F-25 and B-17. This authority shall not be delegated below the Assistant City Manager level.

2. Department Directors

Department Directors, including the City Attorney and City Clerk, are authorized to execute contracts without prior City Manager or Council approval in an amount not in excess of $75,000. For contracts involving expenditure of funds, the services and funds must have been approved by the City Council or City Manager as part of the annual approved budget. This authority may not be delegated below the Assistant or Deputy Director level. The City Manager has authority to approve requests for budget increases without City Council approval at the level set forth in Policy F-3, Section E-1 ("Administration of the Annual Budget, New Appropriations").

3. City Attorney

The City Attorney is authorized to execute contracts for all services for outside counsel, investigators, and experts related directly to and necessary for prosecution and defense of pending litigation as defined in the Brown Act, and for services for outside counsel, investigators, and experts necessary to address other pending or potential legal claims or legal issues so long as funds for outside counsel, investigators, experts and related legal services were approved by the City Council as part of the approved annual budget. The City Attorney shall keep Council informed regarding any such expense that exceeds $120,000 on not less than a quarterly basis and shall seek budget updates, if needed, within a timely fashion. Additionally, the City Attorney shall have authority to enter into contracts to resolve claims, litigation and other legal disputes where the City is receiving or expending an amount not in excess of $75,000.

B. Authority to Amend Contracts

If circumstances arise that were not reasonably foreseeable by the parties at the time of contracting which make extra work or material necessary for the proper completion of the service originally contracted for, a contract amendment and corresponding increase in total contract amount may be necessary. Under those circumstances, the City Manager, Department Directors, City Clerk and City Attorney are authorized to amend contracts as set out below. For purposes of this policy, "total contract amount" is defined as the total consideration paid over the term of the agreement, including any previous amendments to the contract. "Original contract amount" is defined as either the amount of compensation agreed upon when the contract was first entered into or the amount of compensation most recently approved by the City Council by amendment, whichever is greater.

1. City Manager

Contracts within the City Manager's Contracting Authority

The City Manager may execute any contract amendment, including but not limited to amendments to extend the term of a contract, so long as the

total contract amount as amended does not exceed $120,000 and the term extension does not exceed the maximum allowable contract term.

Contracts approved by City Council

The City Manager may execute any contract amendment, including but not limited to amendments to extend the term of a contract, so long as the total contract amount does not exceed 125 percent of the original contract amount or the original contract amount plus an additional $120,000, whichever amount is less, and the term extension does not exceed the maximum allowable contract term.

2. Department Directors

The Department Director, including the City Clerk and City Attorney, who entered into the contract or whose department is designated as the contract administrator, may execute any contract amendment, including but not limited to amendments to extend the term of a contract, so long as the total contract amount as amended does not exceed $75,000 and the term extension does not exceed the maximum allowable contract term.

3. Amendments in Cases of Possible Work Stoppage or Undesirable Delay

The City Manager is authorized to execute a contract amendment that increases the total contract amount up to 150 percent of the original contract amount in cases where a work stoppage or other undesirable consequence will result if approval of the amendment is delayed until the next City Council meeting. Within twenty-four (24) hours, the City Manager shall notify the City Council Members of any such amendment.

4. Amendments Necessary to Address Emergency Situations

In the event of emergency work requiring an amendment to an existing contract, the emergency contracting policy outlined below may be followed.

Special Requirements

Competitive proposals should be obtained for service contracts whenever possible before resorting to negotiated awards.

A. Professional Services Contracts

Services of a professional nature shall be obtained through a qualifications based selection process based on demonstrated competence and qualifications for the types of services to be performed and with the objective of selecting the most qualified consultant at a fair, reasonable and verifiably appropriate cost. The procedures for achieving this goal shall be adopted and applied by the City Manager in the Administrative Procedures Manual.

B. Services Contracts (Non-Professional)

The City shall select services contractors though a Request for Proposal (RFP) or a Request for Bid (RFB) process, whichever serves the City's best interest. Contracts through the RFB process shall be awarded based solely on pricing and minimum qualifications to determine the most responsive and responsible bidder. Contracts through the RFP process shall be awarded based on both qualifications and pricing to determine the best value to the City.

C. Maintenance and Repair Service Contracts

A service contract for maintenance or repair work that is fixed or of a definite nature (not on-call) and over the formal bid dollar amount in Charter Section 1110 must be requisitioned as a formal public works contract. For contracts not exceeding the formal bid dollar amount, the City may select services contractors though the RFP or RFB process, whichever serves the City's best interest based on the service to be provided.

D. Public Works Contracts

Contracts for public works where the total expenditures for the project exceed the formal bid dollar amount shall be awarded consistent with the provisions of Charter Section 1110 and relevant provisions of the California Public Contract Code.

E. Procurements and Contracts Involving Federal or Pass-Through Funding

Procurements expending funds from federal grants or awards received directly by the City or from a pass-through agency, such as the State of California, must comply with the provisions of Title 2 of the Code of Federal Regulations ("CFR")

Sections 200.318 through 200.326. To ensure the City's adherence to the Federal guidelines related to these procurements and contracts, the City Manager has adopted procurement procedures for such projects in the Administrative Procedures Manual.

F. Independent Instruction and Recreation Contractors

Department Directors are authorized to execute contracts with independent contractors for instructional, educational, cultural, or recreational purposes ("Instruction and Recreation contracts") where the fees paid by the City are based upon either a percentage of fees collected by City for a program or on a flat rate basis for tasks performed by the contractor.

Instruction and Recreation contracts shall not exceed five (5) years in duration and shall include a termination clause granting the City the right, at its sole discretion and with or without cause, to terminate the contract at any time by giving seven (7) calendar days' prior written notice.

Should fees paid under an Instruction and Recreation contract exceed $75,000 during the term of the contract, the Department Director shall provide written notice to the City Manager identifying the program and independent contractor. The City Manager shall give written notice to the City Council should fees paid exceed $120,000.

G. On-Call Contracts for Services (Professional or Non-Professional)

The City Manager and Department Directors are authorized to enter into on-call ("as-needed") agreements for obtaining services, including but not limited to professional services and maintenance and repair services, where the need for services is contingent, does not have a set timeframe, or where the size of the job does not warrant the expense of entering into individual agreements for each service.

On-call services contracts shall not exceed five (5) years and shall include a termination clause granting the City the right, at its sole discretion and with or without cause, to terminate the contract at any time by giving prior written notice of seven (7) calendar days. The City Manager is authorized to extend an on-call services contract for up to six (6) months if work has been authorized or encumbered during the initial term but not completed.

City Council approval is required for: (1) an on-call contract that exceeds $120,000, and (2) on-call contracts to multiple contractors stemming from a single procurement where the combined amount of the contracts exceeds $120,000.

On-call contracts may not be used to perform maintenance or repair work in contravention of Charter Section 1110. For example, a project, task, job, or work order in an amount in excess of the formal bid dollar amount in Charter Section 1110 cannot be performed under an on-call maintenance or repair services contract but must be requisitioned as a public works project.

H. Emergencies

Services contracts obtained for purposes of responding to an emergency (as defined in Newport Beach Municipal Code Section 2.20.020) that exceed the signing authority of the City Manager or Department Director as authorized in this policy shall be brought to the City Council at its next regularly scheduled meeting for review and authorization.

I. Contracts with Former Council Members and City Employees

City Council approval is required for the following when not more than five (5) years have passed since a person who is a former Council Member or City employee has left service with the City:

1. All professional services contracts with former Council Member or City employees;
2. All professional services contracts with a corporation or other business entity owned or operated by a former Council Member or City employee or that employs a former Council Member or City employee.

J. Exceptions to Competitive Procurement Requirements

Certain commodities and service types are unique or otherwise not amenable to traditional procurement and bidding procedures. The City Manager shall prescribe in the Administrative Procedures Manual alternative procedures and methods for the procurement of such items, e.g. cooperative agreements and piggyback agreements, and ensure that the pricing involved in the procurements is competitive to the greatest extent possible.

General Procedures

A. Contract Retention

The City Clerk shall retain all original executed contracts in accordance with the City's current adopted Records Retention Schedule. Contracts shall be posted into the City's electronic document database in order to maintain transparency in contracting.

B. Insurance

All contracts shall be accompanied by proof of the appropriate level of insurance at the time of execution. The insurance level required shall be in accordance with the City's published Contract Templates (or as otherwise approved by the City Manager or City Attorney).

C. Reporting

At least once annually, the City Manager shall report to the Council the summary of all contracts entered into by the City Manager and Department Directors. The summary shall include the vendor, the department responsible that will oversee the contract, the purpose of the contract, and the contract amount.

D. Consumer Price Index Adjustment

Beginning July 1, 2026, and on the anniversary date each year thereafter, the dollar amounts set forth in this policy, as previously adjusted, shall increase, but not decrease, based on the change in the Consumer Price Index. Each annual adjustment shall be applied cumulatively to the dollar amounts in effect immediately prior to the adjustment. The increase to the amounts set forth in this policy shall be determined by calculating the percentage change from March of the prior year to March of the current year. The adjusted amount shall be rounded up to the nearest $1,000.00. As used herein, the term "Consumer Price Index" means the Los Angeles-Long Beach-Anaheim, California Area, All Urban Consumers, All Items, Base Period (1982-84 = 100), or successor index, as published by the United States Department of Labor, Bureau of Labor Statistics. This subsection shall not apply to Public Works Contracts, which are governed by Charter Section 1110.

Future Amendments to Policy

Any future changes in the provisions of this policy shall be made by resolution of the City Council.

History

Adopted F-14 – 09-22-1969 (Purchase Authority for Goods & Materials)
Reaffirmed F-14 – 03-09-1970
Reaffirmed F-14 – 02-14-1972
Amended F-14 – 11-11-1974
Amended F-14 – 11-24-1975
Amended F-14 – 12-08-1975
Amended F-14 – 11-24-1986
Amended F-14 – 05-26-1987
Adopted F-14 – 01-24-1994 (new F-14) (Authority for Contracts)
Amended F-14 – 01-24-1994 (old F-14) (changed to F-5)
Amended F-5 – 02-26-1996
Amended J-1 – 11-10-1997 (Contracts with Former Employees)
Amended J-1 – 03-09-1998
Amended J-1 – 03-22-1999 (changed to F-20)
Amended F-5 – 03-14-2000
Amended F-20 – 04-08-2003
Amended F-14 – 04-13-2004
Amended F-5 – 11-22-2005
Amended F-14 – 05-09-2006
Amended F-14 & F-5 – 01-25-2011
Amended F-14 – 05-12-2015
Amended F-14 – 02-23-2016 (incorporating F-5 & F-20 and renaming "Authority to Contract")
Amended F-14 – 06-26-2018
Amended F-14 – 02-12-2019
Amended F-14 – 12-13-2022
Amended F-14 – 12-09-2025
Amended F-14 – 02-2~~0~~4-26

POLICY AND PROCEDURES FOR CITY DISTRIBUTION OF TICKETS OR PASSES

Background

The Newport Beach City Council, Boards, Commissions, and officials are subject to certain laws and regulations pertaining to gifts. The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act contained in Government Code Section 81000 et seq., as well as the regulations contained in Title 2, California Code of Regulations, Sections 18110 et seq.

Purpose

The City strives to provide impartial and ~~high quality~~high-quality services to its residents, businesses, and visitors. The receipt by City officials of gifts or other items of value can -be perceived as
attempts to influence City operations and the City wishes to avoid any appearance of impropriety or favoritism.~~; h.~~ Ho~~Additionally, ho~~wever, City official attendance at public events is necessary to achieve the goals of governance, both to promote the policies of the City and to maintain close contact with the citizens and interest groups within the c~~C~~ity.~~-~~ This p~~P~~olicy outlines a fair and impartial procedure for the disposition of tickets or passes by the City in furtherance of a governmental purpose. It implements the directives of FPPC regulations and establishes procedures as required by Title 2, Division 6, Chapter 9.5, Section 18944.1 of the California Code of Regulations, for the acceptance and distribution of tickets or passes by the City. This Policy also ensures that tickets or passes distributed by the City are disclosed upon the required FPPC forms.

Application of Policy

This policy applies to tickets or passes which provide admission to a facility or event for an entertainment, amusement, recreational, or similar purpose, and are ~~either~~: gratuitously provided to the City by an outside source; acquired by the City by purchase; acquired by the City as consideration pursuant to the terms of a contract; or acquired and distributed by the City in any other manner.

Tickets or passes shall be distributed under this P~~p~~olicy at the sole discretion of the City pursuant to this Policy. Tickets or passes distributed under this P~~p~~olicy shall not be earmarked for distribution to a City Official or person by any outside source.

A ticket or pass may only be distributed by the City under this P~~p~~olicy if it serves a public purpose as set forth below. If the ticket or pass does not serve a public purpose, it shall be returned to its source or shall be given to an active 501(c)(3) non-profit, charitable organization that does business within the c~~C~~ity. The Ticket Administrator shall make the necessary determinations under this Policy.

This policy does not apply to any other item of value provided to the City or any City Official, regardless of whether it is received gratuitously or for which consideration is provided.

~~I.~~ ~~***DEFINITIONS***~~*Definitions*

A. Unless otherwise expressly provided herein, words and terms used in this policy shall have the same meaning as those ascribed to such words and terms in the California Political Reform Act of 1974 (Government Code Sections 81000, *et seq.*, as the same may from time to time be amended) and the FPPC Regulations (Title 2, Division 6 of the California Code of Regulations, ~~A.~~ Sections 18110 *et seq.*, as the same may from time to time be amended).~~Unless otherwise provided herein, words and terms used in this Policy shall have the same meaning as that contained in the Political Reform Act of 1974 and the FPPC Regulations, as the same may be from time to time amended.~~

~~B. "Beneficial use for official City business" means a use that will further a legitimate City purpose and assist the City in carrying out its mission, programs or goals. Beneficial uses include those governmental purposes set forth in Section II, Policy Pertaining to Tickets and Passes, below. Where not specifically listed, beneficial uses are to be determined on a case-by-case basis.~~

B. "City Manager" means the City Manager or his/her ~~-~~designee.

C.

"City Official" means City Council Members, the City Manager, Assistant City Manager, City Attorney, City Clerk, and Department Heads.~~means any City elected official, appointed official, or person designated in the City's Conflict of Interest Code.~~

E. "Immediate family" means and includes a spouse and dependent children.

~~C.~~

~~D. "Gift" means anything of value, including meals, for which the recipient has not provided equal or greater value in return. A gift includes a rebate or discount in the price of anything unless the rebate or discount is made in the regular course of business to members of the public. A gift does not include de minimis gifts of food or incidental items, such as snacks, pens, etc., so long as the cumulative value of such gift does not exceed $50 in a calendar year from any one source. A gift does not include a ticket or pass subject to Section II, Policy Pertaining to Tickets or Passes, as set forth below.~~

~~E. "In the course of official City duties" means pursuant to a person's City job responsibilities, or because of a person's City position.~~

F. "Pass" means a ticket that provides repeated access, entry or admission to a facility or series of events and for which similar passes are sold to the public.

G.

~~F.~~ "Ticket" means anything that provides access, entry, or admission to a specific future event or function and for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold and includes any benefits the ticket provides. As used herein, a "ticket" includes any pass.

~~II. POLICY PERTAINING TO TICKETS OR PASSES~~

General Provisions

A. No Right to Tickets: The use of complimentary tickets is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.

B. Limitation on Transfer of Tickets: Except as expressly set forth herein, tickets distributed ~~to a~~ pursuant to this policy shall not be transferred to any other person other than: an immediate family member for personal use; or a single guest of the attendee.

C. Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a ticket pursuant to this policy shall sell or receive reimbursement for the value of such ticket.

D. No Disproportionate Use: The disproportionate use of tickets by a City Official is prohibited.

Ticket Administrator

A. The City Manager shall be the Ticket Administrator for purposes of implementing the provisions of this P~~p~~olicy.

B. The Ticket Administrator shall have the authority, in his/her sole discretion, to establish procedures for the distribution of tickets in accordance with this policy. All requests for tickets which fall within the scope of this P~~p~~olicy shall be made in accordance with the procedures established by the Ticket Administrator.

C. The Ticket Administrator shall determine the face value of tickets distributed by the City for purposes of this P~~p~~olicy.

D. The Ticket Administrator, in his/her sole discretion, may revoke or suspend the ticket privileges of any person who violates any provision of this P~~p~~olicy or the procedures established by the Ticket Administrator for the distribution of tickets in accordance with this P~~p~~olicy.

Conditions Under Which Tickets May be Distributed

A. Subject to the provisions of this P~~p~~olicy, complimentary tickets may be distributed to City Officials, or at the behest of a City Official, under the following conditions:

1. The City Official Reimburses the City for the face or fair value of the ticket(s), whichever is applicable. Reimbursement shall be made at the time the ticket(s) is distributed to the City Official.

2. The City Official treats the ticket(s) as income consistent with applicable federal and state income tax laws.

3. The City Official uses, or behests, such tickets to accomplish one or more of the following public purposes:

(a) Performance of a ceremonial role or function representing the City at the event.

(b) The job duties of the City Official require his or her attendance at the event.

P~~P~~romotion of local and regional businesses and economic development ~~w~~within the City, including, but not limited to, conventions, and conferences

(c) ~~and annual meetings;~~.

(d) Promotion of City-controlled or sponsored events, activities or programs.

(e) Marketing promotions that highlight the achievements of residents and businesses.

(f) Promotion of marketing of private facilities available for City resident use, including charitable and nonprofit facilities.

(g) Promotion of public facilities, landmarks, special events, and community events.

(h) Intergovernmental relations purposes, including but not limited to attendance at an event with or by elected or appointed public officials from other jurisdictions.

(i) Attracting or rewarding volunteer public service.

(j) Exchange programs with foreign officials and dignitaries.

(k) Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting Newport Beach residents.

(l) Encouraging or rewarding significant academic, athletic, or public service achievements by Newport Beach students, residents, or businesses.

(m) Attracting and retaining highly qualified employees in City service.

(n) As special recognition or reward for meritorious service by a City employee.

(o) For use in connection with a City employee competition or drawing.

(p) Recognition of contributions made to the City by former City Council Members or City Council appointees.

(q) Special outreach or support programs for active military, veterans, teachers, emergency services, medical personnel, and other civil service occupations.

~~(a) Any purpose similar to above included in any City contract.~~

~~A.~~ Public Purpose~~.~~

~~1. Attendance at functions within the City and functions otherwise relevant to the performance of City business that assist the City in carrying out its mission, programs or goals are reasonably necessary for accomplishing the legitimate purposes of City government. The City actively supports~~
~~various philanthropic, cultural, civic, and business development organizations and programs within the City and throughout Orange County. City Official attendance at such functions support legitimate public purposes pursued by the City. Therefore, attendance at all such functions are considered to accomplish the public purposes of city governance consistent with state law and specifically Title 2, Division 6, Chapter 9.5, Section 18944.1 of the California Code of Regulations.~~

~~2. Examples of legitimate public purposes accomplished by the distribution of tickets or passes pursuant to this Policy include, but are not limited to, the following:~~

~~• Promotion of local and regional businesses and economic development within the City, including conventions, conferences and annual meetings;~~
~~• Promotion of City-controlled or sponsored events, activities or programs;~~
~~• Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs;~~
~~• Marketing promotions highlighting the achievements of local~~

residents and businesses;

- Promotion of marketing of private facilities available for City resident use, including charitable and nonprofit facilities;
- Promotion of public facilities available for City resident use;
- Promotion of City growth and development, including economic development and job creation opportunities;
- Promotion of City landmarks and/or community events;
- Promotion of special events in accordance with any City contract;
- Exchange programs with foreign officials and dignitaries;
- Promotion of City recognition, visibility and/ or profile on a local, state, national or worldwide scale;
- Promotion of open government by City official appearances, participation and/ or availability at business or community events;
- Sponsorship agreements involving private events where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents;
- All written contracts where the City, as a form of consideration, has required that a certain number of tickets or passes be made available for its use;
- Employment retention programs;
- Special outreach or support programs for active military, veterans, teachers, emergency services, medical personnel and other civil service occupations;
- Charitable 501(c)(3) fundraisers for the purpose of networking with other community and civic leaders or; and
- Any purpose similar to above included in any City contract.

B. Tickets distributed to a City Official or City employee for a public purpose set forth above may only be distributed to: the City Official or City employee and their family members; or City Official or City employee and one guest. ~~3. If a particular event for which tickets or passes are distributed by the City does not fall under one of the above express categories, it shall be considered to fulfill the public purposes of this Policy if it achieves the general policy set out in Section 1 above as determined on a case-by-case basis.~~

Distribution of Tickets or Passes by the ~~–~~City.

A. City Officials shall have authority to request tickets from the Ticket Administrator.

B. Ticket requests do not guarantee ticket distributions. The Ticket Administrator is responsible for selecting recipients to receive tickets.

C. Tickets distributed pursuant to a City Official's request are distributed at the behest of that City Official for FPPC reporting purposes. If tickets are distributed at the behest of a City Official, such City Official shall not use one of the tickets to attend the event.

Reporting Obligations

A. The Ticket Administrator shall manage the receipt, distribution, and accounting for all tickets or passes subject to this Policy.

B. The Ticket Administrator shall be responsible for completing or having the City Clerk complete the FPPC Form 802 for each distribution to a City Official, or made at the behest of a City Official, and complying with the posting requirements. The City Clerk shall maintain a completed Form 802 for not less than four (4) years, or other period as specified in any applicable FPPC Regulation. If the ticket or pass is distributed to a department or other unit of the City, and not a City Official, the City may report the name of the department or other unit of the agency receiving the ticket or pass and the number of tickets or passes provided to the department or unit in lieu of reporting the name of the individual employees.

C. The Ticket Administrator shall be responsible for providing information regarding recipients as required by the Office of the Comptroller for tax reporting purposes.

D. The City Clerk shall cause this policy to be posted on the City website and shall see to it that the most current version of this policy is available in a prominent fashion on the City website. The City Clerk shall send, via email, to the Fair Political Practices Commission the City's website link that displays this policy so that the Commission may post the website link.

~~3. Where a ticket or pass is received by the City from an outside source for distribution to City Officials, the distribution of the ticket or pass shall be made consistent with this Policy.~~

~~4. Tickets or passes shall be distributed under this Policy at the sole discretion of the City pursuant to this Policy. Tickets or passes distributed under this Policy shall not be earmarked for distribution to a City Official or person by any outside source.~~

~~5. A ticket or pass may only be distributed by the City under this Policy if it serves a public purpose as defined above. If the ticket or pass does not serve a public purpose it shall be returned to its source or shall be given to an active 501(c)(3) non-profit, charitable organization that does business within the City. The City Manager shall make the necessary determinations under this Policy.~~

~~6. Except as provided in Section II, D2, of this Policy, once received, tickets distributed pursuant to this policy shall be distributed by the City Manager on a first-come first-serve basis, in a manner that is consistent with this Policy and with the restrictions set forth herein.~~

~~7. Any tickets or passes that are not distributed pursuant to this Policy shall be returned to the source of the tickets or passes or distributed to a 501(c)(3) non-profit, charitable organization that does business within the City.~~

~~B. Responsibilities of City Manager and City Clerk.~~

~~1. The City Manager shall manage the receipt, distribution and accounting for all tickets or passes subject to this Policy.~~

2. Upon distribution of a ticket or pass pursuant to this Policy, the City Manager shall either complete FPPC Form 802, Tickets Provided by Agency Report, or provide sufficient information to the City Clerk so that the Clerk may complete the form.

3. No later than thirty (30) calendar days from the distribution of the ticket or pass or approval of this Policy, whichever date last occurs, the City Clerk, shall post the FPPC Form 802 on the City website.

4. ***The City Clerk shall maintain a completed Form 802 for not less than four (4) years, or other period as specified in any applicable FPPC Regulation.***

5. ***The City Clerk shall cause this Policy to be posted on the City website as soon as reasonably possible after its adoption and shall see to it that the most current version of this Policy is in a prominent fashion on the City website as soon as reasonably possible.***

C. ***Other Provisions.***

1. A. A City Official may return any ticket or pass unused to the Ticket Administrator for redistribution pursuant to this Policy. A City Official may return any ticket or pass unused to the City Manager for redistribution pursuant to this Policy.

2. Only a City Council Member and the City Manager may request distribution of a ticket or pass to a particular person and such distribution must accomplish a public purpose set forth in Section II(A). All other recipients shall be determined by the City Manager pursuant to procedures established by this Policy.

D. Restrictions.

Tickets or passes distributed to a City Official pursuant to this Policy shall not be:

1. Transferred to any other person, except to members of the official's immediate family or no more than one guest solely for their attendance at the event;

2. Sold or exchanged for any consideration; or

~~3. Disproportionately used by a member of the City Council, political appointee, department head, or the City Manager.~~

~~E. Tickets or Passes Distributed Pursuant to this Policy Not Reportable on FPPC Form 700.~~

B. If a ticket or pass is distributed pursuant to this Policy, it shall not be considered a gift to the recipient and shall not be ~~reportable~~reported as a gift on FPPC Form 700.

~~F. Tickets or Passes Not Distributed Pursuant to this Policy include, but are not limited to:~~

~~1. An admission identified in California Code of Regulations, Title 2, Division 6, Chapter 9.5, Section 18942(a)(13) relating to a City Official performing a ceremonial role;~~

~~2. A ticket or pass that qualifies as taxable income to the City Official; or~~

~~3. If the City Official reimburses the City for the ticket or pass within thirty (30) days of receipt of the ticket or pass.~~

History

Adopted A-8 - 03-09-1970 (Comp Balboa Bay Club Cards)
Reaffirmed A-8 - 02-14-1972
Amended A-8 - 12-10-1973
Amended A-8 - 11-11-1974
Amended A-8 - 02-23-1981
Adopted F-27 - 06-23-2009 (unknown when A-8 no longer in use)
Amended F-27 - 05-12-2015
Amended F-27 - 09-10-2019
Amended F-27 – 02-24-2026

RETENTION, REMOVAL~~, AND MAINTENANCE~~ OF CITY TREES

Purpose

~~***Goal of Policy***~~

To establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest with an inventory that the City can reasonably maintain in a healthy and safe condition through the efficient use of City resources. ~~To require that in approving any tree removal or reforestation request, the Parks, Beaches and Recreation Commission ("Commission") shall find that the tree removal request will not adversely impact the overall inventory, diversity and age of the City's Urban Forest.~~ To educate the public of the protections of the City's Urban Forest and guide, in a user-friendly way, the mechanisms in place for tree replacements.

With the passage~~**Purpose**~~

~~The purpose~~ of time, adjustments in the City's tree inventory may be necessary. Therefore, this policy ~~is to establish~~also establishes definitive standards for the retention, removal, ~~maintenance,~~and reforestation~~, tree trimming standards, and supplemental trimming~~ of City trees. City trees are an important part of the character and charm of the entire City and provide environmental benefits as well. Regular care~~, trimming, root pruning, maintenance,~~ and programmed ~~replacement~~replacements are necessary to preserve this charm while at the same time protecting public views consistent with City Council Policy G-3, providing personal safety, and preventing public and private property damage and providing a sustainable urban forest.

I. DEFINITIONS

A. "Commission" is defined as the Newport Beach Parks, Beaches and Recreation Commission.

B. "Diseased" or "Diseased tree" is defined as a tree that cannot be cured by current arboricultural methods, in an advanced state of decline, and has no prospect of recovery.

C. "Dying" or "Dying tree" is defined as a tree that have no prospect of recovery.

D. "Hazardous" or "Hazardous tree" is defined as a tree that is defective, has a potential to fail, and would cause damage to persons and property upon failure.

E. "Problem Tree" is defined as a tree that by virtue of its species is known to cause excessive hardscape or utility damage due to its excessive root system.

The ~~City classifies public~~following trees are defined as Problem Trees:

1. *Ficus nitida* (Indian Laurel Fig)
2. *Ficus rubiginosa* (Rusty Leaf Fig)

3. *Ficus benjamina* (Weeping Fig)
4. *Fraxinus uhdei* (Shamel Ash)
5. *Cupaniopsis anacardioides* (Carrotwood)
6. *Liquidambar styraciflua* (American Sweet Gum)
7. ~~in one of three categories:~~*Schinus terebinthefolius* (Brazilian Pepper)
8. A tree that the City Arborist determines is infested with Tuliptree scale (*Toumeyella liriodendri*)
9. A City Tree that causes the private property owner to lose their fire insurance.

Problem Trees exclude City parkway trees on the Street Designation Tree List of City Council Policy G-6 unless they are Special ~~City Trees, Problem City Trees, and~~ Trees.

~~A.~~ "Reforestation" when initiated by the City is defined as the concept of systematically replacing Problem or Standard ~~City Trees.~~Trees which are creating hardscape and/or view problems and cannot be properly trimmed, pruned or modified to alleviate the problem(s) they create; or those which have reached their full life and are declining in health; or are simply the wrong species of trees for the planted location. When initiated by a homeowners' association or property owner, reforestation is otherwise defined as an appeal.

~~I. SPECIAL CITY TREES~~

F. ~~It is the City's policy to retain~~ "Special City ~~Trees ("Special Trees") categorized as~~ Tree" is defined as a Landmark, Dedicated, or Neighborhood ~~trees, because they have~~ tree, that has historical significance, and/or ~~contribute~~contributes to, and ~~give~~gives character to, a location or to an entire neighborhood. A Landmark, Dedicated, and Neighborhood ~~trees~~tree are identified by species in Exhibit A and shall hereinafter be collectively referred to as Special Trees. Trees within these three (3) categories shall be identified, mapped, recorded and administered by staff for the Commission. When staff ~~proposes~~propose modifications, the Commission shall review the Special Tree list and forward recommendations for additions or deletions to the City Council for approval.

1. *Landmark Trees* are identified as those individual Special Trees that possess historical significance by virtue of their size, age, location, or species.

2. *Dedicated Trees* are Special Trees donated in the memory of specific individuals or organizations. Updates will be made annually to the City tree inventory system that ~~correspond~~corresponds to the amended B-17 Policy: Parks, Facilities, and Recreation Program Donations. Exhibit A of this Policy will be updated annually to reflect updates.

3. *Neighborhood Trees* are Special Trees that by their unusual size, number, species, or location lend a special character to a residential, commercial, or business area.

G. ~~All~~ "Standard City Tree" is defined as a tree that is located on City real property (parkways, parks, other City-owned property) and not designated as a Special or Problem Tree.

II. BASIS TO REMOVE A CITY TREE

A. Dead, diseased or dying trees. The tree is dead, diseased or dying as those terms are defined above or is subject to imminent tree failure.

B. Impact on Infrastructure. The tree is impacting infrastructure based on the criteria set forth below.

C. Beautification or Capital Improvement Projects. Standard, Special, and/or Problem Trees ~~shall~~may be ~~retained unless there are overriding problems which will require their~~considered for removal ~~such as death, disease, interference with infrastructure, or the creation~~in conjunction with a City Council-approved beautification project or capital improvement project.

D. Development Projects. Approval of ~~a hazardous situation. Prior to considering the~~ an encroachment or demolition permit that requests removal of ~~any Special Tree(s),~~ a tree in conjunction with a commercial, residential or other development project.

E. Departmental Determination. The City Manager, upon the advice of the Municipal Operations Director, ~~or designee,~~City Attorney, or Traffic Engineer, shall have the authority to remove individual Problem or Standard Trees to resolve claims or safety issues.

Notwithstanding the foregoing, excessive leaves, fruit, flowers, petals, bees, birds, and other animals, or insects shall not constitute a finding for removal of a tree covered by this policy.

III. PROCESS FOR REQUESTS FOR REMOVAL OF A CITY TREE

The Municipal Operations Department, homeowners' association or private property owner may request removal of a City Tree. A homeowners' association or private property owner may initiate the process for removal by submitting an application to the City Clerk, utilizing the City Tree Removal form available on the Municipal Operations Department website: https://www.newportbeachca.gov/government/departments/municipal-operations and paying the applicable fee as set by resolution of the City Council.

A. Tree Removal Reports. After receiving the application, the City Arborist shall prepare ~~a~~ the following reports and analysis for the removal of a Standard, Special or Problem Tree:

1. Tree Inspection Report~~, with a Tree Risk Assessment, identifying and implementing specific~~ that explains why tree removal is necessary, which may

include, but is not limited to: structural defects of the tree, parts of the tree most likely to fail, targets where imminent personal injury or property damage may result from tree failure. For Special Trees, a Tree Removal Review will also be prepared.

2. A mitigation analysis to determine whether mitigation measures may be implemented to ~~retain~~maintain the tree~~(s).~~ provided the costs are reasonable.

3. Performance of a Level 2: A Basic Tree Risk Assessment ("Level 2 Risk Assessment") for requests to remove based on a hazard, the Level 2 Risk Assessment should identify structural defects of the tree, parts of the tree most likely to fail, targets where imminent personal injury or property damage may result with tree failure, and determine whether mitigation measures will eliminate the hazard.

4. For Landmark Tree(s), ~~the~~a Tree Risk Assessment ~~shall include~~that includes a Level 3 Testing: Advanced Techniques shall be prepared to confirm the presence of any potential risks~~, unless waived by the City Council in advance.~~. Where Tree Risk Assessment and Level 3 Testing: Advanced Techniques are required, the full costs of such testing and associated report will be the sole responsibility of the applicant~~.~~, whether that be the City, a homeowners' association or property owner.

B. Standard City Trees.

1. Upon completion of the above reports for a Standard Tree, the City Arborist shall make a recommendation to the Landscape Manager, or his/her designee as to whether findings for removal set forth in Section IV (Findings Required for Removal of a City Tree) can be made. If the ~~specific mitigation measures are unsuccessful or impractical in retaining a tree(s), then a full staff report shall be made to the~~ Manager approves removal of the tree, the City shall provide notice in accordance with Section VII (Notifications) prior to removal of the tree.

2. If the Manager determines the application does not meet the findings set forth in Section IV (Findings Required for Removal of a City Tree), the application is denied and the applicant may appeal to the Commission in accordance with Section VI (Reforestation/Appeals).

C. Special City Trees

1. The homeowners' association or private property owner shall provide the Homeowners Association Board approval or Petition, respectively, as provided in Section VI(A) (Appeal of Standard or Problem Trees or Requests for Removal of Special Trees).

Upon receipt of the board approval or requisite signatures and completion of the above required Tree Removal Reports, except in the case of an emergency, the City Arborist shall publish notice of the hearing in accordance with Section VII

(Notifications) and agendize the Special Tree removal request for a hearing before ~~any further action considering removal is taken.~~the Commission to determine whether findings can be made for removal of the tree. The reports shall also be provided to the Councilperson of the district in which the Special Tree is located. ~~Prior to any removal of Special Tree(s), the City must comply with the noticing and appeal provisions set forth in Section IV.A (Removal of Special City Trees), unless a Special Tree is considered so hazardous as to necessitate an emergency removal.~~ In the case of a dead tree or in an emergency~~ removals,~~, once a recommendation to remove a Special Tree is made by the City Arborist to the Landscape Manager, or ~~the City Arborist shall have~~designee, and the ~~authority to direct~~Manager agrees with the ~~removal of a hazardous~~recommendation, the City may immediately remove the tree.

2. After holding the hearing and considering all evidence, the Commission shall approve or deny the application for removal. The Commission shall be the final decision-making authority.

D. Problem Trees

1. Upon completion of the above reports for a Problem Tree, the City Arborist shall make a recommendation to the Landscape Manager, or his/her designee as to whether findings for removal set forth in Section IV (Findings Required for Removal of a City Tree) can be made. If the Manager approves removal of the tree, the City shall provide notice in accordance with Section VII (Notifications) prior to removal of the tree.

2. If the Manager determines the application does not meet the findings set forth in Section IV (Findings Required for Removal of a City Tree), the application is denied and the applicant may appeal to the Commission in accordance with Section VI (Reforestation/Appeals).

IV. FINDINGS REQUIRED FOR REMOVAL OF A CITY TREE

City Trees may be removed in each of the following circumstances if the tree removal request will not adversely impact the overall inventory, diversity and age of the City's Urban Forest.
Notwithstanding the foregoing, excessive leaves, fruit, flowers, petals, bees, birds, and other animals, or insects shall not constitute a finding for removal of a tree covered by this policy.

City Trees may be removed if at least one of the following findings are made based on the Tree Removal Reports:

A. Hazardous (Standard, Special and Problem Trees) – As to Standard, Special, and/or Problem Trees, the City Arborist has determined that the tree is dead, diseased, dying, or hazardous as those terms are defined above.

B. Impact On Infrastructure (Standard, Special and Problem Trees) – The Standard, Problem or Special Tree has a repeated history of damaging public or private sewers, water mains, roadways, sidewalks, street or sidewalk drainage, curbs, walls, fences, underground utilities, or foundations based on City records or other competent and reliable authority. Water or sewer blockage that results from City tree roots and causes significant public or private property damage (greater than $1,000.00) may be sufficient criterion for tree removal.

C. Problem Trees that are not designated as Special Trees may be removed if any of the following findings are made:

1. The tree creates, in the opinion of the City Arborist, a view impediment that cannot be resolved by normal nor alternative tree trimming procedures;

2. The tree has a repeated history of significant documented private property damage (greater than $1,000) due to Tuliptree scale (*Toumeyella liriodendri*) infestastion; or

3. Maintaining the City Tree jeopardizes the property owner's homeowner's insurance.

D. Beautification or Capital Improvement Projects (Standard, Special and Problem Trees) – Removal of the tree is required in conjunction with a City Council-approved beautification project or capital improvement project.

E. Development Projects Requiring an Encroachment and/or Demolition Permit (Standard and Problem Trees) – The project plans including construction plans demonstrate that the City tree must be removed in conjunction with the project.

F. Departmental Determination - The City Manager, upon the advice of the Municipal Operations Director, City Attorney, or the Traffic Engineer, finds that removal of an individual Problem or Standard Trees is necessary to resolve claims or safety issues.

V. STANDARD CONDITIONS AND OTHER RELATED REQUIREMENTS

In the event of tree removal, the following serve as standard conditions for replacement.

The City will replace all trees removed in accordance with Council Policy G-6. If 36-inch boxed trees are not available or if funding or space constraints prevent planting of a 36-inch boxed tree, then the largest tree available for the space available will be planted.

A. ~~Long term, most trees reach maturity and decline, and~~The full costs of removal and replacement of all City Trees will be the sole responsibility of the City, unless it is a Reforestation set forth in Section VI, or Problem Trees related to views and/or that jeopardizes a property owner's homeowners' insurance, or an applicant voluntarily pays for a new tree. Additionally, if an applicant desires to upgrade to a box size

larger than a 36-inch box as a replacement (if available), then he/she will be responsible for the difference in price.

B. Special Trees will be replaced one-for-one with the same species or the closest equivalent ~~wherever possible~~whenever practical. An alternate species may be recommended by Staff if the same species is unavailable and will be subject to approval by the Commission~~.~~ detailing the necessity of removal and any specific previous treatment of the tree.

Private Property Development Projects. All encroachment permits (permits for private property development which are proposed to install improvements in the City right of way) or demolition permits that involve the removal or replacement of City tree(s) must be specifically noticed by the property owner to City staff prior to the building and/or demolition process. The proposed construction plans must indicate preservation of existing City trees wherever possible (except trees that are dead, dying, or in an advanced state of decline).

C. If the Standard or Problem Tree removal is approved in conjunction with a private development project, the property owner shall pay for all related tree removal and one-for-one replacement costs and meet all provisions of City Council Policies L-2 and L-6 and City Municipal Code Sections 13.08 and 13.09, or any successor policies or sections.

D. Other Requirements for Problem Trees.

1. No more than fifty (50) Problem Trees may be removed per year by staff under the above criteria without special approval of the Commission. If there are no removal criteria other than it being a Problem Tree species, then no more than one of three problem parkway trees in a continuous row may be removed in a one-year period unless part of a reforestation is approved by the Commission.

2. The City Arborist shall report the removal of Problem Trees under the above criteria monthly to the Commission.

3. The cost to remove and replace Problem Trees will be the sole responsibility of the City based on funding, availability, and growth space, except for removals related to views and/or that jeopardizes a property owner's homeowners insurance.

E. Additional Considerations to Retain or Remove a Special Tree.. During normal sidewalk, curb, and street repair activity requiring root pruning~~, all steps shall be taken to retain Special Trees. If tree roots are to be pruned in association with sidewalk, curb, and gutter improvements~~, sufficient timing in advance must be planned to ensure that pruning will not destabilize or kill the tree. If both sides of a Special City Tree's roots are to be pruned, one side should be pruned at minimum two (2) years in advance of the other side depending upon the species and other related factors. If root pruning methods are not practical and/or critical to the health of the

tree, then alternate or special hardscape improvements should be considered by the City ~~in order~~ to retain the tree providing that these measures are practical, costs are reasonable, and that they comply with Americans with Disabilities Act ~~(ADA)~~ standards. All proposed root pruning or other tree treatment shall be evaluated and approved by the City Arborist.

Additionally, if steps taken for Special City Trees ~~may be considered for removal in conjunction with a City Council approved beautification project utilizing~~under the ~~Removal of City Trees procedures as noted in Section IV.A. of this Policy.~~

~~II. PROBLEM CITY TREES~~

~~A Problem~~provision above are proven to be impractical, the Special City Tree ~~("Problem Tree") is defined as a tree that by virtue of its species is known to cause excessive hardscape~~removal request shall go through Reforestation.

VI. REFORESTATION/APPEALS

An appeal otherwise known as an application for Reforestation may be initiated by a Department, homeowners' association or ~~utility damage due to its excessive root system. The following trees are defined as Problem Trees:~~

- ~~1. *Ficus nitida* (Indian Laurel Fig)~~
- ~~1. *Ficus rubiginosa* (Rusty Leaf Fig)~~
- ~~1. *Ficus benjamina* (Weeping Fig)~~
- ~~1. *Fraxinus uhdei* (Shamel Ash)~~
- ~~1. *Cupaniopsis anacardioides* (Carrotwood)~~
- ~~1. *Liquidambar styraciflua* (American Sweet Gum)~~
- ~~Schinus terebinthifolius (Brazilian Pepper)~~

~~Problem Trees shall not be designated as City parkway trees on the Street Designation Tree List of City Council Policy G-6 unless they are Special Trees.~~

~~-~~a

~~Problem Trees that are not designated~~ Special Trees may be removed for the following ~~reasons:~~

~~A. The Problem Tree has had a repeated history of damaging public or private sewers, water mains, roadways, sidewalks, curbs, walls, fences, underground utilities, or foundations based on City records or other competent and reliable authority. Water or sewer blockage that results from tree roots and causes significant documented~~ private property ~~damage (greater than $1,000.00) may be sufficient criterion for tree removal; or~~

~~B. The Problem Tree has had a repeated history of significant interference with street or sidewalk drainage, despite specific treatment by the City to alleviate repeated damage; or~~

-owner. In the case of a homeowners' association

C. ~~The Problem Tree has created, in the opinion of the City Arborist, a view impediment that cannot be resolved by normal nor alternative tree trimming procedures.~~

~~Problem Trees may be proposed for removal by either staff~~ or private property ~~owners. The City Arborist has the authority to remove Problem Trees. No more than 50 Problem Trees may be removed per year by staff under the above criteria without special approval of the Commission. Replacement trees of a minimum 36-inch box size~~owner, the appeal shall be ~~planted if funding, availability, and growth space permits.~~

-initiated

~~Staff~~ is responsible for notifying the adjacent property owner, the legally established homeowners association, if applicable, and the Councilperson of the district where the removal is proposed, of the intent to remove a Problem Tree.

~~The decision by the City Arborist to remove a problem tree is final unless called up by at least one Councilperson. The City Arborist shall report the removal of Problem Trees under the above criteria on a monthly basis to the Commission. The cost to remove and replace Problem Trees will be the sole responsibility of the City based on funding, availability, and growth space, except for Category C (view).~~

~~III. STANDARD CITY TREES~~

~~A City tree which is located on City real property (parkways, parks, other City-owned property) and not designated as a Special or Problem Tree is designated as a Standard City Tree ("Standard Tree"). It is the City's policy to retain Standard Trees unless removal is necessary for one of the following reasons:~~

~~A. The City tree has had a repeated history of damaging public or private sewers, water mains, roadways, sidewalks, curbs, walls, fences, underground utilities, or foundations based on City records or other competent and reliable authority. Water or sewer blockage that results from City tree roots and causes significant public or private property damage (greater than $1,000.00) may be sufficient criterion for tree removal; or~~

~~B. The City tree has had a repeated history of significant interference with street or sidewalk drainage; or~~

~~C. The City tree is dead, diseased, dying, or hazardous, and presents a liability to the City. A dead tree is one that has been assessed by the City Arborist and found to~~

~~have deceased. Diseased trees are defined as those trees that cannot be cured by current arboricultural methods, are in an advanced state of decline, and have no prospect of recovery. Dying trees are those that have no prospect of recovery. Hazardous trees are defined as those that are defective, have a potential to fail, and would cause damage to persons and property upon failure. The City Arborist will perform a Level 2: Basic, Tree Risk Assessment whenever a tree is identified as hazardous. The assessment will identify: structural defects of the tree, parts of the tree most likely to fail, targets where imminent personal injury or property damage may result with tree failure, and procedures or actions necessary to mitigate the hazard. After assessment, the City Arborist will expeditiously convey his written findings and recommendations to the Landscape Manager for evaluation. In the case of imminent tree failure, the Landscape Manager or the City Arborist shall have the authority to direct the emergency removal of a hazardous tree without further approvals; or~~

~~D. The tree(s) have been requested to be removed in conjunction with a City Council-approved City, commercial, neighborhood, or homeowners association beautification program; or~~

~~E. The tree(s) have been requested to be removed in conjunction with a commercial or residential project. Approval will only be granted if the City tree unreasonably impedes the planned construction. In these cases, the applicant will coordinate and assume all costs for the removal and replacement. Replacements will be a minimum of 36-inch box size, but larger sizes may be required at the Landscape Manager's discretion; or~~

~~F. The City Manager, upon the advice of the Municipal Operations Director, City Attorney or the Traffic Engineer, shall have the authority to remove individual Problem or Standard Trees to resolve claims or safety issues.~~

~~IV. REMOVAL OF CITY TREES~~

~~A flowchart detailing tree removal procedures is available on the Municipal Operations Department's website: www.newportbeachca.gov/government/departments/public-works/municipal-operations~~

~~The initiation to remove City tree(s) may be made by the staff of the Municipal Operations Department, a homeowners association, or a private property owner~~ by submitting an application to the City ~~Arborist~~Clerk, utilizing the City Tree Removal form available on the Municipal Operations Department website: ~~www.newportbeachca.gov/government/departments/public-works/municipal-operations~~ https://www.newportbeachca.gov/government/departments/municipal-operations and paying any applicable fee as set by resolution of the City Council.

A. Appeals of Standard and Problem Trees or Requests for Removal of Special Trees by Homeowners' Associations and Private Property Owners.

Private property owners and/or homeowners' associations shall meet the following signature requirements with the application.

Petitions

~~The City will replace all trees removed in accordance with the Standard Trees removal criteria on a one for one basis, as funding, availability, and growth space permits. Replacement trees will be a minimum of a 36-inch boxed size. . If 36-inch boxed trees are not available or if funding or space constraints prevent planting of a 36-inch boxed tree, then the largest tree available for the space available will be planted. The full costs of removal and replacement of all City Tree(s) will be the sole responsibility of the City, unless an applicant voluntarily pays for a new tree(s), or desires to upgrade to a box size larger than a 36-inch box as a replacement (if available), then the resident will be responsible for the difference in price.~~

~~A. Removal of Special City Trees~~

- ~~Special Trees, other than Landmark Trees, may be considered for removal under the same criteria as Standard Trees in Section III if a full staff report, prepared by the Municipal Operations Director and approved by the City Manager, is provided to the Commission detailing the necessity of removal and any specific previous treatment of the tree.~~

- ~~Removal of a Special Tree(s) is initiated by submitting an application utilizing the City Tree Removal form.~~

- ~~After receipt of the application, a Tree Inspection Report shall be prepared by the City Arborist to determine if the tree(s) meets the criteria for consideration for removal outlined in Section III. The City Arborist shall determine whether in his/her judgment additional specific mitigation measures can be initiated to retain the tree provided the costs are reasonable.~~

- Private property owners~~, residential communities, neighborhoods, or business organizations~~ who apply for removal of a Special Tree ~~removal(s)~~or appeal the Manager's determination for the removal of a Standard or Problem Tree must submit a petition signed by a minimum of 60% of City of Newport Beach property owners within a radius of 500 feet from the location of the proposed tree removal~~.~~ to a maximum of 100 properties/parcels. The 60% threshold is based on the number of properties, not the number of property owners. The petition content must be approved and dated by City staff prior to distribution by the applicant.

The ~~staffapproved~~staff-approved petition must be distributed by the applicant to all private property owners within the 500-foot radius. ~~Signatures by non-property owners are not acceptable for petition purposes, and there may be no more than one signature per property. All petition signatures shall be verified by City staff for property owner status of the person(s) signing the petition.~~

- ~~Private property owners represented by a homeowners association with mandatory membership and within the 500-foot radius must, instead of the above petition procedure, submit a petition through their association. The association shall submit a resolution of the Board of Directors formally requesting a Special Tree removal(s) with a statement that all members of the homeowners association affected have been officially notified and given an appropriate opportunity to respond before the Board voted on the request.~~

- ~~The City Arborist shall also provide a notice of the proposed tree removal to the adjacent property owner (if not the applicant), the private property owners immediately adjacent to the applicant's property, and the appropriate homeowners association if applicable (not applicable to the emergency removal of hazardous trees under Section I (Special Trees)).~~

- ~~Once a recommendation is made by the City Arborist and the Landscape Manager to the Municipal Operations Director or designee and the Deputy Director concurs, then the applicant, and private property owners within a 500-foot radius of the tree location, and a homeowners association if applicable, shall be notified via postcard of the recommendation at least 30 days before the Commission meeting. The postcard will include the date, time, and location of the Commission meeting and a City contact number. A homeowners association is responsible for notification of all association members pursuant to their established procedure.~~

- ~~An 8″ x 5″ placard will be posted on the Special Tree(s) considered for removal at least 30 days before the Commission meeting. The placard will include the following information: the date of its posting, the date, time and location of the Commission meeting, and a City contact number.~~

- ~~The Municipal Operations Director, or a designee, shall prepare a full staff report for a regularly scheduled Commission meeting of all trees recommended for removal, except for the emergency removal of hazardous trees in Section I (Special City Trees) of this Policy.~~

1. Following Commission approval for removal of a Special Tree(s), the tree(s) will be posted with a new 8″ x 5″ placard at least 30 days prior to the removal notifying the public that they have the right to appeal. The placard shall also note a Staff contact number and a date on which it was posted.

- Any appeal to the Council regarding a Commission tree decision must be received by the Municipal Operations Director no later than 30 calendar days following the date of the above reposting after the Commission decision. The Municipal Operations Director will delay any tree removals until the appeal period has expired or until the Council has acted upon the appeal.

- The full costs of removal and replacement of a Special Tree(s) will be the sole responsibility of the City, unless an applicant voluntarily pays for a new tree(s).

B. Removal of Problem City Trees

- Problem Trees may be proposed for removal by either City staff, a homeowners association, or private property owners by written application utilizing the City Tree Removal form. The City Arborist has the authority to remove Problem Trees.

- If there are no removal criteria other than it being a Problem Tree species, then no more than 50 Problem Trees may be removed per year by staff without special approval of the Commission.

- If there are no removal criteria other than it being a Problem Tree species, then no more than one of three problem parkway trees in a continuous row may be removed in a one-year period unless part of a reforestation approved by the Commission. Replacement trees of a 36" boxed size shall be planted if funding, availability, and growth space permits.

- Staff is responsible for providing advance written notification, as applicable, to the adjacent property owner, the legally established homeowners association, and the Councilperson of the district where the removal is proposed of the intent to remove or retain a Problem Tree.

- Except for those trees categorized as Item C (dead, diseased, or dying trees) or Item F (claims and safety issues) in Section III (Standard City Trees), all Problem Tree removal(s) shall be posted with a minimum 8″ x 5″ placard

at least 14 calendar days prior to the scheduled removal. The placard shall also note a Staff contact number and a date on which it was posted. Unless deemed an emergency, posting for the removal of dead, diseased, or hazardous trees shall be at least 72 hours prior to the scheduled removal.

- The decision by the Landscape Manager to remove a problem tree is final unless called up by at least one Councilperson. The City Arborist shall report the removal of Problem Trees on a monthly basis to the Commission.

- The cost to remove and replace Problem Trees will be the sole responsibility of the City based on availability of funding, with the exception of Category C (view) in Section II, which is the sole responsibility of the applicant.

C. Removal of Standard City Trees

- The initiation to remove a Standard Tree(s) may be made by the staff of the Municipal Operations Department, a homeowners association, or a private property owner by submitting an application to the Landscape Manager, utilizing the City Tree Removal form.

- After receipt of the application, a Tree Inspection Report shall be prepared by the City Arborist to determine if the tree(s) meets the criteria for consideration for removal as outlined in the above Section III (Standard City Trees). The City Arborist shall determine whether in his/her judgment additional specific mitigation can be initiated to retain the tree provided the costs are reasonable.

- Once a recommendation is made by the City Arborist to the Landscape Manager, or designee, and the Manager agrees with the recommendation, the City may remove the tree(s). The authority to remove Standard Trees rests with the Landscape Manager.

- Staff is responsible for providing advance written notification, as applicable, to the adjacent property owner, the legally established homeowners association, and the Councilperson of the district where the removal is proposed of the intent to remove or retain a Standard Tree.

- Except for those trees categorized as Item C (dead, diseased, or dying trees) or Item F (claims and safety issues) in Section III (Standard City Trees), all Standard Tree removal(s) shall be posted with a minimum 8″ x 5″ placard

at least 14 calendar days prior to the scheduled removal. The placard shall also note a Staff contact number and a date on which it was posted. Unless deemed an emergency, posting for the dead, diseased, or hazardous trees shall be at least 72 hours prior to the scheduled removal.

- Any appeal to the Commission regarding a tree decision must be received by the Municipal Operations Director no later than 14 calendar days following the date of posting or notice of intent. The Municipal Operations Director will delay any tree removals until the appeal period has expired or until the Commission has acted upon an appeal.

- The City will replace all trees removed in accordance with the Standard Trees removal criteria on a one for one basis. Replacement trees will be a minimum of a 36" boxed size. If 36" boxed trees are not available, or funding or space constraints prevent planting of a 36-inch box tree, then the largest tree available for the space available will be planted. If resident/applicant desires to upgrade to a 48-inch boxed tree or larger, the resident/applicant will be responsible for the difference in price.

- The full costs of removal and replacement of a Standard Tree(s) will be the sole responsibility of the City, unless an applicant voluntarily pays for a new tree(s) or desires to upgrade to box size larger than 36-inch planted as a replacement, then the applicant will be responsible for the difference in price.

V. REFORESTATION OF CITY TREES

A. Description of Reforestation

Reforestation is defined as the concept of systematically replacing Problem or Standard Trees which are creating hardscape and/or view problems and cannot be properly trimmed, pruned or modified to alleviate the problem(s) they create; or those which have reached their full life and are declining in health; or are simply the wrong species of trees for the planted location.

It is recognized and acknowledged that many City trees were planted years ago and in some cases were planted with specific species that when fully mature cause damage to curb, gutter, sidewalk, or underground utilities. Within the geographical boundaries of certain view neighborhoods, City street trees may encroach into blue water views from public and private property depending on the length of time since the trees were last trimmed, or the age and height of the

~~trees. In other cases, the wrong species of tree was planted originally and simply does not conform to the current treescape or may represent a safety hazard. The City Street Tree Designation List and the City Parkway Tree Designation List attached to City Council Policy G-6 reflect an effort by the City to designate appropriate tree species that will not cause future problems.~~

~~The City understands the importance of trees and the beauty they bring to a community, and desires to continually improve the urban forest through reforestation. In areas where City trees have been removed through City initiation, the City will endeavor to replace the trees one for one with the appropriate street tree.~~

~~B. Application for Reforestation~~

~~Reforestation requests shall be made by submitting an application to the Landscape Manager for consideration by the Commission. Requests shall comply with the following requirements:~~

- ~~The proposed area must have clearly defined contiguous geographical boundaries that include the tree(s) proposed for removal and replacement, street address(es), block number(s), or other geographical information.~~

1. ~~Submission of a petition signed by the owners of a minimum of 60% of the properties within a radius of 500 feet from the location of the proposed reforestation. The petition content must be approved and dated by City staff prior to distribution by the petitioner.~~ Signatures by non-property owners shall be invalid and only one signature per property shall be counted towards the 60% threshold. ~~The 60% threshold is based on the number of properties, not the number of property owners.~~ All petition signatures shall be verified by City staff for property owner status of the person~~(s)~~ or persons signing the petition. Petitions that are submitted more than ninety (90) days past the date stamped by staff before distribution shall be invalid and the request shall not be forwarded to the Commission for consideration. The Landscape Manager may extend this timeframe at his or her discretion; or

2. Homeowner Association Boards. Private property owners who are mandatory members of a ~~homeowners~~homeowners' association where a City Tree is located must submit ~~reforestation requests~~applications for removal of a Special Tree or appeal the Manager's determination for the removal of a Standard or Problem Tree through their association. The request shall include a resolution of the Board of Directors formally requesting a reforestation with a statement that all members

of the ~~homeowners~~homeowners' association have been officially notified and given an appropriate opportunity to respond before the Board voted on the request. The ~~homeowners~~homeowners' association is responsible for notification of the outcome of the Board's vote to all association members, pursuant to their established procedure.

~~•~~B. The requestor agrees, in writing, to pay 100% of the costs of the removal and replacement of the public tree(s) in advance of any removal activity. The actual removal and replacement work will be performed by a City contractor coordinated by the Municipal Operations Department. The total costs for removal and replacement work shall include only the contractor's costs and be paid in advance of any removal actions.

C. Once petitions or Board of Directors approval is/are submitted to the City, a hearing of the Commission will be scheduled. Notice of the hearing shall be published in accordance with the California Government Code Section 54950 et seq. and Section VII(B) (Public Hearing Notification Requirements).

The Municipal Operations Director, or a designee, shall prepare a full staff report for a regularly scheduled Commission meeting of all trees recommended for removal

~~C. Action Upon Application~~

D. ~~-~~.

In addition to the findings set forth in Section IV (Findings Required for Removal of a City Tree),

- ~~Petitions that are submitted more than 90 days past the date stamped by staff before distribution shall be invalid and the request shall not be forwarded to the Commission for consideration. The Landscape Manager may extend this timeframe at his or her discretion.~~

- ~~City staff shall post the tree(s) proposed for reforestation with an 8" x 5" placard at least 14 calendar days prior to the scheduled Commission meeting. The placard will include the date it was posted, the date, time and location of the Commission meeting and a City contact number.~~

- ~~For requests from a homeowners association: City staff shall notify private property owners within a 500-foot radius of the tree(s) requested for reforestation via postcard at least 14 calendar days prior to the Commission meeting. The postcard will include the date, time and location of the Commission meeting and a City contact number.~~

~~•~~E. ~~In hearing reforestation requests,~~ the Commission may consider any and all relevant circumstances, including but not limited to the following:

o1. Health or overall condition of the tree(s));

o2. Degree of verifiable public or private property damage from the tree(s) o);

o3. Degree of verifiable view impairment from the tree(s));

o4. IfWhether the tree species is a Problem City Tree (Section II) See Definitions);

o5. The level of community support and/or opposition;

o6. -The value of the existing tree(s) versus the value of the replacement tree(s));

o7. Whether the tree species is inappropriate for the location or does not conform to the current treescape -; and/or

1. Efforts made to ensure adequate notification.

•F. The decision of the Commission shall be final unless called up by a Councilmember. and not appealable and/or subject to call for review.

D.

G. Reforestation Work Upon Commission Approval.

• The replacement tree(s) shall be an appropriate tree(s) that meets the criteria of the City's Street Tree Designation List or the City Parkway Tree Designation List as identified in City Council Policy G-6, or the requestor must obtain approval from the Commission of the designation of a different tree species other than the designated street tree, or an appropriate species based on the City Tree Designation Lists.

If the Commission approves the reforestation request, the following criteria apply to the completion of the reforestation work.

1. Prior to removal of the tree, the notification requirements set forth in Section VII(A) (Tree Removal Notification Requirements) shall be met.

•2. There shall be a minimum of a one-for-one replacement of all trees. Replacement trees must comply with City Council Policy G-6 unless the Commission approves a different tree designation and shall be a minimum size of 36-inch boxed trees and species, unless the parkway space will not accommodate a 36-inch boxed tree or a tree cannot be planted due to planting restrictions contained in City Council Policy G-6. Per the Landscape Manager's discretion, a larger sized box tree may be planted if it is replacing a tree of significant size or value in the City's inventory and ample planting space is available. Per the Landscape Manager's discretion, a larger sized box tree may be planted if it is replacing a tree of significant size or value in the City's inventory and ample planting space is available. If there is notno room for the replacement tree(s) at a specific site as designated by City Council Policy G-6, then the replacement

tree(s) shall be planted in a public area in the same neighborhood at the option of the requestor.

~~1.~~ The requestor shall be responsible for ~~the~~ watering and fertilizing ~~of~~the replacement trees to ensure their proper growth and development as outlined in City Council Policy G-6. Section 13.09.030 of the Municipal Code also requires property owners to water and fertilize parkway trees adjacent to their property. ~~Section 13.09.030 of the Municipal Code also requires property owners to water and fertilize parkway trees adjacent to their property.~~

~~VI. TREE MAINTENANCE~~

~~The City will endeavor to fund the care of the Urban Forest to the highest level possible through the efficient use of regular tree trimming, root pruning, root barrier and pesticide programs in accordance with City Council Policy G-6. Section 13.08.040 of the Municipal Code prohibits any person from tampering with City trees.~~

~~VII. ENCROACHMENT AND DEMOLITION PERMITS~~

~~All encroachment permits (permits for private property development which are proposed to install improvements in the City right of way) or demolition permits that involve the removal or replacement of City tree(s) must be specifically noticed by the property owner to City staff prior to the building and/or demolition permit process whenever possible. The proposed construction plans must indicate preservation of existing City trees wherever possible (except trees that are dead, dying, or in an advanced state of decline).~~

VII. NOTIFICATIONS

A. Tree Removal Notification Requirements

1. Emergency – Dead trees and trees considered so hazardous as to necessitate an emergency removal shall be exempt from this provision. In the case of emergency removals, the Landscape Manager or the City Arborist shall have the authority to direct the removal of a hazardous tree.

2. Non-Emergency – For non-emergencies, the City shall post a Standard or Problem Tree that is not a hazard with an 8" x 5" placard at least seven (7) calendar days prior to the scheduled removal trees. The placard shall also note a Staff contact number and a date on which it was posted.

Staff shall also provide advance written notification, as applicable, to the adjacent property owner, the legally established homeowners' association, and the Councilperson of the district where the removal is proposed, of the intent to remove a Standard Tree.

Any appeal regarding a tree removal decision must be received by the Municipal Operations Director no later than seven (7) calendar days following the date of posting

or notice of intent. The Director will delay tree removals until the appeal period has expired or until the Commission has acted upon an appeal.

B. Public Hearing Notification Requirements

1. Prior to PB&R Commission hearing on a tree removal request, the City shall post the Standard Tree or Problem Tree proposed for removal with an 8" x 5" placard at least fourteen (14) calendar days prior to the scheduled hearing. An 8" x 5" placard will be posted on a Special Tree considered for removal at least thirty (30) days before the hearing. The placard will include the following information: the date of its posting, the date, time and location of the hearing , and a City contact number. The placard will include the date it was posted, the date, time and location of the hearing and a City contact number.

For requests from a ~~If the proposed development requires the removal of City trees (that are not dead, dying or in decline), the property owner must submit a tree removal form to the Landscape Manager, pay for all related tree removal and one-for-one replacement costs, and meet all provisions of City Council Policies L-2 and L-6 and City Municipal Code Sections 13.08 and 13.09, or any successor policies or sections. Approval or disapproval of all tree removal/ replacement requests associated with encroachment and demolition permits will be the responsibility of the Municipal Operations Director or a designee.~~

~~VIII. TREE TRIMMING STANDARDS~~

~~The City Council has adopted tree trimming cycles for trees of different ages and species. Tree trimming cycles and trimming standards shall represent the maximum feasible frequency given current fiscal conditions. Except as provided in the Supplemental Trimming Section below, trimming shall be in accordance with the standards of the International Society of Arboriculture (ISA). In those communities with a homeowners association, periodic tree trimming with an emphasis on crown reduction or vista trimming will be considered by the City Arborist upon written request by the association.~~

~~IX. SUPPLEMENTAL TREE TRIMMING~~

~~The City will consider requests to trim certain trees more frequently or to trim trees consistent with practices applied prior to the adoption of ISA standards (to enhance public and private views, preserve required sight/distance standards, or other public purposes) which are submitted by affected private property owners or the board of a homeowners association and the request is accompanied by a completed "Supplemental Tree Trimming Form" and full payment for the requested tree trimming. However, since these practices often require 'topping' or possible disfiguring of a tree(s) and are often aesthetically displeasing and injurious to a tree, reforestation shall be considered when~~

~~supplemental tree trimming is impractical or infeasible as determined by the City Arborist.~~

~~The Landscape Manager shall establish procedures to implement the supplemental trimming provisions of this Policy. In areas with an active homeowners association, approval must be obtained from a legally established association by the requestor of supplemental tree trimming if the requested trimming is to be undertaken within the association boundaries.~~

2. homeowner's association: City staff shall notify private property owners within a 500-foot radius of the tree requested for reforestation via postcard at least fourteen (14) calendar days and thirty (30) calendar days for Special Trees prior to the Commission hearing. The postcard will include the date, time and location of the hearing and a City contact number.

[Attachment – Exhibit A Special City Trees]

History

Action	**Policy #**	**Date Enacted**
Adopted	I-9	05-09-1966
Reaffirmed	I-9	08-30-1966
Amended	I-9	08-14-1967
Reaffirmed	I-9	11-12-1968
Reaffirmed	I-9	03-09-1970
Reaffirmed	I-9	02-14-1972
Amended	I-9	11-09-1976
Amended	I-9	11-12-1985
Amended	I-9	11-28-1988
Amended	I-9	03-14-1994 (changed to G-1)
Amended	G-1	04-11-1994
Amended	G-1	02-26-1996
Amended	G-1	07-14-1997
Amended (Administratively)	G-1	11-24-1997
Amended	G-1	08-10-1998
Amended	G-1	01-25-1999
Amended	G-1	02-22-2000
Amended	G-1	04-23-2002
Amended	G-1	04-27-2004
Amended	G-1	10-11-2011
Amended	G-1	09-08-2015
Amended	G-1	08-08-2017
Amended	G-1	02-09-2021
Amended	G-1	05-09-2023
Amended	G-1	12-09-2025
Amended	G-1	02-24-2026

EXHIBIT A

SPECIAL CITY TREES

TYPE	LOCATION	SPECIES	#
LANDMARK	Balboa Boulevard Median	Araucaria heterophylla	1
	Bob Henry Park	Ficus rubiginosa	1
	Castaways Park	Phoenix canariensis	1
	Lido Hotel Site	Ficus microcarpa 'Nitida'	2
	Dover Drive east of Irvine Avenue	Erythrina caffra	1
	Dover Drive at Westcliff	Liquidambar styraciflua	3
	John Wayne Park	Erythrina caffra	1
	Lido Isle Medians	Pinus pinea	4
	Main Street	Ficus microcarpa 'Nitida'	1
	Marine Avenue (Balboa Island)	Eucalyptus (Various Species)	47
	Ocean Blvd. (Corona del Mar)	Phoenix canariensis	5
	Wedge Area	Myoporum laetum	2
	West Jetty View Park (near Historical Marker)	Phoenix canariensis	2
	Westcliff & Dover (Groves) Bike Trail	Eucalyptus globulus	23
DEDICATED TREES	Bayside Park (Newport-Irvine Rotary Club)	Pyrus calleryana	
	Bayview Park (Gene Atherton)	Cinnamomum camphora	
	Bayview Park (Thomas Edward Mansfield & Owen Thomas Vatter)	Cassia leptophylla	
	Begonia Park (Dr. Leo V. Turgeon)	Bauhinia blakeana	
	Begonia Park (Cheryl Bailey Ringwald)	Prunus cerasifera	
	Bob Henry Park (Bob Henry)	Ficus rubiginosa	
	Bonita Canyon Sports Park (Elaine Linhoff)	Melaleuca linarifolia	
	Bonita Canyon Sports Park (Fern Pirkle)	Melaleuca linarifolia	
	Buffalo Hills Park (Bahia Community Earth Day Celebration)	Erythrina caffra	
	Buffalo Hills Park (North Beach Sunrise Rotary Club)	Stenocarpus sinutaus	
	Castaways Park (Kevin Murphy)	Pinus torreyana	
	Castaways Park (Mary Louise Romine)	Pinus torreyana	
	Castaways Park (Joe Clarkson)	Platanus racemosa	
	Castaways Park (Michael F. Gustin)	Platanus racemosa	
	Castaways Park (Robert W. Hanley)	Populus Fremontii	
	Castaways Park (Arthur Grant Kidmann Jr.)	Platanus racemosa	
	Castaways Park (Grover Stephens, Ph.D.)	Platanus racemosa	
	Castaways Park (John D. Woodruff)	Platanus racemosa	
	Castaways Park (Nancy Bergeson)	Quercus agrifolia	
	Castaways Park (Logan David Burley)	Quercus agrifolia	
	Castaways Park (Sawyer Dean Burley)	Quercus agrifolia	
	Castaways Park (Sawyer Dean Burley)	Quercus agrifolia	
	Castaways Park (Gregory Caurteau)	Quercus kelloggii	

Castaways Park (Bob & Susan Caustin)	Quercus agrifolia
Castaways Park (Joe Clarkson)	Quercus agrifolia
Castaways Park (Yen Chu Kuo)	Quercus agrifolia
Castaways Park (Ryan Lemmon)	Quercus agrifolia
Castaways Park (Virginia Najera)	Quercus agrifolia
Castaways Park (Eva Victoria Najera)	Quercus agrifolia
Castaways Park (David Rapp)	Quercus agrifolia
Castaways Park (Sheldon Powell Riley)	Populus Fremontii
Castaways Park (Nancy & Jack Skinner)	Quercus agrifolia
Castaways Park (Staycee Stone)	Quercus agrifolia
Castaways Park (Jason Stradman)	Quercus agrifolia
Castaways Park (Robert T. Talbot)	Quercus agrifolia
Castaways Park (Jan Vandersloot)	Quercus agrifolia
Castaways Park (Jean Watt)	Quercus agrifolia
Cliff Dr. Park (Susan Benz)	Bauhinia blakeana
Cliff Dr. Park (Francis P. Hemenway)	Cassia leptophylla
Cliff Dr. Park (Gary Lovell)	Quercus agrifolia
Cliff Dr. Park (Dr. Vandersloot)	Quercus agrifolia
Coastal Peak Park (Jared Romine)	Quercus agrifolia
Eastbluff Park (Lucy Huntsman)	Hymenosporum flavum
Eastbluff Park (Billy Covert)	Ficus macrophylla
Galaxy View Park (Trey Hunter)	Cupaniopsis anacardiodes
Galaxy View Park (Dylan Ayres)	Metrosideros excelsa
Galaxy View Park (Virginia Roberts)	Cassia leptophylla
Grant Howald Park (Jean & Coalson Morris)	Cassia leptophylla
Grant Howald Park (Skipper Mark Howes)	Hymenosporum flavum
Grant Howald Park (Mark Munro)	Metrosideros excelsa
Grant Howald Park (Pete Munro)	Metrosideros excelsa
Grant Howald Park (Cara Lee)	Spathodea campanulata
Irvine Terrace Park (Beckett Glyer)	Platanus racemosa
Irvine Terrace Park (U.S. Bicentennial Freedom Tree)	Platanus racemosa
Irvine Terrace Park (California Bicentennial)	Pinus Pinia
Irvine Terrace Park (Dana Harmon)	Liquidambar styraciflua
Irvine Terrace Park (Sister City of Okazaki)	Pinus nigra
L Street Park (Tim Van Ostenbridge)	Cassia leptophylla
Las Arenas Park (Ed Healy)	Melaleuca linarifolia
M Street (median) (Walter Knott)	Pinus pinea
Mariners Park (Sierra Beth)	Bauhinia variegata
Mariners Park (Dr. Anthony & Madeline DeCarbo)	Cedrus deodara
Mariners Park (Isy Pease)	Pinus halepensis
Mariners Park (Christopher & Marisha Thompson)	Pinus eldarica
Mariners Park (Meghan & Camielle Thompson)	Pinus eldarica
Mariners Park (Frank Tallman)	Pinus radiata

Mariners Park (North Beach Sunrise Rotary Club)	Senocarpus sinuatus	
Mariners Park (Graci Lee Henry)	Magnolia 'Little Gem'	
Mariners Park (Susana Lee Niederhaus)	Bauhinia variegata	
North Mariners Park (Marcie Schrauder)	Pinus radiata	
Newport Pier / 24th Street Bike Path (Marie "Maxine" Louchis)	Chamaerops humilis	
Old School Park (Mary Jo Tyler)	Bauhinia variegata	
Old School Park (Jean & Coalson Morris)	Cassia leptophylla	
Peninsula Park (Gray Lunde Tree)	Chamaerops humilis	
Peninsula Park (Don Perdue)	Ravenea rivularis	
San Miguel Park (Jon Walters)	Schinus molle	
Spyglass Hill Park (Dennis George Brice)	Acacia baileyana	
Spyglass Hill Park (Edith Mary Brice)	Acacia baileyana	
Veterans Park (Rosemary Rae Hill Hansen)	Lagenstoemia indica fauriei	
WCH & Superior Ave City Parking Lot (Louise Greeley)	Cassia leptophylla	
West Newport Park (Russell Marc Beaumont)	Erythrina caffra	
West Newport Park (Jeff Steven Reinker)	Erythrina caffra	
West Newport Park (Brownie Girl Scout Troop 2072)	Spathodea campanulata	
Various locations: Castaways Park and Cliff Drive Slopes (Dr. Jan David Vandersloot & Family)	Qurcus agrifolia	

NEIGHBORHOOD TREES

Along Avon Ave	Eucalyptus globulus	8
Buena Vista and Lindo Ave	Erythrina caffra	1
Candlestick Lane (Baycrest)	Eucalyptus citriodora	10
Clay St. (Irvine Ave to St. Andrews Rd.)	Ficus microcarpa 'Nitida'	21
Cliff Drive (north side, west of Dover Dr.)	Agathus robusta	4
Cliff Drive Park (Scout House)	Ficus benjamina	1
Commodore Rd.	Eucalyptus citriodora	2
Corona del Mar State Beach	Washingtonia robusta	74
601 Dover Drive	Eucalyptus ficifolia	1
Dover Drive (Mariners Drive to Irvine Ave)	Eucalyptus globulus	6
Eastbluff Park	Ficus macrophylla	6
Glenwood Lane	Eucalytpus citriodora	2
Goldenrod Ave (Ocean Blvd. to Fifth Ave.)	Washingtonia robusta	144
Heliotrope Ave (Corona del Mar)	Pinus radiata	2
Irvine Ave (17th St. to Dover Dr.)	Phoenix dactylifera	30
Irvine Ave (17th St. to Dover Dr.)	Spathodea campanulata	39
128 Kings Place	Roystonea regia	1
L Street Park	Quercus suber	36
Leeward Lane	Fraxinus uhdea 'Tomlinson'	38
M Street Park	Pinus pinea	1
Margaret Drive (median)	Erythrina caffra	1

Marguerite Ave. (Ocean Blvd. to Fifth Ave.)	Phoenix canariensis	64
Mariners Drive	Jacaranda mimosifolia	44
Newport Center Drive	Washingtonia robusta	363
Poppy Ave (Corona del Mar)	Eucalyptus rudis	24
Rhine Wharf Park	Archontophoenix cunninghamiana	12
Along Riverside Ave (adjacent to Cliff Dr Park)	Schinus terebinthefolius	10
725 St. James Rd.	Eucalyptus ficifolia	1
Sandalwood Lane	Eucalyptus citriodora	2
Santa Ana Ave.	Eucalpytus robusta	39
Seaview Ave (Corona del Mar)	Pinus radiata	1
Shorecliffs Entrance	Erythrina caffra	46
Starlight Circle	Eucalyptus citriodora	5
Via Lido Bridge	Eucalyptus globulus	16
Waterfront Drive (Avocado Ave to Acacia Ave)	Schinus molle	16
West Newport Park	Metrosideros excelsus	55

MAINTENANCE AND PLANTING OF CITY ~~PARKWAY~~ TREES

The City Council is vitally interested in beautification of City parkways. The City will endeavor to fund the care of the Urban Forest to the highest level possible through the efficient use of regular tree trimming, root pruning, root barrier and pesticide programs. Public cooperation in helping to develop and maintain healthy and attractive parkway trees is encouraged. Section 13.08.040 of the Municipal Code prohibits any person from tampering with City trees.

I. MAINTENANCE OF CITY ~~PARKWAY~~ TREES

The Municipal Operations Department will maintain City ~~trim the parkway~~ trees on a rotation schedule, including but not limited to trimming, staking, root pruning, nutrition, and pest control. An effort will be made to trim the parkway trees on less than a three-year cycle. More frequent trimming may~~will~~ be performed on approved trees and in approved view areas. Public safety issues such as low branches and heavy foliage will be given priority. ~~over view type trimming.~~ An effort will be made to trim parkway trees located in heavy summer traffic areas during the fall and winter months. Annual trimming of certain species of trees prone to wind damage will be done prior to the winter season.

II. TREE TRIMMING STANDARDS

Tree trimming cycles and trimming standards shall represent the maximum feasible frequency given current fiscal conditions. Except as provided in the Supplemental Trimming Section below, trimming shall be in accordance with the standards of the International Society of Arboriculture (ISA). In those communities with a homeowner's association, periodic tree trimming with an emphasis on crown reduction or vista trimming will be considered by the City Arborist upon written request by the association.

III. SUPPLEMENTAL TREE TRIMMING

The City will consider requests to trim certain trees more frequently or to trim trees consistent with practices applied prior to the adoption of ISA standards (to enhance public and private views, preserve required sight/distance standards, or other public purposes) which are submitted by affected private property owners or the board of a homeowners association and the request is accompanied by a completed "Supplemental Tree Trimming Form" and full payment for the requested tree trimming. However, since these practices often require 'topping' or possible disfiguring of a tree(s) and are often aesthetically displeasing and injurious to a tree, reforestation shall be considered when supplemental tree trimming is impractical or infeasible as determined by the City Arborist.

The Landscape Manager shall establish procedures to implement the supplemental trimming provisions of this Policy. In areas with an active homeowner's association, approval must be obtained from a legally established association by the requestor of supplemental tree trimming if the requested trimming is to be undertaken within the

association boundaries.

~~II.~~IV. TREE DESIGNATION LISTS

The City Council has adopted an official street tree list, the Street Tree Designation List (Exhibit A), which will be used by the Municipal Operations Department, to determine species for replacement of trees removed from established parkways and for planning purposes in all new subdivisions and commercial developments. A second list, the Parkway Tree Designation List (Exhibit B), has been added as a species palette for residents to choose approved, new and replacement, trees based on the size of parkway available for planting. The Eastbluff Community Association has its own City approved street tree list (Exhibit C).

The Municipal Operations Director, or designee, will have the authority to add species to the Street and Parkway Tree Designation Lists, which will be updated on an as-needed basis by the Municipal Operations Department staff and reviewed by the Parks, Beaches and Recreation Commission ("Commission") for approval before adoption by the City Council.

~~III.~~V. STANDARDS AND SPECIFICATIONS FOR PLANTING CITY~~PARKWAY~~ TREES

This Section is intended for planting parkway trees related to new construction, in accordance with City Code 13.09.010.

General Requirements

1. 72-hour notification shall be given to the Municipal Operations Department staff by permittees prior to the initial installation of parkway trees for approval of species, material quality, and planting supervision. Inspection requests by permittees shall be scheduled 24-hours in advance using the Public Works inspection request line or via the City website as required.

~~1.~~2. Position of parkway trees is subject to approval by the Municipal Operations Department, and any tree not properly placed will be relocated by permittees at no cost to the City. In the interest of public safety, unless an exception is granted by the City Arborist, trees shall be planted not less than:

- 15 feet back of beginning of curb returns at intersections.
- 10 feet from lamp standards.
- 10 feet from fire hydrants.
- 5 feet from service walks or driveways.
- 10 feet from meters and sewers.
- 25 feet from stop signs.

~~2.~~3. Trees shall be a minimum container size of 36" size box, if growth space allows.

- Condition: Plants shall be symmetrical, typical for variety and species, healthy, vigorous, free from plant disease, insect pests and shall have healthy, normal root system free from being root bound. Trees shall not be pruned nor topped prior to delivery.
- Inspection: All plant material shall be subject to inspection and approval by the Municipal Operations Department, Municipal Operations Department staff prior to planting. The City has the right to reject any item offered in its sole and absolute discretion.
- Parkway Tree Planting: Per City Standards as found in the Tree Planting Detail available on the City's website.

~~2.~~4. Newly planted trees shall be irrigated with an automated system tied to the property under construction.

~~3.~~5. GUARANTEES

- 36" boxed trees shall be guaranteed as to growth and health for a period of one year after final acceptance by the Municipal Operations Department staff.
- Trees that fail to grow or are injured or damaged during planting operations shall be replaced within 15 days after notification. Replacement material shall be guaranteed to be specified as original guaranteed material.

~~IV.~~VI. ESTABLISHED PARKWAYS

1. For all City tree planting in established parkways (not permit related), adjacent property owners and/or applicants must:

   - ~~•~~ Choose from the species listed on the Street Tree Designation List where it applies, or from the Parkway Tree Designation List for all other areas for planting new and replacement trees.
   - ~~•~~ Accept responsibility for watering and fertilizing new trees.
   - ~~•~~ Contact the City Arborist by sending a written request for one or more parkway trees or questions regarding this Policy to: Attn: City Arborist, P. 0. Box 1768, Newport Beach, California 92659-1768. Email is also available at pwinfo@newportbeachca.gov

2. The City will:

   - Approve species, location, and spacing of tree planting.

- Furnish, install, stake, and initially fertilize new trees (exception would be trees planted in accordance with City Code 13.09.010).
- Prune and spray tree as required.
- Approve type of root barriers for installation.
- Assume trimming responsibilities.

~~V.~~VII. PARKWAYS IN ESTABLISHED RETAIL COMMERCIAL/OFFICE CENTERS

Parkway street trees that are removed because they are diseased or have damaged property may be replaced with the same species of trees (or a species other than the designated street tree) provided
(a) the parkway street tree is located adjacent to or within an established retail commercial/office development; (b) replacement with the same species will maintain the appearance of the streetscape and/or ensure consistency with an established landscape master plan adopted by the adjoining landowner; (c) the parkway street trees have a history of little or no hardscape damage nor injury claims related to hardscape damage caused by the tree; and (d) the property owner has agreed in writing to repair or pay the cost of repair/and or replacement of hardscape or underground utilities damaged by the new trees.

[Attachment - Exhibit A]
[Attachment - Exhibit B]
[Attachment - Exhibit C]

History

Adopted I-19 - 11-22-1982
Amended I-19- 11-14-1983
Amended I-19- 10-22-1990
Amended I-19- 10-22-1992
Amended I-19 - 1-24-1994 (changed to G-6)
Amended G-6- 7-23-2002
Amended G-6 - 4-13-2004
Amended G-6 - 8-24- 2004
Amended G-6 - 9-8-2015
Amended G-6 - 8-8-2017
Amended G-6 - 2-9-2021
Amended G-6 - 11-14-2023
Amended G-6 - 11-14-2023
Amended G-6 12-9-2025
Amended G-6 2-24-2026

Exhibit A
Street Tree Designation List

STREET TREE DESIGNATION LIST					
ID	**HOA**	**FROM**	**TO**	**BOTANICAL NAME**	**COMMON NAME**
ANACAPA DR	Fashion Island	1300	1300	*Ficus rubiginosa*	**1.** Rusty Leaf Fig
BALBOA BLVD E		600	2100	*Syagrus romanzoffiana*	1. Queen Palm
BALBOA BLVD W		1000	1500	*Arbutus unedo* *Cassia leptophylla* *Washingtonia robusta*	1. Strawberry Tree 2. Gold Medallion Tree 3. Mexican Fan Palm
BALBOA BLVD W Median		1000	3200	*Washingtonia robusta*	1. Mexican Fan Palm
BLUE KEY	Harbor View Hills South	3600	3734	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
BLUE WATER DR	Broadmoor	2501	2825	*Magnolia grandiflora 'St Mary'*	1. Magnolia, St. Marv's
BOMBERO ST	Fashion Island	800	800	*Ficus rubiginosa*	1. Rusty Leaf Fig
BRIGHTON RD	Cameo Shores	4501	4651	*Bauhinia variegata*	1. Purple Orchid
BUCK GULLY DR	Harbor View Hills South	4000	4001	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
CAMDEN DR Parkway	Cameo Shores	4501	4699	*Bauhinia variegata*	1. Purple Orchid
CAMDEN DR Slope	Cameo Shores	4500	4599	*Bauhinia variegata*	1. Purple Orchid
CAMEO HIGHLANDS DR	Cameo Highlands	500	735	*Bauhinia variegata*	1. Purple Orchid
CAMEO SHORES RD Parkway	Cameo Shores	101	346	*Bauhinia variegata*	1. Purple Orchid
CAMEO SHORES RD Slope	Cameo Shores	100	350	*Bauhinia variegata*	1. Purple Orchid

Exhibit A
Street Tree Designation List

CATAMARAN DR	Harbor View Hills South	3400	3630	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
COAST HWY E		1600	1600	*1. Bauhinia blakeana* 2. *Archontophoenix cunninghamiana*	1. Hong Kong Orchid 2. King Palm
COAST HWY E		2200	3934	*1. Bauhinia blakeana* 2. *Arclwntophoenix cunninghamirma*	1. Hong Kong Orchid 2. King Palm
COAST HWY E		4001	4401	*1. Bnuhinia blakeana* 2. *Archontophoenix cunninghamirma*	1. Hong Kong Orchid 2. King Palm
COAST HWY E		4104	4400	*1. Bauhinia blakeana* 2. *Archontophoenix cunninglumiiana*	1. Hong Kong Orchid 2. King Palm
COAST HWY E Median		300	2100	*1. Spathodea campanulata* 2. *Archontophoenix cunninghamiana*	1. African Tulip Tree 2. King Palm
CORTLAND DR	Cameo Highlands	4500	4839	*Bauhinia variegata*	**1.** Purple Orchid
CROWN DR Even	Harbor View Hills	2720	2740	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
CROWN DR Parkway	Harbor View Hills	2501	2735	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
DE ANZA DR				*Magnolia grandiflora 'cultivar'*	

Exhibit A
Street Tree Designation List

DORCHESTER RD		Cameo Highlands	4500	4833	*Bauhinia variegata*	1. Purple Orchid
EBBTIDE RD	Even	Harbor View Hills	2700	2700	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
EBBTIDE RD	Parkway	Harbor View Hills	1100	2915	*Magnolia grandiflora 'Little Gem'*	**1.** Magnolia, Little Gem
EVENING CANYON RD			301	365	*Erythrina caffra*	1. Coral Tree
FAIRFIELD DR	Parkway	Cameo Shores	4501	4645	*Bauhinia variegata*	1. Purple Orchid
FAIRFIELD DR	Slope	Cameo Shores	4500	4500	*Bauhinia variegata*	1. Purple Orchid
FARALLON DR		Fashion Island	1900	2101	*Ficus rubiginosa*	1. Rusty Leaf Fig
GARRETT DR	Parkway	Cameo Highlands	501	725	*Bauhinia variegata*	1. Purple Orchid
GARRETT DR	Slope	Cameo Highlands	500	500	*Bauhinia variegata*	1. Purple Orchid
GOLDENROD AVE			200	721	*Washingtonia robusta*	1. Mexican Fan Palm
GOLDENROD AVE		Harbor View Hills	900	1133	*Magnolia grandiflora 'Little Gem'*	**1.** Magnolia, Little Gem
HAMPDEN RD	Even	Cameo Shores	4500	4700	*Bauhinia variegata*	1. Purple Orchid
HAMPDEN RD	Parkway	Cameo Shores	4501	4717	*Bauhinia variegata*	1. Purple Orchid
HARBOR VIEW DR	Parkway	Harbor View Hills	2500	3007	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
HARBOR VIEW DR	Slope	Harbor View Hills	2800	3101	*Magnolia grandiflora 'Little Gem'*	1.Magnolia, Little Gem

Exhibit A
Street Tree Designation List

HELIOTROPE AVE *7		200	721	1. *Magnolia grandiflora 'Little Gem'* 2. *Howea forsteriana*	1. Magnolia, Little Gem 2. Kentia Palm
HERON WAY	Harbor View Hills South	1300	1325	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
INLET ISLE DR	Harbor View Hills South	3701	4012	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
IRVINE AVE Median				*1. Phoenix dactylifera* 2. *Spathodea campanulata*	1. Date palm 2. African tulip
ISLAND VIEW DR	Broadmoor	2501	2727	*1. Magnolia, grand flora 'Little Gem'* 2. *Howea forsteriana*	1. Magnolia, 'Little Gem' 2. Kentia Palm
JAMBOREE RD		500	600	*1. Tabebuia impetiginosa* 2. *Liquidambar styraciflua 'Rotundiloba'*	1. Pink or Lavendar Trumpet 2. Roundleaf Sweet Gum
JAMBOREE RD Median		800	900	*1. Tabebuia impetiginosa* 2. *Liquidambar styraciflua 'Rotundiloba'*	1.. Pink or Lavendar Trumpet 2. Roundleaf Sweet Gum
JAMBOREE RD Median		1100	1500	*1. Tabebuia impetiginosa* 2. *Liquidambar styraciflua 'Rotundiloba'*	1. Pink or Lavendar Trumpet 2. Roundleaf Sweet Gum
KEEL DR	Harbor View Hills South	1200	1537	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem

Exhibit A
Street Tree Designation List

KEYBAY	Harbor View Hills South	3800	3930	*Magnolia grandiflora 'Little Gem'*	**1.** Magnolia, Little Gem
KEY VIEW	Harbor View Hills South	1436	1456	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
KEY WEST	Harbor View Hills South	1200	1224	*Magnolia grandiflora 'Little Gem'*	**1.** Magnolia, Little Gem
LIGHTHOUSE LN	Broadmoor	2500	2828	*Magnolia grandiflora 'St Mary'*	1. Magnolia, St. Mary's
MACARTHUR BLVD				*1. Magnolia grandiflora 'Little Gem'* 2. *Liquidambar stymcifiua 'Rotundiloba'*	1. Magnolia, Little Gem 2. Roundleaf Sweet Gum
MARGUERITE AVE		200	721	*Archontophoenix cunninghamiana*	1. King Palm
MARGUERITE AVE		1600	1740	*Archontophoenix cunninghamiana*	1. King Palm
MARGUERITE AVE Even		1520	1520	*Archontopoenix cunninghnmiana*	1. King Palm
MILFORD DR	Cameo Shores	101	345	*Bauhinia variegata*	1. Purple Orchid
MORNING CANYON RD		318	342	*Erythrina caffra*	1. Coral Tree
NEWPORT BLVD		100	600	*1. Tipuana tipu* 2. *Tristania laurina* 3. *Washingtonia robusta*	1. Tipu 2. Water Gum 3. Mexican Fan Palm

Exhibit A
Street Tree Designation List

NEWPORT BLVD			2600	3300	*1. Tipuana tipu* 2. *Tristania laurina* 3. *Washingtonia robusta*	1. Tipu 2. Water Gum 3. Mexican Fan Palm
NEWPORT CENTER DR			100	900	*Washingtonia robusta*	1. Mexican Fan Palm
NEWPORT CENTER DR			1000	1200	*Washingtonia robusta*	1. Mexican Fan Palm
NEWPORT CENTER DR	Median		100	900	*Washingtonia robusta*	1. Mexican Fan Palm
NEWPORT CENTER DR	Median		1000	1200	*Washingtonia robusta*	1. Mexican Fan Palm
ORRINGTON RD	Parkway	Cameo Shores	4500	4645	*Bauhinia variegata*	1. Purple Orchid
ORRINGTON RD	Slope	Cameo Shores	4510	4510	*Bauhinia variegata*	1. Purple Orchid
OUTRIGGER DR		Harbor View Hills South	1200	1430	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
PARK GREEN DR		Harbor View Hills South	3601	3907	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
PEARL AVE		Balboa Island	100	132	*Magnolia grandiflora 'Samuel Sommers'*	1. Magnolia, Samuel Sommers
PEBBLE DR	Parkway	Harbor View Hills	2700	2921	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
PEBBLE DR	Slope	Harbor View Hills	2800	2800	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
PERHAM RD	Parkway	Cameo Shores	4501	4645	*Bauhinia variegata*	1. Purple Orchid
PERHAM RD	Slope	Cameo Shores	4500	4500	*Bauhinia variegata*	1. Purple Orchid
POPPY AVE			200	352	*Tristania laurina*	1.WaterGum

Exhibit A
Sheet Tree Designation List

					Spathodea campmwlata	2.African Tulip Tree
QUIET COVE			3400	3449	*Geijera parviflora*	1. Australian Willow
ROCKFORD PL		Cameo Highlands	500	521	*Bauhinia variegata*	1. Purple Orchid
ROCKFORD RD		Cameo I-lighlands	500	721	*Bauhinia variegata*	1. Purple Orchid
ROXBURY RD		Cameo Shores	4500	4646	*Bauhinia variegata*	1. Purple Orchid
SALT AIR CIR		Broadmoor	2501	2601	*Magnolia grandiflora 'St Mary'*	1. Magnolia, St. Mary's
SALT AIR DR	Odd	Broadmoor	1301	1301	*Magnolia grandiflora 'St Mary'*	1. Magnolia, St. Mary's
SALT AIR DR	Slope	Broadmoor	1300	1320	*Magnolia grandiflora 'St Mary'*	1. Magnolia, St. Marv's
SAN CLEMENTE DR		Fashion Island	850	901	*Ficus rubiginosa*	1. Rusty Leaf Fig
SAN MIGUEL DR		Fashion Island	300	366	*Ficus rubiginosa*	1. Rusty Leaf Fig
SAN MIGUEL DR		Fashion Island	1600	2601	*Ficus rubiginosa*	1. Rusty Leaf Fig
SAN NICOLAS DR		Fashion Island	500	567	*Ficus rubiginosa*	1. Rusty Leaf Fig
SAND KEY		Harbor View Hills South	1200	1235	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SANDCASTLE DR		Harbor View Hills South	850	1555	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SANDPIPER DR	Parkway	Harbor View Hills	1010	1106	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem

Exhibit A
Street Tree Designation List

SANDPIPER DR	Slope	Harbor View Hills	1015	1101	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SANDUNE LN		Harbor View Hills South	3800	3930	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SANTA BARBARA DR		Fashion Island	870	1001	*Ficus rubiginosa*	1. Rusty Leaf Fig
SANTA CRUZ DR		Fashion Island	800	901	*Ficus rubiginosa*	1. Rusty Leaf Fig
SANTA MARIA RD		Fashion Island			*Ficus rubiginosa*	1. Rusty Leaf Fig
SANTA ROSA DR		Fashion Island	1500	1501	*Ficus rubiginosa*	1. Rusty Leaf Fig
SAUSALITO DR		Harbor View Hills South	3400	3621	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SEA LN		Harbor View Hills	900	950	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SEABREEZE LN		Harbor View Hills South	3400	3631	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SEACREST DR		Harbor View Hills South	1200	1533	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SETTING SUN DR	Parkway	Harbor View Hills	2701	3007	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SETTING SUN DR	Slope	Harbor View Hills	2700	3000	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SURFVIEW LN		Harbor View Hills South	3500	3620	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
SURREY DR		Cameo Highlands	4500	4824	*Bauhinia variegata*	1. Purple Orchid

Exhibit A
Street Tree Designation List

TILLER WAY	Harbor View Hills South	900	1039	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
TOPSIDE LN	Harbor View Hills South	3798	4015	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem
TREMONT LN Slope	Cameo Shores	4500	4600	*Bauhinia variegata*	1. Purple Orchid
WATERFRONT DR		2200	2220	*Schinus molle*	California Pepper
WAYNE RD	Cameo Highlands	4500	4621	*Bauhinia variegata*	1. Purple Orchid
WHITE SAILS WAY	Harbor View Hills	1000	1133	*Magnolia grandiflora 'Little Gem'*	1. Magnolia, Little Gem

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
2'+	Acacia baileyana	**Bailey Acacia**	25	15	Evergreen	L	Yes	No	No	
2'+	Archontophoenix cunninghamiana	**King Palm**	40	20	Evergreen	**M**	Yes	Yes	Yes	
2'+	Chionanthus retusus	**Chinese Fringe Tree**	20	15	Deciduous	**M**	Yes	Yes	No	
2'+	Heteromeles arbutifolia	**California Holly**	20	15	Evergreen	L	No	No	No	Available-15 Gal
2'+	Ligustrum lucidum	**Glossy Privet**	25	15	Evergreen	L	Yes	Yes	No	
2'+	Melaleuca nesophila	**Pink Melaleuca**	25	15	Evergreen	L	Yes	No	No	
2'+	Photiniax fraseri	**Fraser Photinia**	20	10	Evergreen	M	Yes	Yes	No	
2'+	Prunus cerasifera 'Newport'	**Newport Plum**	15	10	Deciduous		Yes	No	No	
2'+	Prunus cerasifera 'Purple Pony'	**Dwarf Purple Leafed Plum**	15	10	Deciduous		Yes	No	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
2'+	Rhaphiolepis x 'Montie'	**Indian Hawthorne**	15	10	Evergreen	**M**	Yes	Yes	No	
2'+	Tecoma stans	**Yellow Bells**	20	15	Evergreen	**M**	Yes	No	No	
2'+	Trachycarpus fortunei	**Windmill Palm**	30	10	Evergreen	**M**	Yes	Yes	Yes	
2'+	Tristania laurina	**Water Gum**	20	10	Evergreen	**M**	Yes	Yes	No	
3'+	Betula pendula	**European White Birch**	40	25	Deciduous	H	Yes	Yes	Yes	
3'+	Brahea armata	**Mexican Blue Palm**	30	15	Evergreen	L	Yes	No	No	
3'+	Brahea edulis	**Guadalupe Palm**	30	10	Evergreen	L	No	Yes	No	
3'+	Cercis canadensis 'Forest Pansy'	**Forest Pansy Redbud**	15	10	Deciduous	M	Yes	Yes	No	
3'+	Cercis occidentalis	**Western Redbud**	15	10	Deciduous	L	Yes	Yes	No	
3'+	Chitalpa tashkentensis	**Chitalpa**	25	25	Deciduous	L	Yes	Yes	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
3'+	Duranta repens	**Golden Dewdrop**	20	15	Evergreen	**M**	Yes	No	No	
3'+	Eriobotrya deflexa	**Bronze Loquat**	25	25	Evergreen	**M**	Yes	Yes	No	
3+	Handroanthus chrysotricha	**Yellow Trumpet Tree**	25	20	Deciduous	**M**	Yes	No	No	
3'+	Heteromeles arbutifolia	**Toyon Tree**	15	10	Evergreen	L	No	No	No	Available-15 Gal
3'+	Howea forsteriana	**Kentia Palm**	35	20	Evergreen	**M**	Yes	Yes	No	
3'+	Hymenesporum flavum	**Sweetsha de**	40	20	Evergreen	**M**	No	No	No	Available-15 Gal
3'+	Lagerstroemia indica 'Indian Tribes'	**Crape Myrtle**	25	20	Deciduous	**M**	Yes	Yes	Yes	Natchez (white) Dynamite (vibrant red), Tuscarora (pink) Muskogee (purple)
3'+	Livistona chinensis	**Chinese Fountain Palm**	20	10	Evergreen	M	Yes	No	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
3'+	Livistona decora	**Fountain Palm**	20	10	Evergreen	**M**	Yes	No	No	
3'+	Magnolia grandiflora 'Little Gem'	**Little Gem Magnolia**	20	15	Evergreen	**M**	Yes	Yes	Yes	
3'+	Maytenus boaria	**Mayten Tree**	20	15	Evergreen	M	Yes	Yes	Yes	
3'+	Rhus integrifolia	**Lemonade Berry**	10	10	Evergreen	VL	No	No	No	Available-IS Gal
3'+	Syagrus romanzoffiana	**Queen Palm**	50	20	Evergreen	**M**	Yes	Yes	Yes	
3'+	Washingtonia robusta	**Mexican Fan Palm**	90	20	Evergreen	L	Yes	Yes	No	
3'+	Wodyetia bifurcata	**Foxtail Palm**	40	20	Evergreen	**M**	Yes	No	No	
4'+	Arbutus 'Marina'	**Strawberry Tree**	20	20	Evergreen	L	Yes	Yes	Yes	
4'+	Brachychiton populeneus	**Bottle tree**	50	40	Evergreen	L	Yes	Yes	No	
4'+	Cassia leptophylla	**Gold Medallion tree**	25	20	Evergreen	M	Yes	Yes	No	
4'+	Geijera parvifolia	**Australian Willow**	40	25	Evergreen	L	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
4'+	Laurus noblis	**Grecian Laurel**	40	30	Evergreen	L	Yes	Yes	Yes	
4'+	Laurus 'Saratoga'	**Saratoga Laurel**	40	30	Evergreen	L	Yes	No	No	
4'+	Melaleuca citrinus	**Lemon Bottlebrush**	25	20	Evergreen	L	Yes	Yes	No	
4'+	Melaleuca viminalis	**Weeping Bottlebrush**	25	20	Evergreen	**M**	Yes	Yes	No	
4'+	Rhus lancea	**African Sumac**	25	20	Evergreen	L	Yes	No	No	
4'+	Spathodea campanulata	**African Tulip Tree**	30	20	Evergreen	**M**	Yes	Yes	No	
4'+	Stenocarpus sinuatus	**Firewheel Tree**	25	15	Evergreen	**M**	Yes	No	No	
5'+	Agonis flexuosa	**Peppermint Tree**	35	35	Evergreen	L	Yes	No	Yes	
5'+	Agonis flexuosa 'Afterdark'	**Afterdark Peppermint Willow**	35	35	Evergreen	L	Yes	No	No	
5'+	Albizia julibrissin	**Silk Tree**	40	40	Deciduous	M	Yes	Yes	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
5'+	Bauhinia variegata	**Purple Orchid Tree**	30	20	Deciduous	M	Yes	Yes	No	
5'+	Brachychiton acerfolius	**Flame Tree**	40	30	Evergreen	L	Yes	Yes	No	
5'+	Calodendron capense	**Cape Chestnut**	40	40	Deciduous	**M**	Yes	No	No	
5'+	Erythrina americana (E. coralloides)	**Naked Coral Tree**	30	30	Deciduous	L	Yes	Yes	No	
5'+	Fraxinus oxycarpa 'Raywood'	**Raywood Ash**	35	30	Deciduous	**M**	Yes	Yes	Yes	
5'+	Ginkgo biloba 'Fruitless'	**Maidenhair Tree**	60	40	Deciduous	**M**	Yes	Yes	Yes	
5'+	Tabebuia heterophylla	**Pink Trumpet Tree**	30	30	Deciduous	**M**	Yes	Yes	Yes	
5'+	Jacaranda mimosifolia	**Jacaranda**	40	50	Deciduous	**M**	Yes	Yes	Yes	
5'+	Koelreuteria paniculata	**Goldenrain Tree**	25	25	Deciduous	L	Yes	Yes	Yes	
5'+	Lophostemon confertus	**Brisbane Box**	60	40	Evergreen	M	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
5'+	Lyonothamnus floribundus	**Catalina Ironwood**	50	30	Evergreen	VL	Yes	No	No	
5'+	Magnolia grandiflora 'Majestic Beauty'	**Majestic Beauty Magnolia**	40	20	Evergreen	M	Yes	Yes	Yes	
5'+	Magnolia grandiflora 'Russett'	**Russett Magnolia**	20	15	Evergreen	**M**	Yes	Yes	Yes	
5'+	Magnolia grandiflora 'Saint Mary'	**Saint Mary Magnolia**	25	20	Evergreen	**M**	Yes	Yes	Yes	
5'+	Magnolia grandiflora 'Samuel Sommer'	**Samuel Sommer Magnolia**	40	30	Evergreen	**M**	Yes	Yes	Yes	
5'+	Melaleuca linnarifolia	**Flaxleaf Paperbark**	30	30	Evergreen	L	Yes	No	No	
5'+	Metrosideros excelsa	**New Zealand Christmas Tree**	40	40	Evergreen	**M**	Yes	No	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
5'+	Parkinsonia x 'Desert Museum'	**Desert Museum Palo Verde**	30	35	Semi	L	Yes	Yes	Yes	
5'+	Pinus brutia	**Afghan Pine**	60	50	Evergreen	L	Yes	Yes	Yes	
5'+	Pistacia chinensis	**Chinese Pistache**	40	40	Deciduous	**M**	Yes	Yes	Yes	
5'+	Podocarpus macrophyllus	**Yew Pine**	50	50	Evergreen	M	Yes	No	No	
5'+	Prunus ilicifolia subsp. lyonii	**Catalina Cherry**	30	30	Evergreen	VL	No	No	No	Available-15 Gal
5'+	Pyrus betulaefolia 'Southworth'	**Dancer Pear**	25	20	Deciduous		Yes	Yes	No	
5'+	Pyrus calleryana 'Aristocrat'	**Aristocrat Pear**	30	40	Deciduous	**M**	Yes	Yes	Yes	
5'+	Pyrus calleryana 'Chanticleer'	**Chanticle er Pear**	35	20	Deciduous	**M**	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
5'+	Pyrus calleryana 'Redspire'	**Redspire Pear**	35	25	Deciduous	M	Yes	Yes	Yes	
5'+	Pyrus kawakamii	**Evergreen Pear**	35	25	Deciduous	M	Yes	Yes	No	
5'+	Quercus douglasii	**Blue Oak**	50	50	Deciduous	VL	Yes	Yes	No	
5'+	Quercus ilex	**Holly Oak**	50	50	Evergreen	L	Yes	Yes	Yes	
5'+	Sapium sebiferum	**Chinese Tallow Tree**	40	35	Deciduous	**M**	Yes	Yes	No	
5'+	Sophora japonica 'Regent'	**Chinese Scholar Tree**	40	40	Deciduous	M	Yes	Yes	No	
~~8'+~~	~~Afrocarpus falcatus~~	~~**Fern Pine**~~	~~60~~	~~60~~	~~Evergree n~~		~~Yes~~	~~Yes~~	~~Yes~~	
8'+	Araucaria heterophylla	**Norfolk Island Pine**	80	30	Evergreen	M	Yes	Yes	No	
8'+	Brachychiton discolor	**Pink Flame Tree**	70	50	Semi	L	No	No	No	Available-15 Gal
8'+	Cinnamomum camphora	**Camphor Tree**	50	60	Evergreen	**M**	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
8'+	Erythrina caffra	**Kaffirboom Coral Tree**	40	40	Evergreen	L	Yes	Yes	No	
8'+	Fraxinus velutina 'Modesto'	**Modesto Ash**	50	30	Deciduous	**M**	Yes	Yes	Yes	
8'+	Koelreuteria bipinnata	**Chinese Flame Tree**	50	50	Deciduous	**M**	Yes	Yes	Yes	
8'+	Pinus canariensis	**Canary Island Pine**	80	50	Evergreen	L	Yes	Yes	Yes	
8'+	Pinus pinea	**Italian Stone Pine**	60	40	Evergreen	L	Yes	Yes	Yes	
8'+	Pinus torreyana	**Torrey Pine**	70	40	Evergreen	L	Yes	Yes	No	
8'+	Platanus x hispanica	**London Plane Tree**	70	40	Deciduous	**M**	Yes	Yes	No	
8'+	Platanus mexicana	**Mexican Sycamore**	60	40	Evergreen	**M**	Yes	Yes	No	
8'+	Platanus racemosa	**California Sycamore**	60	40	Deciduous	M	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
8+	Podocarpus gracilior	**Fern Pine**	60	60	Evergreen	M	Yes	Yes	Yes	
8'+	Quercus agrifolia	**Coast Live Oak**	70	80	Evergreen	L	Yes	Yes	Yes	
8'+	Quercus engelmannii	**Engleman Oak**	60	80	Evergreen	L	Yes	Yes	No	
8'+	Quercus lobata	**Valley Oak**	70	50	Deciduous	L	Yes	Yes	No	
8'+	Quercus virginiana	**Southern Live Oak**	60	80	Evergreen	M	Yes	Yes	Yes	
8'+	Roystonea regia	**Cuban Royal Palm**	80	40	Evergreen	**M**	Yes	Yes	No	
8'+	Schinus molle	**California Pepper**	40	50	Evergreen	VL	Yes	Yes	Yes	
8'+	Tipuana tipu	**Tipu Tree**	50	60	Semi	**M**	Yes	Yes	Yes	
8'+	Ulmus parvifolia 'Drake'	**"Drake" Chinese Elm**	60	60	Semi	**M**	Yes	Yes	Yes	
8'+	Zelkova serrata	**Sawleaf Zelkova**	40	40	Deciduous	L	Yes	Yes	No	

Exhibit C

	Eastbluff Community Association Street Tree Designation List									
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
2'+	Tabebuia chrysotricha	**Yellow Trumpet Tree**	25	20	Deciduous	**M**	Yes	No	No	
3'+	Cercis canadensis 'Forest Pansy'	**Forest Pansy Redbud**	15	10	Deciduous	**M**	Yes	Yes	No	
3'+	Cercis occidentalis	**Western Redbud**	15	10	Deciduous	L	Yes	Yes	No	
3'+	Chitalpa tashkentensis	**Chitalpa**	25	25	Deciduous	L	Yes	Yes	No	
3'+	Eryobotrya deflexa no fruit	**Bronze Loquat**	25	25	Evergreen	**M**	Yes	Yes	No	
3'+	Lagerstroemia indica 'Indian Tribes'	**Crape Myrtle**	25	20	Deciduous	**M**	Yes	Yes	Yes	
3'+	Magnolia grandiflora 'Little Gem'	**Little Gem Magnolia**	20	15	Evergreen	**M**	Yes	Yes	Yes	
3'+	Rhus lancea	**African Sumac**	25	20	Evergreen	L	Yes	No	No	

Exhibit C

	Eastbluff Community Association Street Tree Designation List									
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
4'+	Arbutus unedo	**Strawberry Tree**	20	20	Evergreen	L	Yes	Yes	Yes	
4'+	Cassia Ieptophylla	**Gold Medallion tree**	25	20	Evergreen	**M**	Yes	Yes	No	
4'+	Geijera parvifolia	**Australian Willow**	40	25	Evergreen	L	Yes	Yes	Yes	
4'+	Spathodea campanulata	**African Tulip Tree**	30	20	Evergreen	M	Yes	Yes	No	
5'+	Agonis flexuosa	**Peppermint Tree**	35	35	Evergreen	L	Yes	No	Yes	
5'+	Albizia julibrissin	**Silk Tree**	40	40	Deciduous	**M**	Yes	Yes	No	
5'+	Bauhinia variegata (purpurea)	**Purple Orchid Tree**	30	20	Deciduous	**M**	Yes	Yes	No	
5'+	Brachychiton acerfolius	**Flame Tree**	40	30	Evergreen	L	Yes	Yes	No	
5'+	Calodendron capense	**Cape Chestnut**	40	40	Deciduous	M	Yes	No	No	
5'+	Fraxinus oxycarpa 'Raywood'	**Raywood Ash**	35	30	Deciduous	M	Yes	Yes	Yes	
5'+	Ginkgo biloba 'Fruitless'	**Maidenhair Tree**	60	40	Deciduous	M	Yes	Yes	Yes	

Exhibit C

	Eastbluff Community Association Street Tree Designation List									
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
5'+	Jacaranda mimosifolia	**Jacaranda**	40	50	Deciduous	M	Yes	Yes	Yes	
5'+	Koelreuteria paniculata	**Goldenrain Tree**	25	25	Deciduous	L	Yes	Yes	Yes	
5'+	Lyonothamnus floribundus	**Catalina Ironwood**	50	30	Evergreen	VL	Yes	No	No	
5'+	Magnolia grandiflora 'Russett'	**Russett Magnolia**	20	15	Evergreen	M	Yes	Yes	Yes	
5'+	Magnolia grandiflora 'Saint Mary'	**Saint Mary Magnolia**	25	20	Evergreen	M	Yes	Yes	Yes	
5'+	Magnolia grandiflora 'Samuel Sommer'	**Samuel Sommer Magnolia**	40	30	Evergreen	M	Yes	Yes	Yes	
5'+	Magnolia grandiflora. 'Majestic Beauty'	**Majestic Beauty Magnolia**	40	20	Evergreen	**M**	Yes	Yes	Yes	
5'+	Melaleuca linnarifolia	**Flaxleaf Paperbark**	30	30	Evergreen	L	Yes	No	No	
5'+	Melaleuca quinquinerva (viridifolia)	**Cajeput Tree**	40	20	Evergreen	M	Yes	Yes	Yes	

Exhibit C

Eastbluff Community Association Street Tree Designation List

Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
5'+	Metrosideros excelsa	**New Zealand Christmas Tree**	40	40	Evergreen	**M**	Yes	No	No	
5'+	Pistacia chinensis	**Chinese Pistache**	40	40	Deciduous	**M**	Yes	Yes	Yes	
5'+	Prunus ilicifolia subsp. lyonii	**Catalina Cherry**	30	30	Evergreen	VL	No	No	No	Available -15 Gal
5'+	Quercus douglasii	**Blue Oak**	50	50	Deciduous	VL	Yes	Yes	No	
5'+	Quercus ilex	**Holly Oak**	50	50	Evergreen	L	Yes	Yes	Yes	
5'+	Tabebuia heterophyll	**Pink Trumpet Tree**	30	30	Deciduous	**M**	Yes	Yes	Yes	
8'+	Brachychiton discolor	**Pink Flame Tree**	70	50	Semi	L	No	No	No	Available-15 Gal
8'+	Cinnamomum camphora	**Camphor Tree**	50	60	Evergreen	**M**	Yes	Yes	Yes	
8'+	Fraxinus velutina 'Modesto'	**Modesto Ash**	50	30	Deciduous	M	Yes	Yes	Yes	
8'+	Lophostemon confertus	**Brisbane Box**	60	40	Evergreen	M	Yes	Yes	Yes	
8'+	Platanus acerifolia	**London Plane Tree**	70	40	Deciduous	**M**	Yes	Yes	No	

Exhibit C

Eastbluff Community Association Street Tree Designation List										
Pkwy Size	**Botanical Name**	**Common Name**	**Height**	**Spread**	**Type**	**Water Needs**	**24" Avail.**	**36" Avail.**	**48" Avail.**	**Notes**
8'+	Podocarpus gracilior (Afrocarpus gracilior)	**Fern Pine**	60	60	Evergreen	M	Yes	Yes	Yes	
8'+	Schinus molle	**California Pepper**	40	50	Evergreen	VL	Yes	Yes	Yes	
8'+	Tipuana tipu	**Tipu Tree**	50	60	Semi	M	Yes	Yes	Yes	
8'+	Ulmus parvifolia	**"Drake" Chinese Elm**	60	60	Semi	M	Yes	Yes	Yes	

TEMPORARY BANNERS EXTENDING OVER OR WITHIN THE PUBLIC RIGHT-OF-WAY

Findings and Purpose

Temporary banners and signs pose risks to the public in the form of potential physical obstructions in or over the right-of-way and by distracting an individual who otherwise would, and should, focus on other users. The City Council also finds that, in the absence of the size and number limits specified in this policy, temporary banners or signs could reduce property values, adversely impact land uses, and interfere with the recreational objectives of visitors to the City of Newport Beach. A total prohibition on the installation of temporary banners and signs within the public right-of-way is appropriate, with the exception of the provisions of this Policy and Newport Beach Municipal Code Chapter 20.42, because there are adequate alternative means of communication for those wishing to engage in commercial or non-commercial speech except for ~~temporary real estate signs and~~ non-profit groups organizations conducting community wide events that are co-sponsored by the City of Newport Beach and open to the general public. Finally, the City Council has determined that the restrictions contained in this policy and the provisions of Newport Beach Municipal Code Title 20 are the least restrictive means available to accomplish the public safety, economic, and aesthetic objectives of the City Council.

General Provisions

Temporary banners and signs shall not be permitted within or over any public street or pedestrian right-of-way with the exception of ~~temporary real estate~~ those signs ~~as~~ specified in Newport Beach Municipal Code Chapter 20.42, or any successor statute, and banners notifying the general public of a community wide event, open to the general public, conducted by a non-profit corporation or organization, and co-sponsored by the City of Newport Beach. Temporary banners and signs shall be installed in strict compliance with the provisions of this Policy and any conditions imposed on the permit by the Public Works Director and, if required, by the Utilities Director.

Permit Process

A. Except as provided in Newport Beach Municipal Code Title 20, or any successor statute, no person shall install any temporary banner or sign within any public right-of-way without first obtaining a permit issued by the Public Works Department.

B. Applications for a temporary banner permit shall be submitted to the Public Works Department on a form supplied by the City, and prior to thirty (30) days of planned installation date.

C. The Public Works Director shall determine if the application complies with the standards specified in this policy.

D. The Public Works Director shall approve/deny/recommend City Council approval of the application within five (5) working days. If the City Council approves the request, subsequent requests for the same event maybe approved by the City Manager, provided that the size, number, location, and banner type (language and graphics) are unchanged.

E. The Public Works Director shall approve the permit if the application conforms with the standards contained in this policy.

F. The Public Works Director shall deny the permit if the application does not conform to the standards in this policy and shall give the applicant written notice of, and the reasons for, the denial.

G. The Public Works Director may impose a refundable security deposit to be applied to any damages, repairs to standards, poles, or City property not corrected by permittee within fourteen (14) days of banner removal or any special services required by City.

H. The Permittee shall agree to indemnify and hold harmless the City of Newport Beach.

I. The Permittee shall maintain a minimum of $1,000,000 in liability insurance from a company with a Best's Key Rating Guide parameter of "A" or better and a financial size category of "VIII" or higher.

Standards

A. Manner of Installation

1. Permittee shall install no more than 100 banners;

2. a) Banners on streetlight poles shall be no more than two-and-one-half (2.5) feet wide and eight (8) feet high. Wind load calculations, determined by a registered engineer, shall be required for banners greater than twenty (20) square feet;
   b) Banners other than streetlight pole banners shall be no more than four (4) feet by eight (8) feet wide and are subject to review and approval for safety sight distance and clearance issues.

3. No more than one (1) banner shall be installed on any pole or standard and banners may not be installed between poles or standards;

4. The banners shall contain only the name of the permittee and if applicable, the date, time, and ~~the~~ name of the event to be conducted by the permittee;

5. All banner brackets on streetlight poles shall be mounted at least fourteen (14) feet above the ground surface;

6. All banner brackets on streetlight poles shall be installed using stainless steel band clamps and the brackets must be sufficiently strong to withstand wind-load generated by ninety (90) mile per hour winds. Each banner shall have a minimum of two (2), five (5) inch half circle wind slits;

7. Poles or standards shall be wrapped with forty-five (45) milliliter thick black rubber sheet or other pre-approved material under all stainless steel brackets and clamps and no portion of any bracket shall be in direct contact with the surface of any street light pole or standard. In addition, all street light pole(s) being used shall be inspected and approved by the Utilities Department;

8. Banners shall be installed only at locations specified on the permit;

9. Permittee shall install and remove banners in strict compliance with the traffic control, signage and warning device criteria specified in the WATCH handbook and/or the California Manual on Uniform Traffic Control Devices; and

10. If more than one permittee requests the use of the same street light pole(s) at the same time, the City may require removal of some of the banners to allow other organizations to install banners authorized under City policies.

B. Time of Installation

1. Permittee shall contact the Public Works Department at least forty-eight (48) hours prior to the installation of any banner on streetlight poles pursuant to the permit; and

2. All banners and supporting material shall be removed within thirty (30) days after the date of installation.

C. Place of Installation

1. Banners shall only be installed on City-~~-~~owned poles and standards, or approved locations in roadway medians, in City parks, and on other City owned facilities;

2. Banners shall not be installed on any pole or standard which could create sight distance problems for pedestrian or vehicular traffic;

3. Banners shall not be installed on poles or standards in any residential district;~~.~~

4. Banners shall only be installed at the approved locations indicated on the plan submitted with the banner application; and~~.~~

5. City-~~-~~owned poles within Caltrans right-of-way shall require an additional review/approval process with Caltrans Permit Department.

History
Adopted L-8 – 10-25-1977
Adopted M-4 – 1-24-1994
Amended M-4 – 2-26-1996 (changed to L-16)
Amended L-16 – 2-24-1997
Amended L-16 – 5-8-2001
Amended L-16 – 4-8-2003
Amended L-16 – 10-10-2006
Amended L-16 – 5-14-2013
Amended L-16 – 5-12-2015
Amended L-16 – 8-14-2018
Amended L-16 – 2-24-2026

REDUCING BARRIERS TO WIRELESS SERVICE FACILITIES ON PRIVATELY OWNED PROPERTY, ~~AND THE SITING OF PERSONAL WIRELESS SERVICE FACILITIES TELECOMMUNICATIONS EQUIPMENT~~ ON CITY-OWNED AND CITY-HELD TRUST PROPERTY, AND THE PUBLIC RIGHT-OF-WAY

Purpose

The purpose of this policy ~~too~~ is to reduce barriers to wireless service facilities on private property, ~~and~~ City-owned and City-held trust property, and the public right-of-way. This policy ~~To d~~describes the manner in which these locations~~specific Ccity-owned or Ccity-held Trust properties~~ may be used as locations for personal wireless service facilities ~~wireless telecommunications devices~~ that transmit voice and/or data.

Policy

It is the P~~p~~olicy of the City to effectively balance the needs of its residents, visitors, and businesses to use and have access to state-of-the-art wireless telecommunication systems (such as wireless Internet, voice, and other data communications) with the needs of residents to safely and effectively enjoy their property. This Policy shall be used when considering applications to install wireless communications devices on private property, City-owned, or City-held property by any wireless telecommunications provider or siting company.

Except for sites identified as ineligible for personal wireless service facilities pursuant to this Policy, all~~Unless otherwise exempt, all~~ proposals affecting City-owned or City-held trust property shall be processed ~~via this Policy~~ through the Community Development Department and the Public Works Department and shall be exempt facilities as provided in Chapters 20.49 and 21.49.

Chapters 20.49 and ~~Chapter~~ 21.49 of the Newport Beach Municipal Code (NBMC) shall be used for wireless service facilities on private property. ~~—~~The NBMC shall be reviewed to reduce the barriers to wireless service facilities.
~~pursuant to the Municipal Code requirements.~~

Agreement Required

All personal wireless service facilities ~~telecom facilities~~ located on City-owned property or City-held Trust property, or in the public right-of-way must have an agreement approved as to form by the City Attorney and approved as to substance (including, but not limited to, compensation, term, insurance requirements, bonding requirements, and hold harmless provisions) by the City Manager ~~or their designee prior to the submittal of an application for the necessary permits pursuant to Section IV of this policy~~. The agreement shall be executed prior to the issuance of a street construction permit (encroachment permit).

~~Permit Required~~

~~A. Unless otherwise exempt, all telecom facilities proposed to be located on City-owned or City-held trust property must apply for and receive a permit under the provisions of Chapter 20.49, or any successor chapter prior to the issuance of an encroachment permit.~~

~~B. Unless otherwise exempt, all proposals affecting City-owned or City-held trust property shall be processed via this Policy through the Community Development Department and Public Works Department pursuant to the Municipal Code requirements.~~

City Sites Eligible or Ineligible for Personal Wireless Service Facility Placement

A. Sites Eligible for Use. The City Council has determined that the following City locations are acceptable for placement of personal wireless service facilities, in no particular order of preference ~~wireless devices~~:

~~1. Fire Stations.~~

1~~2~~. Newport Beach ~~City Hall~~Civic Center.~~,~~

2~~3~~. Parks.~~,~~

3~~4~~. Police Headquarters.~~,~~

4~~5~~. Lifeguard Headquarters.~~,~~

5~~6~~. The Community Centers.~~,~~

6. Medians and parkways along public streets

7~~8~~. The Central Library and Branch Libraries.~~,~~

8~~9~~. The Corporate Yards.~~,~~

9~~10~~. Qualifying City-held easements.~~,~~

10. ~~11.~~ Streetlights (following certification and acceptance by the Utilities Department of an effective test of the facility~~'~~s impacts to the light standard under various environmental conditions), which may be located upon the right-of-way, or City-trust held property.

11~~12~~. Leased City property, subject to the lease provisions.~~,~~

12~~23~~. Open space~~s~~ areas owned by the City where no sensitive habitat exists and the personal wireless service ~~facility installations~~facilities are located on existing structures, ~~or~~ are

designed to be unobtrusive and/or stealth-integrated to preserve the visual character and natural landscape of the site.~~.~~

B. Sites Ineligible for Use. The City Council has determined that the ~~–~~following City locations are unacceptable for placement of personal wireless service facilities~~wireless devices in accordance with the entirety of this Policy~~:

1. Open space areas owned by the City where placement of facilities in these areas would aesthetically impair the pristine nature of the area.

2. Other properties owned by the City where the placement of facilities would conflict with existing structures, including utilities, ~~or impede views,~~ or otherwise impact use of the facility or property for its designated purpose.

3. Traffic s~~S~~ignal p~~P~~oles.

Compensation and Term

The City Manager shall follow these rules when developing any a~~A~~greement for the placement of any personal wireless service facilities ~~wireless device~~ on City-owned or City-held trust property, or in the public right-of-way:

A. ~~A.~~ Compensation for personal wireless services facilities located in the public right-of-way shall be ~~on City streetlights shall be~~ based on the ~~published~~ rates established by ~~by the~~ Federal Communications Commission (FCC) Small Cell Order (FCC 18-133)~~-~~.

~~—~~Compensation on City-owned property other than a City s~~S~~treetlight shall ~~be equal to fair market value, taking into account rent charged by owners of public or private properties within Newport Beach or neighboring cities for a similar type of facility and location. Such compensation shall~~ be determined based on the California Department of General Services published telecommunications lease rates for installation of all types on City-owned public, non-commercial, and commercial properties, as may be amended or replaced. At the discretion of the City Manager, a discount not to exceed twenty percent (20%) may be applied to these rates to facilitate the installation of personal wireless service facilities in locations that address local coverage gaps or improves telecommunication coverage for residents.

B.

~~via a Rent Survey conducted by the City every five (5) years, as adjusted by the Consumer Price Index (CPI) each calendar year during non-survey years~~based on the federally published rates for small cell installations on City property in the public right-of-way (Federal Communications Commission Declaratory Ruling and Third Report and Order FCC18-133, as may be amended or replaced), and based on the California Department of General Services published telecommunications lease rates for installation of mid/micro-cell and macro-cell facilities on City

~~property in the public right-of-way, and for installation of all types on City-owned public, non-commercial, and commercial properties, as may be amended or replaced.~~

C. ~~B.~~ The Agreement shall provide for a specific term to be determined by the City Manager. ~~Where the term exceeds five (5) years, at the fifth year and every five years thereafter, rent shall be adjusted to fair market value using the Rent Survey (""Market-Based Adjustment""), or the adjusted rate as prescribed by the lease terms, whichever is greater.~~

D. ~~C.~~ The Agreement shall provide for the following rent adjustments:

1. Rent adjustments for personal wireless services facilities located in the public right-of-way ~~on City-owned streetlights 1.~~ shall be ~~–~~ adjusted annually by the Consumer Price Index (CPI), or any subsequent rates established by the FCC ~~adjusted annually based on the published rates by the FCC or by the Consumer Price Index (CPI) whichever is greater~~.

Rent adjustment on City-owned property other than City streetlights shall be adjusted annually based on the California Department of General Services published telecommunications lease rates. ~~by the Consumer Price Index (CPI) for the Los Angeles-Long Beach-Anaheim, California Area, All Urban Consumers, All Items, Base Period (1982-84 = 100), or successor index, as published by the United States Department of Labor, Bureau of Labor StatisticsAll Urban Consumers, Anaheim-Riverside-Los Angeles-Long Beach-Anaheim or a similar index; and~~

2.

~~2. At the end of five (5) years of the Agreement term and every five (5) years thereafter, the Market-Based Adjustment described above; or~~

~~3. Optionally, the License Fee shall automatically increase four three percent (43%) each year, and adjust to market rate upon the first renewal term, or the License Fee shall automatically increase five percent (5%) each year, and adjust to market rate upon the second renewal term.~~

E. ~~3~~4. The Agreement shall require the applicant to post a bond, letter of credit, or other financial security/securities (""Financial Security"") in an amount that equals or exceeds the anticipated cost of removing the personal wireless service facility ~~facility~~ or personal wireless service facilities ~~facilities~~ and repairing any damage to City property at the completion of the Agreement term or in the event that the applicant ceases use of or abandons the personal wireless service facility or otherwise does not remove the personal wireless service facility including any equipment or cabinet whether underground, in the public right-of-way, or on City or private property. The Financial Security shall name the City as eligible for receipt of the Financial Security's proceeds ~~in the event that~~if the applicant ceases use of or abandons the personal wireless service facility(ies).

~~5. If the personal wireless service facility is located upon park property, the City may require as a component of the rent a one (1) time upfront payment in addition to the annual/monthly rent. The amount shall be at the recommendation of the City Manager and the Director of Recreation and Senior Services, or their designee(s).~~

~~***Effective Date and Council Non-Consent***~~

~~A. The City Manager shall notify (via memorandum or similar correspondence) the City Council as to a pending Agreement for telecommunications facilities on public land. The Agreement shall take effect forty-five (45) days after the City Manager's notification of the City Council unless called up by a City Council member within thirty (30) days of the City Manager's notification of City Council of a pending Agreement per this section.~~

~~B. A City Council member reserves the right to, at any time and for any purpose, not consent to the City Manager's issuance of an Agreement under this Policy. The City Council may do so by notifying the City Manager of the Council member's intent to bring the Agreement before City Council. The Council member must express this intent in writing or at a formal Council meeting not more than thirty (30) days after the City Manager has notified the City Council of a pending Agreement. Should the City Council not consent to the issuance of an Agreement, the Agreement shall not become effective.~~

~~***Proposals for Equipment in the City Right-Of-Way***~~

~~This policy shall not apply to Encroachment Permits (Telecom) for the use of right-of-way. Newport Beach Municipal Code Title 13, or any successor statute, shall govern consideration of Encroachment Permits (Telecom).~~

City Communications Systems Exempt

This P~~p~~olicy shall not apply to any communications system used by City personnel for communications deemed necessary for City operations.

History

Adopted L-23 – 9-24-2002
Amended L-23 – 10-10-2006
Amended L-23 – 8-14-2018
Amended L-23 ~~–~~ 2-24-2026

CITY OF

NEWPORT BEACH

City Council Staff Report

February 24, 2026
Agenda Item No. 12

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov
PREPARED BY:	Andy Tran, Principal Civil Engineer - 949-644-3315, atran@newportbeachca.gov Lauren Wooding Whitlinger, Real Property Administrator - 949-644-3236, lwooding@newportbeachca.gov
TITLE:	Citywide ADA Improvements – Award of Contract No. 9943-1 (26R12)

ABSTRACT:

The City of Newport Beach (City) received construction bids for the Citywide ADA Improvements project and requests City Council approval to award the construction contract to Heed Engineering of Foothill Ranch. This project will reconstruct deteriorated concrete sidewalks, curb ramps, driveway approaches, and gutters to meet standards set by the Americans with Disabilities Act (ADA).

RECOMMENDATIONS:

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c), Class 2 (reconstruction of existing facility involving negligible or no expansion of capacity) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;

b) Approve the project plans and specifications;

c) Approve Budget Amendment No. 26-051 appropriating $582,000 in new expenditures from the Community Development Block Grant to Account No. 12050502-821004-26R12;

d) Award Contract No. 9943-1 to Heed Engineering for the total bid price of $429,400 for the Citywide ADA Improvements project, and authorize the Mayor and City Clerk to execute the contract;

e) Establish a contingency of $86,000 (approximately 20% of the total bid); and

f) Approve Contract Amendment No. One to the Professional Services Agreement with Michael Baker International, Inc. for Annual CDBG Administration and Affordable Housing Monitoring (Contract No. 9932-1) to increase the total contract amount by $31,185 for labor compliance services for the Citywide ADA Improvement project, for

a total not-to-exceed contract amount of $427,435, and authorize the City Manager and City Clerk to execute the amendment.

DISCUSSION:

The proposed project is primarily located in the Eastbluff, Bayview Heights, Santa Ana Heights and Airport Area communities, and at various isolated locations throughout the City. Proposed improvements include removing and reconstructing deteriorated concrete sidewalks, curb ramps, driveway approaches, and gutters to eliminate potential tripping hazards. This project also includes constructing new curb ramps at intersections currently without ramps to improve access. These improvements will be consistent with City standards and the ADA.

The ADA was enacted in 1990 and prevents discrimination against individuals with disabilities. All private and public infrastructure improvements are required to adhere to ADA design guidelines, which were established by the Architectural and Transportation Barriers Compliance Board (Access Board). The City developed an ADA Transition Plan in 2013 to address ADA deficiencies throughout the City. Many ADA improvements, through the City's Capital Improvement Program (CIP), have been completed since 2013. Staff continues to include ADA improvements on nearly all CIP projects.

Community Development Block Grant (CDBG) funds became available to the City for accessibility improvement projects in 2025 and 2026. The City recently completed the San Miguel Park Accessibility Playground Improvements project, which was partially funded with CDBG funds. This construction contract will use CBDG funding to further improve accessibility within the public right-of-way.

At 10 a.m. on January 8, 2026, the City Clerk opened and read the following bid for this project:

	BIDDER	TOTAL BID AMOUNT
Low	Heed Engineering	$ 429,400.00
2nd	Towo Enterprise Inc	$ 491,400.00
3rd	S&H Civilworks	$ 495,900.00
4th	Golden Coast Construction	$ 499,020.55
5th	CJ Concrete Construction, Inc.	$ 522,150.00
6th	TVR Construction Engineering LLC	$ 529,975.00
7th	Kalban, Inc	$ 550,500.00
8th	Turn Around Communication	$ 578,500.00
9th	Marjani Builders, Inc.	$ 586,400.00
10th	Grigolla & Sons Const., Co., Inc.	$ 610,600.00
11th	Premo Construction Inc	$ 601,645.00
12th	LCR Earthwork & Engineering, Corp.	$ 628,500.00
13th	Van Engineering Inc	$ 632,200.00
14th	Global Builders Inc	$ 649,888.00
15th	Gentry General Engineering Inc.	$ 651,431.00
16th	LC Paving & Sealing, Inc.	$ 653,250.00

17th	Diamond Construction	$ 654,950.00
18th	DASH CONSTRUCTION COMPANY INC	$ 685,075.00
19th	Nieves General Engineering, INC.	$ 708,075.00
20th	ALL AMERICAN BUILDING SERVICES	$ 734,550.00
21st	Nationwide Contracting Services, Inc	$ 777,000.00
22nd	All Cities Engineering, Inc	$ 781,100.00
23rd	Armstrong Cal Builders Inc.	$ 924,530.00

The City received 23 bids. The low bidder, Heed Engineering, possesses a California State Contractor's License Classification "A", as required by the project specifications. A review of references for Heed Engineering shows satisfactory completion of similar contracts for other municipalities.

Heed Engineering's bid was 36% below the engineer's estimate of $670,000. The difference between the low bid and engineer's estimate is likely associated with the decreased costs of concrete and the competitive construction market.

Pursuant to the contract specifications, the contractor will have 40 consecutive working days to complete the project. Construction is scheduled to start in March with completion prior to the start of the Fiscal Year 2025-26 Slurry Seal Program.

The project plans and specifications will be available for review at the February 24, 2026, City Council meeting or upon request.

To ensure the project conforms to the U.S. Department of Housing and Urban Development's (HUD) requirements under the CDBG program, the City's CDBG administration consultant, Michael Baker International, Inc. (MBI), will provide labor compliance services before, during, and after completion of the project. The proposed Amendment No. One to the professional services agreement with MBI increases the not-to-exceed amount of the contract by $31,185, which will be funded by the CDBG as part of the capital project.

FISCAL IMPACT:

Upon approval of the proposed Budget Amendment, the CIP budget will include sufficient funding for the award of this contract. The Budget Amendment appropriates $582,000 in additional expenditure from the CDBG account. The following funds will be expended:

Account Description	Account Number		Amount
CDBG	12050502-821004-26R12	$	582,000
	Total:	**$**	**582,000**

Proposed fund uses are as follows:

Vendor	Purpose		Amount
Heed Engineering	Construction Contract	$	429,400
Heed Engineering	Construction Contingency	$	86,000
Geocon West, Inc.	Materials Testing	$	31,588
Various	Printing & Incidentals	$	3,827
Michael Baker International	Labor Compliance Services	$	31,185
	Total:	**$**	**582,000**

The CDBG Program was initiated by Congress in 1974 as part of the Housing and Community Development Act. The program is funded directly by the United States Congress and is administered by the U.S. Department of Housing and Urban Development.

Due to the favorable bid pricing received, staff recommends establishing a 20% contingency allowance in order to include additional needed concrete improvements from the backlog as well as any unknow construction issues that may arise.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c), Class 2 (reconstruction of existing facility involving negligible or no expansion of capacity) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

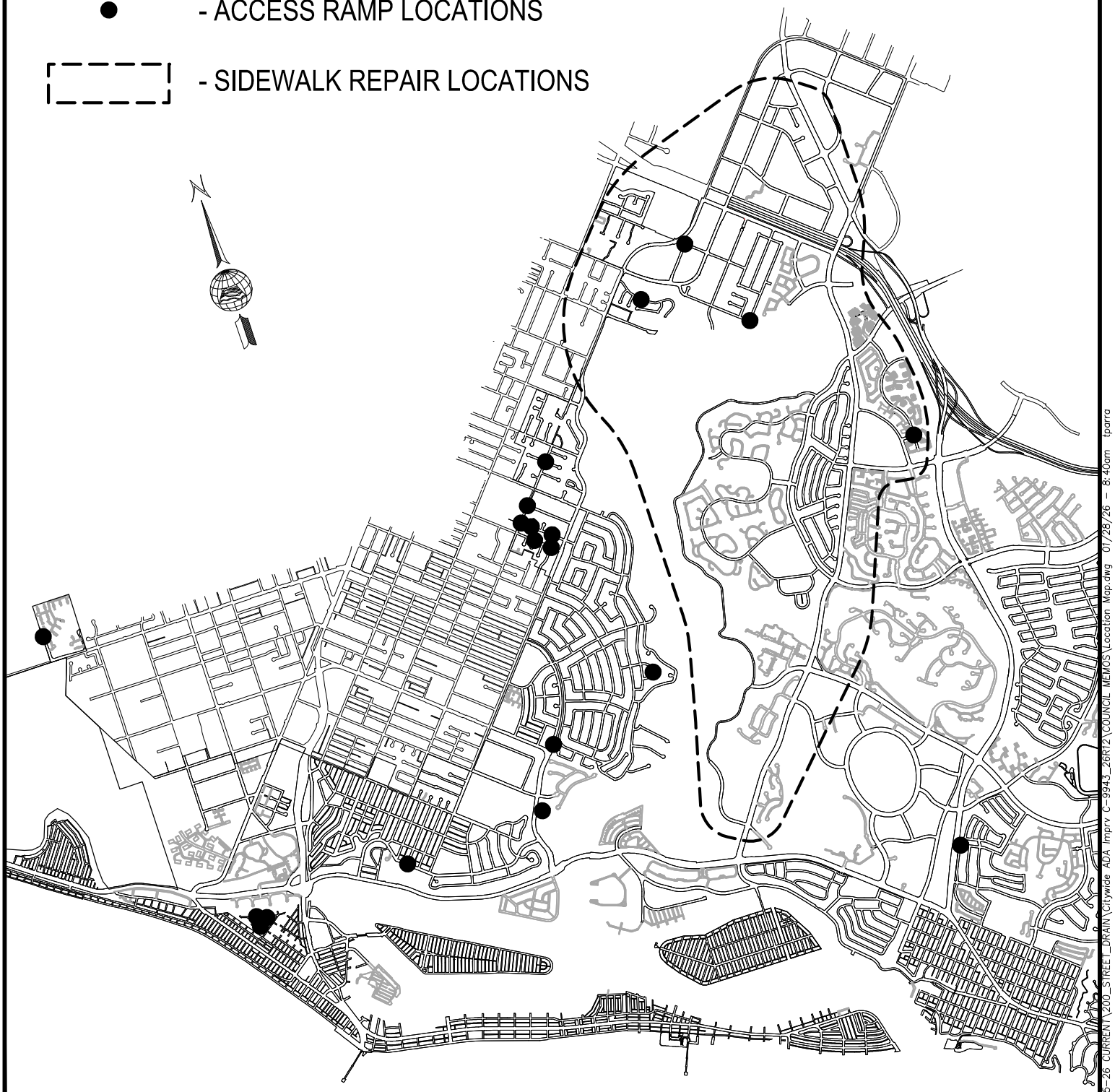
Attachment A – Location Map
Attachment B – Budget Amendment
Attachment C – Amendment No. One with Michael Baker International, Inc

ATTACHMENT A

LEGEND

● - ACCESS RAMP LOCATIONS

- SIDEWALK REPAIR LOCATIONS



CITYWIDE ADA IMPROVEMENTS

LOCATION MAP

CITY OF NEWPORT BEACH

PUBLIC WORKS DEPARTMENT

C-9943-1 | 02/24/2026

ers \\PBW\Shared\Contracts\FY25-26 CURRENT\200_STREET_DRAIN\Citywide ADA Imprv C-9943_26R12\COUNCIL MEMOS\Location Map.dwg 01/28/26 - 8:40am tparra

City of Newport Beach

BUDGET AMENDMENT

2025-26

Attachment B

BA#: 26-051

Department: Community Development

Requestor: Theresa Schweitzer

ONE TIME: ☑ Yes ☐ No

☐ CITY MANAGER'S APPROVAL ONLY

☑ COUNCIL APPROVAL REQUIRED

Approvals		
City Clerk:		Date
Administrative Services Director:	Jason Al-Imam	Date 2/13/26
Budget Manager:		Date 02/13/2026

EXPLANATION FOR REQUEST:

To appropriate the Community Development Block Grant for the Citywide ADA Improvements project. This project will reconstruct deteriorated concrete sidewalks, curb ramps, driveway approaches, and gutters to meet standards set by the Americans with Disabilities Act (ADA).

☐ from existing budget appropriations
☐ from additional estimated revenues
☑ from unappropriated fund balance

REVENUES

Fund #	Org	Object	Project	Description	Increase or (Decrease) $
				-	
				-	
				-	
				-	
				-	
				-	
				-	
				Subtotal	$ -

EXPENDITURES

Fund #	Org	Object	Project	Description	Increase or (Decrease) $
120	12050502	821004	26R12	CDBG - GRANT EXPENSES	582,000.00
				-	
				-	
				-	
				-	
				-	
				Subtotal	$ 582,000.00

FUND BALANCE

Fund #	Object	Description	Increase or (Decrease) $
120	300000	COMM DEVL BLK GRANT FUND - FUND BALANCE CONTROL	(582,000.00)
	-		-
	-		-
	-		-
		Subtotal	$ (582,000.00)

Fund Balance Change Required

AMENDMENT NO. ONE TO PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL, INC. FOR ANNUAL CDBG ADMINISTRATION & AFFORDABLE HOUSING MONITORING

THIS AMENDMENT NO. ONE TO PROFESSIONAL SERVICES AGREEMENT ("Amendment No. One") is made and entered into as of this 24th day of February, 2026 ("Effective Date"), by and between the CITY OF NEWPORT BEACH, a California municipal corporation and charter city ("City"), and MICHAEL BAKER INTERNATIONAL, INC., a Pennsylvania corporation ("Consultant"), whose address is 500 Grant Street, Suite 5400, Pittsburgh, PA 15219, and is made with reference to the following:

RECITALS

A. On July 22, 2025, City and Consultant entered into a Professional Services Agreement (Contract No. C-9932-1) ("Agreement") for Annual CDBG Administration & Affordable Housing Monitoring ("Project").

B. The parties desire to enter into this Amendment No. One to reflect additional Services not included in the Agreement, as amended, and to increase the total compensation.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. SERVICES TO BE PERFORMED

Exhibit A to the Agreement shall be supplemented to include the Scope of Services, attached hereto as Exhibit A and incorporated herein by reference ("Services" or "Work"). Exhibit A to the Agreement and Exhibit A to this Amendment No. One shall collectively be known as "Exhibit A." The City may elect to delete certain Services within the Scope of Services at its sole discretion.

2. COMPENSATION TO CONSULTANT

Exhibit B to the Agreement shall be supplemented to include the Schedule of Billing Rates, attached hereto as Exhibit B and incorporated herein by reference. Exhibit B to the Agreement and Exhibit B to Amendment No. One shall collectively be known as "Exhibit B."

Section 4.1 of the Agreement is amended in its entirety and replaced with the following: "City shall pay Consultant for the Services on a time and expense not-to-exceed basis in accordance with the provisions of this Section and the Schedule of Billing Rates attached hereto as Exhibit B and incorporated herein by reference. Consultant's compensation for all Work performed in accordance with this Agreement, including all reimbursable items and subconsultant fees, shall not exceed **Four Hundred Twenty Seven Thousand Four Hundred Thirty Five Dollars and 00/100 ($427,435.00)**, without

prior written authorization from City. No billing rate changes shall be made during the term of this Agreement without the prior written approval of City."

The total amended compensation reflects Consultant's additional compensation for additional Services to be performed in accordance with this Amendment No. One, including all reimbursable items and subconsultant fees, in an amount not to exceed **Thirty One Thousand One Hundred Eighty Five Dollars and 00/100 ($31,185.00)**.

3. INTEGRATED CONTRACT

Except as expressly modified herein, all other provisions, terms, and covenants set forth in the Agreement shall remain unchanged and shall be in full force and effect.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have caused this Amendment No. One to be executed on the dates written below.

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE
Date: 2/10/26

By: Jose Montoya for
Aaron C. Harp 2.10.26 RJ
City Attorney

ATTEST:
Date:_____

By:_____
Lena Shumway
City Clerk

CITY OF NEWPORT BEACH,
a California municipal corporation
Date:_____

By:_____
Seimone Jurjis
City Manager

CONSULTANT: MICHAEL BAKER INTERNATIONAL, INC., a Pennsylvania corporation
Date:_____

By:_____
Richard Beck
Vice President, Office Executive, and Assistant Secretary

Date:_____

By:_____
Fareeha Kibriya
Vice President and Office Executive

[END OF SIGNATURES]

Attachments: Exhibit A – Scope of Services
Exhibit B – Schedule of Billing Rates

EXHIBIT A
SCOPE OF SERVICES

Michael Baker
INTERNATIONAL

PROPOSAL FOR LABOR COMPLIANCE SERVICES

City of Newport Beach–Housing Authority
Citywide ADA Improvement

Estimated Work Hours

Review of Pre-Construction Phase Compliance Activities and Files – Total: 60 hours

Description	Hours
Create Labor Standards Enforcement Files.	10
Prepare Contractor Verification files.	15
Review of Prime's Bid Package for Federal Compliance.	10
Review of contract award notice. Prepare if missing.	5
Review of City's contract award activity files. Prepare if missing.	5
Review of pre-bid meeting documents. Prepare if any missing. Attend pre-bid meeting.	10
Prepare compliance and wage presentation for pre-con meeting. Attend pre-construction meeting.	5
Total	60

The following items will be included in the Scope of Services above.

1. Verification that City, and its principals, or any/all persons, contractors, consultants, businesses, etc. ("Developer Associates"), that City is conducting business with, are not presently debarred, proposed for debarment, suspended, declared ineligible, or voluntarily excluded from participation or from receiving federal contracts or federally approved subcontracts or from certain types of federal financial and nonfinancial assistance and benefits with the Excluded Parties Listing System ("EPLS"). EPLS records are located at www.sam.gov.

2. Single comprehensive list of Developer Associates (individuals and firms) and evidence of the search results of each Developer Associate as verification of compliance with this requirement, as provided in, "Contractor Debarment Certification Form."

Update Project Files with:

- Pre-Con Compliance forms
- Authorization/Designation of Payroll Officer
- DAS 140 & 142 forms
- Fringe Benefit Statement
- Onsite Employee Notices and Posters
- Federal and State prevailing wages
- Project Funding Type Announcement

Construction Phase – Total: 90 hours

Description	Hours
Review weekly payrolls, apprentice information, training funds report, and supporting compliance documents. Review of the subs' federal compliance submittals. Prepare Monthly Status Report to Prime Contractor and City. (3 hours per week for up to 16 weeks)	48
Work with contractors to correct discrepancies and prepare findings report to City.	30
Conduct 3 onsite visits for employee interviews. (4 hours per site visit)	12
Total	90

Post-Construction Phase – Total: 100 hours

Description	Hours
Remedy /Review Sec. 3 discrepancies in support of compliance close-out.	50
Prepare compliance close-out (finalize contractors' compliance files and file delivery.	30
Participate in Close-out Meeting/File Review.	10
Prepare HUD Semi-Annual and Annual Reports for assigned project, if requested and applicable.	10
Total	100

EXHIBIT B
SCHEDULE OF BILLING RATES

FY 2025-2026

SCOPE OF SERVICE	FISCAL YEAR	BUDGET (NTE)
CDBG Administration	July 1, 2025 – June 30, 2026	$19,000
Affordable Housing Monitoring	July 1, 2025 – June 30, 2026	$10,500
HUD Report – CAPER	July 1, 2025 – June 30, 2026	$21,000
Materials and Supplies	July 1, 2025 – June 30, 2026	$5,000
Labor Compliance Services	July 1, 2025 – June 30, 2026	$31,185

STAFF	HOURLY RATE
TITLE: Project Managers	$ 179 - 272
TITLE: Specialists	$ 105 - 173
TITLE: Planning Associates	$ 78 - 94

Title	2026 Hourly Rates
Labor Compliance Project Manager	$183
Project Manager	$167
Labor Compliance Officer	$144
Labor Compliance Specialist	$136
Labor Compliance Analyst /Field Technician	$120
Labor Compliance Admin	$98

Received after Agenda Printed
February 24, 2026
Non Agenda Item

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Saving Civic Center Park
Date: February 23, 2026 8:25:27 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Nancy Skinner <jskinnermd@aol.com>
Sent: February 22, 2026 4:07 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: Saving Civic Center Park

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Dear Mayor Kleiman and Member of the Council:

I am writing to urge you and members of the Council to stop considering our Civic Center Park for a new Police Department building.

Many years ago, when citizens were asked to vote for City Hall in the Park, we were told that the rest of the open space would remain as a park, that it was the tradeoff for giving up the open space/park for a new and more accessible City Hall. Many of us who lived here at the time are feeling our City Council is reneging on what seemed to have been a promise to the residents.

In my opinion, it was the belief that the rest of the open space would remain as a park that led to the success of the vote to approve the City Hall location. There was a lot of controversy over using the open space for our present day City Hall. The compromise came in believing that the rest of the open space would remain so

forever.

I strongly urge you to remove the park option from your discussions and honor the promises of your predecessors. You have other options.

Thank you in advance for giving serious thought to your decision regarding the park.

Sincerely,

Nancy Skinner
1724 Highland Drive
Newport Beach, CA 92660

From: Admin
To: Dept - City Council
Cc: City Clerk"s Office
Subject: Public Comment - City Council February 24th, 2026
Date: February 23, 2026 3:00:19 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Hello Mayor Kleiman and Councilmembers,

On behalf of the Newport Mooring Association, we appreciate the City's efforts to move forward with a tidelands management committee. These are important issues for the harbor, and we recognize the time and attention they require.

While we would have welcomed a broader and more transparent stakeholder process from the outset, the Newport Mooring Association remains committed to working constructively with the City to ensure equitable and sustainable outcomes for all tidelands users.

We look forward to participating in a collaborative process that reflects the shared goal of fair access and responsible stewardship of our harbor. In that light, we are requesting monthly meetings beginning as soon as possible with the committee so we are aware of updates and can offer input from the community.

Anne Stenton
Newport Mooring Association

Received after Agenda Printed
February 24, 2026
Item No. 3

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: NBSTRA Letter re: Proposed Safety Enhancement Ordinance Expansion (Feb. 24 Agenda)
Date: February 18, 2026 10:27:22 AM

Errica Garrett
Administrative Assistant to the Mayor and City Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

-----Original Message-----
From: NBSTRA <info@nbstra.com>
Sent: February 18, 2026 10:22 AM
To: Kleiman, Lauren <lkleiman@newportbeachca.gov>; Stapleton, Joe <jstapleton@newportbeachca.gov>; Barto, Michelle <MBarto@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Grant, Robyn <rgrant@newportbeachca.gov>; Blom, Noah <NBlom@newportbeachca.gov>; Weber, Sara <SWeber@newportbeachca.gov>
Cc: Harp, Aaron <aharp@newportbeachca.gov>; Jurjis, Seimone <sjurjis@newportbeachca.gov>; City Clerk's Office <CityClerk@newportbeachca.gov>; Dept - City Council <CityCouncil@newportbeachca.gov>; Murray, John <jmurray@newportbeachca.gov>; Miner, David <dminer@nbpd.org>; Boyles, Jeff <JBoyles@NBFD.net>
Subject: NBSTRA Letter re: Proposed Safety Enhancement Ordinance Expansion (Feb. 24 Agenda)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Honorable Mayor, Members of the City Council, and City Staff of the City of Newport Beach:

On behalf of the Newport Beach Short-Term Rental Alliance (NBSTRA), attached please find our letter regarding the proposed expansion of the City's Safety Enhancement ordinance as it applies to the Short-Term Lodging Program (STLP), ahead of the February 24 City Council meeting.

NBSTRA and responsible STR operators and managers share the City's public safety goals during Spring Break and major holiday weekends, and we support strong enforcement against true bad actors – including zero tolerance for any threats, harassment, or disruptive conduct directed toward NBPD officers or other City staff.

Our concern is with some specific elements of the ordinance, not the stated goals. We believe this proposal has been rushed and will likely and unfairly penalize permit holders who do everything they can to comply with the laws and regulation. The proposal lacks adequate procedural clarity, while failing to target the sources of bad crowd behavior in public areas.

Our letter goes into our concerns at length, but we hope you will take the time to review our communication carefully and the serious thought expressing our concerns and proposed better path forward. There is still time to get this right by engaging with us.

Our industry represents over 1500 property owners and small businesses owners in this community who share your goals and can help you achieve them.

We respectfully urge the Council to return these STLP provisions to a working-group process and, if immediate action is necessary for Spring Break, to consider a narrowly tailored temporary approach developed with meaningful industry consultation and operational input from all affected stakeholders.

Thank you for your consideration.

Respectfully,

Jeff Flint
Executive Director

Newport Beach Short-Term Rental Alliance (NBSTRA)

<https://d2DSfQ04.na1.hs-salescrm-engage.com/Cto/RK+23284/d2DSfQ04/R5R8b44VyN7KpSst2fCX4W1QrL8p3GLCqyW25cCdf1Xp1ctW1GyxPJ1S072bW22TGFR3z8mK0W3JHqNK1Z0NMZn1Q3Hk44W1>

From: Garrett, Errica
Sent: February 19, 2026 3:00 PM
To: Dept - City Clerk
Subject: FW: Follow Up Letter from NBSTRA Appreciating Intent Language in Staff Report

Errica Garrett
Administrative Assistant to the Mayor and City Council City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

-----Original Message-----
From: NBSTRA <info@nbstra.com>
Sent: February 19, 2026 2:15 PM
To: Kleiman, Lauren <lkleiman@newportbeachca.gov>; Stapleton, Joe <jstapleton@newportbeachca.gov>; Barto, Michelle <MBarto@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Grant, Robyn <rgrant@newportbeachca.gov>; Blom, Noah <NBlom@newportbeachca.gov>; Weber, Sara <SWeber@newportbeachca.gov>
Cc: Harp, Aaron <aharp@newportbeachca.gov>; Jurjis, Seimone <sjurjis@newportbeachca.gov>; City Clerk's Office <CityClerk@newportbeachca.gov>; Dept - City Council <CityCouncil@newportbeachca.gov>; Murray, John <jmurray@newportbeachca.gov>; Miner, David <dminer@nbpd.org>; Boyles, Jeff <JBoyles@NBFD.net>
Subject: Follow Up Letter from NBSTRA Appreciating Intent Language in Staff Report

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Mayor, Councilmembers and City Staff:

Attached please find NBSTRA's follow-up letter regarding the proposed Safety Enhancement ordinance as it applies to the STLP program, ahead of the February 24 Council meeting. We appreciate the Council's statements from the dais at the February 10 first reading – and the Council's direction to the City Attorney to work with us to ensure the ordinance's intent is clearly reflected in the February 24 staff report and legislative record.

While NBSTRA still believes there could have been true collaboration prior to introduction of this ordinance and remains concerned with certain “black & white” provisions in the ordinance text (as outlined in our prior correspondence), we view the clarified intent language in the staff report as a significant improvement. We look forward to working cooperatively with the City, NBPD, Code Enforcement and other departments to support a safe Spring Break and other holiday periods this year, and to keep Newport Beach safe, welcoming, and a great place for residents, visitors, property owners, and the small businesses participating in the STLP program.

Respectfully,

Jeff Flint
Executive Director

Newport Beach Short-Term Rental Alliance (NBSTRA)

<https://d2DSfQ04.na1.hs-salescrm-engage.com/Cto/RK+23284/d2DSfQ04/R5R8b44VyN7KpSst2fDC_W24W6jT1VnjJGW3DLWvt1X1QwRW1Gyt6k3yLQ-5W23gh-D3C7GBZW3C6lzM1Z0NMZn1Q3Hk44W1>

From: Garrett, Errica
Sent: February 18, 2026 10:27 AM
To: Dept - City Clerk
Subject: FW: NBSTRA Letter re: Proposed Safety Enhancement Ordinance Expansion (Feb. 24 Agenda)

Errica Garrett
Administrative Assistant to the Mayor and City Council City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

-----Original Message-----
From: NBSTRA <info@nbstra.com>
Sent: February 18, 2026 10:22 AM
To: Kleiman, Lauren <lkleiman@newportbeachca.gov>; Stapleton, Joe <jstapleton@newportbeachca.gov>; Barto, Michelle <MBarto@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Grant, Robyn <rgrant@newportbeachca.gov>; Blom, Noah <NBlom@newportbeachca.gov>; Weber, Sara <SWeber@newportbeachca.gov>
Cc: Harp, Aaron <aharp@newportbeachca.gov>; Jurjis, Seimone <sjurjis@newportbeachca.gov>; City Clerk's Office <CityClerk@newportbeachca.gov>; Dept - City Council <CityCouncil@newportbeachca.gov>; Murray, John <jmurray@newportbeachca.gov>; Miner, David <dminer@nbpd.org>; Boyles, Jeff <JBoyles@NBFD.net>
Subject: NBSTRA Letter re: Proposed Safety Enhancement Ordinance Expansion (Feb. 24 Agenda)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Honorable Mayor, Members of the City Council, and City Staff of the City of Newport Beach:

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NBSTRA and responsible STR operators and managers share the City's public safety goals during Spring Break and major holiday weekends, and we support strong enforcement against true bad actors – including zero tolerance for any threats, harassment, or disruptive conduct directed toward NBPD officers or other City staff.

Our concern is with some specific elements of the ordinance, not the stated goals. We believe this proposal has been rushed and will likely and unfairly penalize permit holders who do everything they can to comply with the laws and regulation. The proposal lacks adequate procedural clarity, while failing to target the sources of bad crowd behavior in public areas.

Our letter goes into our concerns at length, but we hope you will take the time to review our communication carefully and the serious thought expressing our concerns and proposed better path forward. There is still time to get this right by engaging with us.

Our industry represents over 1500 property owners and small businesses owners in this community who share your goals and can help you achieve them.

We respectfully urge the Council to return these STLP provisions to a working-group process and, if immediate action is necessary for Spring Break, to consider a narrowly tailored temporary approach developed with meaningful industry consultation and operational input from all affected stakeholders.

Thank you for your consideration.

Respectfully,

Jeff Flint
Executive Director

Newport Beach Short-Term Rental Alliance (NBSTRA)

<https://d2DSfQ04.na1.hs-salescrm-engage.com/Cto/RK+23284/d2DSfQ04/R5R8b44VyN7KpSst2fCX4W1QrL8p3GLCqyW25cCdf1Xp1ctW1GyxPJ1S072bW22TGFR3z8mK0W3JHqNK1Z0NMZn1Q3Hk44W1>

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Opposed to banning pop-up shades on the beach
Date: February 23, 2026 8:25:12 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Peter Hurley <350pete@gmail.com>
Sent: February 22, 2026 10:16 AM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: Opposed to banning pop-up shades on the beach

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Shades do not obstruct lifeguard view of the water if properly positioned

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Vote to KEEP 10x10 sunshades
Date: February 23, 2026 8:25:13 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Marion Smith <newportmarion@gmail.com>
Sent: February 22, 2026 12:15 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: Vote to KEEP 10x10 sunshades

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

PLEASE ADD THIS TO THE CITY COUNCIL AGENDA
PLEASE MAKE A COPY FOR EACH BOARD MEMBER. Thank you

The hazards of skin cancer is real and documented in all the research. Sunscreen washes off and has to be reapplied many times
Having adequate sunshade for our families is essential at the beach to precent skin cancer for all ages and a little umbrella is NOT adequate.

Do not ban 10x 10 structures which have been around for over 45 years! They are no documented cases of them being a safety hazard and I see people respectful to keep them on level sand away from surf. 6 x 6 is TOO SMALL

Thank you for your attention to this matter

Have a wonderful day-
Marion Smith
Lido Isle homeowner

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Input regarding EZ-up size (vote)
Date: February 23, 2026 8:25:17 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Deborah Gubernick <dgubernicks@gmail.com>
Sent: February 22, 2026 3:33 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: Input regarding EZ-up size (vote)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Dear Council Members,

I understand you may be taking a vote on Tuesday regarding banning larger EZ-Ups.

I support banning EZ-Up canopies larger than 6×6 on the beach. Structures of that size can significantly obstruct lifeguards' views of the shoreline and water, which may delay or complicate emergency response.

We have also observed that the larger EZ-Ups are often used to claim large areas of beach space, frequently accompanied by long rows of chairs set out to hold that space for extended periods. While chairs themselves are not prohibited, the combination of oversized canopies and large chair setups can create crowding, block water access, limit visibility, and make it more difficult for lifeguards to move quickly to the water when seconds matter. It can also feel out of step with the cooperative, shared nature of our local beaches. We've also noticed that the larger canopies are sometimes used to shelter (or hide) dogs at the beach mid-day/all day,

or could go hand-in-hand with other unauthorized activities, despite the ordinances to the contrary.

A reasonable size limit perhaps 6x6 or smaller would help maintain appropriate shade for those who need it while also allowing safety, fairness, and accessibility for everyone.

Thank you for your consideration.

Debbie Gubernick

NB Resident - 38th Street

714-222-8017

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: upcoming council meeting Sun Shades 10x10; proposed reduction to 6x6 size.
Date: February 23, 2026 8:25:22 AM

Errica Garrett
Administrative Assistant to the Mayor and City Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

-----Original Message-----
From: Trisha Sanchez <tsanchez@icloud.com>
Sent: February 22, 2026 4:02 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: Re: upcoming council meeting Sun Shades 10x10; proposed reduction to 6x6 size.

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Thank you city council for this upcoming action;

These 10 x 10 sun shades have become an issue for others to see or walk around in the already crowded areas along our beaches and the small parks along Ocean blvd.

More importantly, it is a visibility issue for lifeguards and first responders who watch out for the safety of visitors and residents.

Sincerely,
Trisha Sanchez

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: 2026-02-24 City Council Meeting - Comments to Item 3, Ordinance No. 2026-2 (Section 4: Use of Shade Coverings)
Date: February 23, 2026 8:25:20 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Ken & Carmen Rawson <ckrawson@att.net>
Sent: February 22, 2026 3:59 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Cc: Grant, Robyn <rgrant@newportbeachca.gov>; Weber, Sara <SWeber@newportbeachca.gov>; Kleiman, Lauren <lkleiman@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Stapleton, Joe <jstapleton@newportbeachca.gov>; Barto, Michelle <MBarto@newportbeachca.gov>; Blom, Noah <NBlom@newportbeachca.gov>; Jurjis, Seimone <sjurjis@newportbeachca.gov>; Carmen Rawson <carmen_rawson@att.net>
Subject: 2026-02-24 City Council Meeting - Comments to Item 3, Ordinance No. 2026-2 (Section 4: Use of Shade Coverings)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

City Mayor and City Council Members,

I request for this correspondence to be entered into the Public Record for the subject meeting.

My comments are in regards to Ordinance No. 2026-2, specifically Section 11.08.020 Use of Shade Coverings.

Subsection A (2) prohibits the edge of any shade covering being located less than 5 feet from any other shade covering. This requirement makes sense for large Pop-Up Shade canopies but seems

inappropriate for smaller personal beach umbrellas. Personal beach umbrellas are typically 5’6’’ to 6’ in diameter (“width”) and provide shade for 1 to 2 people. Under this new rule a family group of four setting out their beach chairs in a line on the oceanfront would result in the two end users being ~14’ apart. Not the most conducive spacing for carrying on a conversation.

For this reason I suggest the category “umbrella” be removed from Subsection E when defining “shade coverings”.

A second item I would like considered is the maximum size of “shade coverings”. As specified in Subsection A (5) they are not to exceed six (6) feet at their widest point. An internet search shows that shade structures like the E-Z Up style or the wind supported “sail” style are typically 10’ x 10’ (standard size). Anything smaller and people move down to a personal beach umbrella. For this reason, I suggest the maximum allowed width size to be increased from six (6) feet to ten (10) feet.

Sincerely,
Ken Rawson5-26 THROUGH 2030-31

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Beach shade structures
Date: February 23, 2026 8:25:30 AM

Errica Garrett
Administrative Assistant to the Mayor and City Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

-----Original Message-----
From: Mindy Adamson <adamsonfam@aol.com>
Sent: February 22, 2026 9:21 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: Beach shade structures

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Hi. I learned the council is voting to reduce the size of shade structures to 6x6'. This is not acceptable. Most residents already own such structures in various sizes, and we need shade protection from the sun. Seems like the council does not care about skin cancer risk or having enough space to create comfort for extended families, including grandparents, parents, kids, possibly other siblings and friends.
We pay a lot of money to live here to enjoy the beach and the great outdoors. Please do not create unnecessary laws. The police have enough to deal with in ensuring our city's safety. Too many rules! We live in a beach community… we need shelter!

Sincerely,
Mindy Adamson
CDM

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Banning 10" beach POP UP umbrellas on our beach.
Date: February 23, 2026 8:25:34 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Steve Nitkin <yosemite4steve@gmail.com>
Sent: February 22, 2026 10:04 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: Re: Banning 10' beach POP UP umbrellas on our beach.

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Steve Nitkin
Now·One Ford Road
Where is the common sense here. Too much sun can cause sunburn and even cancer over a long time. 10' pop ups are the standard size available and nobody with half a brain has complained about them. 6' units will only shade you when the sun is directly overhead. The city council has plenty of important things to worry about-this should not be one of them. If it's not broken-don't fix it. I will bet dollars to donuts the members of the city council never spend a day at the beach for fear of an angry constituent identifying them and giving them an earful.
Reply
Share

Dear

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Vote to ban large sunshades on the beach.
Date: February 23, 2026 9:42:56 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: John Shetron <johnshetron@yahoo.com>
Sent: February 23, 2026 9:04 AM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Cc: cyn@cynhannah.com
Subject: Fwd: Vote to ban large sunshades on the beach.

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Sent from my iPhone

Begin forwarded message:

> **Subject: Vote to ban large sunshades on the beach.**
>
> To whom it may concern.
>
> I strongly support the ban on large sunshades on Newport and CDM beaches — well done!

The “tents” on CDM main beach on any summer day is out of control. These structures have turned the public beaches into a “stake your claim” type of camp ground. Action to limit this reserving of beach space is way overdue. Thank you again for your work and support in banning these large sunshades on our beaches.

John
Sent from my iPhone

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: 10x10 please allow!
Date: February 23, 2026 9:42:59 AM

Errica Garrett
Administrative Assistant to the Mayor and City Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

-----Original Message-----
From: Carol Abram <carol@aenewport.com>
Sent: February 23, 2026 9:11 AM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: 10x10 please allow!

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Dear City Council,
Please allow the 10x10 pop ups that so many have purchased for the beach!
We are only a family of 5 and need this much space. The larger families need the extra space. There are so many more important areas you should be governing; like the E bike problems.
Please rethink this ordinance!

Carol Abram
214.477.4531
Carol@aenewport.com

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Safety Enhancement Ordinance / STLP Program (Feb. 24, 2026)
Date: February 23, 2026 10:23:30 AM
Attachments: image001.png
image002.png
image003.png
image004.png
Importance: High

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Jean Batley <jeanbatley@hotmail.com>
Sent: February 23, 2026 10:18 AM
To: Dept - City Council <CityCouncil@newportbeachca.gov>; City Clerk's Office <CityClerk@newportbeachca.gov>
Subject: Safety Enhancement Ordinance / STLP Program (Feb. 24, 2026)
Importance: High

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Dear City Councilmembers and Clerk,

Thank you for agreeing to clarify the intent language for the Safety Enhancement Ordinance.

Rather than an all-encompassing, automatic penalty on all actors and actions, the focus should be on truly unsafe conduct and noncompliant bad actors.

As a property owner on the Peninsula since 2002, and having lived there for 13 years, I understand the activities that go on - the noise, music, and parties. I support and understand the Holiday Safety measures needed and the police that enforce them.

But for those STLP operators, like myself, that operate in good faith, only wanting to offer the best of Newport Beach to our visitors, the purpose and intent of this Safety Enhancement Ordinance should be very clear, prioritizing violations that directly *threaten* public safety!

The Newport Beach Short Term Rental Alliance has laid out our concerns, and I pray that we can be good/even better partners and have more and better collaboration with the City.

Property owners give a lot to the City and even more as STLP holders.

Sinerely,
Jean Batley

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Agenda Item 3
Date: February 23, 2026 10:49:48 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: George Weiss <gweisslaguna@gmail.com>
Sent: February 23, 2026 10:49 AM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: Agenda Item 3

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

I agree that 10 x 10 shade structures and larger ones should be prohibited at public beaches. The problem is people may get around the prohibition by bringing multiple 6 x 6 structures and set them up close to each other.

From:	Garrett, Errica
To:	Dept - City Clerk
Subject:	FW: 2026-02-24 City Council Meeting - Comments to Item 3, Ordinance No. 2026-2 (Amend MC to Address Illegal Activity During High-Risk Periods)
Date:	February 23, 2026 11:12:23 AM
Attachments:	NB Website_Beach Info_Frequently Asked Beach Questions.png NB Instagram Video_Posted 2025-08-28_Tents.png NB Instagram Video_Posted 2025-08-28_EZ Ups.png image001.png image002.png image003.png image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Carmen Rawson <carmen_rawson@att.net>
Sent: February 23, 2026 11:01 AM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Cc: Weber, Sara <SWeber@newportbeachca.gov>; Grant, Robyn <rgrant@newportbeachca.gov>; Kleiman, Lauren <lkleiman@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Stapleton, Joe <jstapleton@newportbeachca.gov>; Barto, Michelle <MBarto@newportbeachca.gov>; Blom, Noah <NBlom@newportbeachca.gov>; Jurjis, Seimone <sjurjis@newportbeachca.gov>; Ken & Carmen Rawson <ckrawson@att.net>; Beachview Rentals <owner@beachviewrentals.com>; robertv@beachviewrentals.com
Subject: 2026-02-24 City Council Meeting - Comments to Item 3, Ordinance No. 2026-2 (Amend MC to Address Illegal Activity During High-Risk Periods)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

City Mayor and City Council Members,

I request for this correspondence to be entered into the Public Record for the subject meeting.

Regarding the subject Proposed Ordinance I have the following comments/questions:

Section 1.04.060 Safety Enhancement Zone

Page 4, Subsection D: last sentence reads "*... found in Ordinances 2026-__, ...*". Please provide specific number of the 2026 ordinance in question.

Section 5.95.065 Suspensions and Revocations

Page 6, Subsection 9 is extremely punitive towards property owners of short-term lodging (STL) units specially when, based on the proposed ordinance wording, a short term lodging permit **shall be revoked** if "*... any person has violated **any of the** rules, regulations or laws ... during a high-risk period...*" and "*... the violation relates **in any way** to the unit that has a short term lodging permit...*".

So what does that mean? If a short term lodger is doing drugs or drinking alcohol or setting fireworks at the beach or being a nuisance at the Pier - meaning beyond the perimeter of the STL unit - is the property owner liable and the STL permit will be revoked? How about inside the STL unit perimeter? How does a property owner or its agent know that a short term lodger is, for example, using Nitrous Oxide or allowing minors to drink alcohol inside the unit's walls? There are no cameras inside the units!!! And neither property owners nor their agents are the police.

The proposed ordinance focus on penalizing property owners with STLPs. Most STL units are operated by third parties (agents) so if there are negligent agents mismanaging some STL units where are the consequences for said bad agents?

And where are the severe consequences for the short term lodgers causing the problems/code violations? Even if a lodger gets a $1,500 fine if they have a large group they may divide the fine amount among them and move on with their unwanted behavior. If the STL unit they stayed at looses the STLP they just may book a different STL unit the following year and cause trouble again.

A truly severe and more impactful consequence for the short term lodgers causing trouble would be for them to be immediately evicted after, for example, getting a LUGO (in addition to the assessed fine). That would really disrupt their vacation and they may think twice before causing trouble again. For an eviction to happen the STL unit property owner and/or agent would require the NBPD assistance to evict the people. Will the NBPD have the resources to assist during such evictions? If we want to change/curtail the misbehavior of short term lodgers staying in our city this will truly have a big impact on the bad actors.

Section 11.08.020 Use of Shade Coverings

I would like to state that, per data obtained in the internet, a personal beach umbrella with a 5'-6"~6' diameter is considered a small/solo beach umbrella. Most beach umbrellas are a standard 7'~7'-6" diameter in size and suitable for 1-3 users. Larger beach umbrellas are 8'~10' in diameter and suitable for 4+ people.

Limiting the shade coverings size to 6' (for the widest part, Page 9, Subsection A.5 of the proposed ordinance) is frankly unreasonable - are we trying to promote skin cancer (no shade at the beach)? The current Municipal Code write up of "100 square feet" (or 10' x 10') maximum size is more realistic.

Additionally, the "City of Newport Beach Website" currently states, under "Beach Information" and "Frequently Asked Beach Questions" (see attached print screen file), the following:

- Two (10’x10’) EZ-ups/canopies (open on 3 sides) & two tables per group are permitted.
- Groups are restricted to 50 people or less.

These statements do not line up with the changes proposed in Ordinance No. 2026-2. And if the goal is to have less problems with overcrowding and large groups it seems to me groups of 50 people are very large - should that be revised?

Also, please refer to the Instagram video the City posted back on 2025-08-28 (see attached 2 files with print screens of the video). The video mentions "No tents" and we can see several tents on the beach, as well as several large EZ ups. So how will people (residents and tourists alike) know they (tents, large EZ Ups, large umbrellas, an umbrella "touching" another, etc) are not allowed when they are clearly shown on the "marketing" video? Are we implementing with the subject ordinance more laws that will not be enforced and thus create more confusion?

Lastly, the "City of Newport Beach Website" states the beach closes at 10:00 pm so how will people know that after 7:00 pm shade coverings are not allowed on the beach? (Page 9, Subsection B of the proposed ordinance and already in the current Municipal Code write up). I am sure not even city residents are aware of the "7:00 pm" time sunset. I have lived on the Balboa Peninsula since 1989 and was unaware of this restriction until I read this proposed ordinance. And why 7:00 pm when the beach closes at 10:00 pm? I would like to hear the "why" from the City as it does not make sense to close the beach at 10:00 pm but require the shade coverings to be removed by 7:00 pm, especially during the summer season (with long day light).

I hope you will take my comments into consideration as part of your review/approval of the Proposed Ordinance.

Sincerely,
Carmen Rawson

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Support for banning large tents
Date: February 23, 2026 11:32:42 AM

Errica Garrett
Administrative Assistant to the Mayor and City Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

-----Original Message-----
From: mike sullivan <mspalsul@yahoo.com>
Sent: February 23, 2026 11:30 AM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: Support for banning large tents

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

I support the ban on large tents!!! they're already too many people out there to begin with and these tents just create unnecessary clutter and the feel that people are staying there and camping out. Enjoy the beach, but just small umbrellas is more than adequate. Thank you for your attention in this matter.
Mike Sullivan

Sent from my iPad

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Umbrellas
Date: February 23, 2026 1:48:16 PM
Attachments: beach umbrellas.png

Errica Garrett
Administrative Assistant to the Mayor and City Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

-----Original Message-----
From: Cyn Hannah <cyn@cynhannah.com>
Sent: February 23, 2026 12:43 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: Umbrellas

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Newport Beach City Council,

Please vote yea in support of the proposed ban on large Sun Shades that have overtaken the beaches of Corona Del Mar and Newport Beach. If passed this ban will be a significant improvement to our beaches. The picture isn't even from a crowded day.
Thank you.

Cyn
Sent from my iPhone

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Written Public Comment Agenda item #3 (Ordinance 2026-2)
Date: February 23, 2026 1:48:18 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Wade Womack <wade@orangecoastla.com>
Sent: February 23, 2026 1:11 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: Written Public Comment Agenda item #3 (Ordinance 2026-2)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Dear Newport Beach City Council,
Please do not pass Ordinance 2026-2. The proposed code changes and additions in this ordinance are being rushed and did not go through any meaningful stakeholder process. They will impact property owners, local residents and hundreds of thousands of visitors that visit our area every year.

For instance, outlawing the regular size sunshades (EZ Ups) will impact roughly 1,000,000 beach visitors that have relied on the standard size sunshade (10ft x 10ft) for years. My family and I rely on our EZ Up to shade our family during longer beach days. We have never had a problem at Orange St and other locations in terms of blocking lifeguard views because we are always out of their way and beach is plenty wide to accommodate all. It is overkill to ban the common size EZ Ups on all of our beaches based on a few areas of concern. Please consider sending this to the City Parks, Beaches and Recreation Commission for some healthy public

engagement, problem solving and alternate solutions. There is no need to through the baby out with the bath water in terms of outlawing the most widely used EZ based a few areas of concern on a few peak summer weekends.

Thank you for your consideration.

Sincerely,

Wade Womack
Newport Beach, CA

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Public Comment - City Council February 24th, 2026
Date: February 23, 2026 3:00:43 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Admin <mail@newportmooringassociation.org>
Sent: February 23, 2026 3:00 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Cc: City Clerk's Office <CityClerk@newportbeachca.gov>
Subject: Public Comment - City Council February 24th, 2026

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Hello Mayor Kleiman and Councilmembers,

On behalf of the Newport Mooring Association, we appreciate the City's efforts to move forward with a tidelands management committee. These are important issues for the harbor, and we recognize the time and attention they require.

While we would have welcomed a broader and more transparent stakeholder process from the outset, the Newport Mooring Association remains committed to working constructively with the City to ensure equitable and sustainable outcomes for all tidelands users.

We look forward to participating in a collaborative process that reflects the shared goal of fair access and responsible stewardship of our harbor. In that light, we are requesting monthly meetings beginning as soon as possible with the committee so we are aware of updates and can offer input from the community.

Anne Stenton
Newport Mooring Association

February 24, 2026, City Council Agenda Comments

The following comments on items on the Newport Beach City Council agenda are submitted by:
Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item 2. Minutes for the February 10, 2026, City Council Meeting

The passages shown in *italics* below are from the draft minutes with suggested corrections shown in ***~~strikeout~~*** ***underline*** format. The page numbers refer to Volume 66.

Page 496, paragraph 5 from end: "***~~Jaylee Hillcabaugh~~*** ***Coeli Hylkema*** *noted that the management of public tidelands has been an ongoing issue and expressed concerns regarding equity*."

Page 497, Public Comments on Consent Calendar, paragraph 2: "J*ennifer* ***~~Creston~~*** ***Krestan*** *read aloud two letters to the editor in Stu News*."

Page 501, Public Comments, paragraph 1: "*Jennifer* ***~~Creston~~*** ***Krestan*** *inquired about speed bumps in residential areas affecting fire department equipment*."

Item 3. Ordinance No. 2026-2: Amending Various Sections of the Newport Beach Municipal Code to Address Illegal Activity During High-Risk Periods

Confusing Noticing

This ordinance was introduced as Item 3 on the February 10 consent calendar under the agenda title "Safety Enhancement Zones Expansion and Enforcement During Peak Activity Periods." It is, at best, confusing to see the same matter come back for possible adoption under the different agenda title above, leaving the public to wonder if it is the same item they previously saw, or something new.

That said, the new agenda title seems a bit misleading since while much of the proposed ordinance seems intended solely to increase penalties for activities that are already deemed "illegal," it would also, if adopted, make illegal certain activities that are currently legal, including permissible activities on public beaches. Moreover, it would make several changes to the Municipal Code that would be in effect all year, not just during "High-Risk" or "Peak Activity" periods. In addition to the new year-round beach activity rules, short-lodging permits will, at all times, now require the owner or agent, and the person on the rental agreement, to appear at the rental location within two hours of receiving verbal notice of a suspected violation from a City officer.

Mission Creep

More generally, it is likely a truism that it is easier to lose freedoms than to regain them, especially when a law primarily impinges on the freedoms of persons other than those with the power to enact them.

In Newport Beach, the idea of creating a "Safety Enhancement Zone" with enhanced penalties, introduced by Ordinance No. 2003-5, was initially confined to a small area on a single day, the 4th of July. And although its revisions to NBMC Sec. 1.04.010 tripled fines for *any* violation of the Municipal Code during the Zone's effective time, it was presumably intended to be selectively enforced to limit objectionable behavior by visitors and their hosts.

The single day and single location for enhanced remained the case for 22 years, until last year's Ordinance No. 2025-3, which created a new Enhancement Zone consisting of the entirety of the old Corona del Mar "Village," from Fifth Avenue to the ocean, and while retaining a single day on the 4th of July (which the findings said had been "very successful"), it extended the time of restricted activity to include three-day Memorial Day and Labor Day weekends, for a total of seven days a year. A significant part of the concern regarding CdM was said (in the findings to the ordinance) to stem from potential disruptions involving short term lodgings, although it is unclear why there would not be a similar concern regarding Balboa Island, with its even higher concentration of STL permits.

The present proposal substantially increases the size of the "West" Newport Enhancement Zone and increases the length of enhanced penalties around the 4th of July from one day to (intentionally or not) as many as four days, adds another day (Friday) to the 3-day Memorial Day weekend and introduces an indefinite number of additional Spring Break days, currently two 9-day periods established for 2026 by adoption of Resolution No. 2026-8 at the last Council meeting.

In other words, in a single year, we have gone from thinking we need a single day a year of enhanced fines in single area to thinking we need seven days a year over a larger area, and now to 29 days a year in which we feel an ever-growing area of the city is so under siege by unruly visitors that we need to control them, and their enablers, with the prospect of triple fines. We have gone from what seemed to be widely regarded as a *necessary* restriction of freedoms on one day in one area addressing a *known* problem, to what looks like an ever-widening imposition of *pre-emptive* restrictions addressing times and in areas where problems *could* develop.

Broad Sweep

It might be noted that while the Council may feel this widened scope affects primarily visitors, there is nothing in the proposed code that ensures that. The warning notices it requires to be sent go not just to short term lodging owners, but to all property owners. And the tripling of fines applies to all violations of the Municipal Code, not just visitor-related ones. A resident of CdM who may be considering washing their car in their driveway without ensuring no runoff goes into the street, or doing some minor noise-generating home maintenance on a Sunday (or a myriad of other things that are violations of the Municipal Code) needs to check their calendar to see if it is one of the 29 days. For if it is, a complaint from an unfriendly neighbor will result in a triple fine.

Incorrectly Expanded Fourth of July?

As to the rationale for increasing the days of enforcement around the 4th of July, I am not sure the authors carefully considered what they are proposing. The current NBMC Subsection

1.04.060 defines the single day of enhanced fines as running "*from 12:01 a.m. on July 4th to 3:00 a.m. on July 5th*." The proposal is to replace this with "*from 12:01 a.m. on Friday until 11:59 p.m. on Monday when the Fourth of July falls on a Friday, Saturday, Sunday or Monday; (3) from 12:01 a.m. on July 4th to 3:00 a.m. on July 5th when the Fourth of July falls on a Tuesday, Wednesday or Thursday*." Under federal law, Monday is a holiday only when the 4th of July falls on a Sunday or Monday. If it falls on a Friday or Saturday, Monday is not a holiday. So, there is never more than a 3-day 4th of July weekend. What possible rationale could there be for including Monday in the enhancement period when the 4th of July falls on a Friday or Saturday and the revelers have presumably cleared out and returned to work or school on that Monday? It is similarly unclear why a Friday before the 4th of July is being included in years when it is not a holiday (and why Friday is being included for the Memorial Day weekend, but not the Labor Day one).

The public may also be interested to know if it can expect operational changes corresponding to the newly-expanded days around the 4th of July. The Police Department has long asked for permission to close certain streets in West Newport on the 4th, most recently in 2025, with the 4th falling on a Friday, with Resolution No. 2025-35, but only for one day. It has also asked for enforcement assistance from other city and county agencies. This year, with the 4th falling on a Saturday, but the Enhancement Zone running for a full four days, from Friday through Monday, will it want to close the roads all four days (even though Monday will be a normal work day)? And will the outside law enforcement agencies be present all four days, and not just on the 4th?

Mandatory STL Permit Revocation

Regarding the controversial proposed new mandatory revocation of short term lodging permits for selected violations in active Enhancement Zones, that seems a rather severe penalty of some violations that seem inherently subjective and likely to lead to uneven enforcement. For example, violations of NBMC Chapter 10.28 (Loud and Unreasonable Noise) are inherently judgement calls on the part of the responding officer. Others involving the renter's conduct seem difficult for the permit holder to control – such as amplified sound audible at the property line or operates any device reproducing sound outside the lodging, even if not audible, between 10:00 p.m. and 10:00 a.m.[1] (per NBMC Subsection 5.95.047.A.4.b) – making immediate revocation of the permit a severe penalty in the absence of a clear pattern of renting to persons ignoring the rules. It seems like the wrong person is being penalized. This will also provide neighbors with an opportunity to get STL permits removed by strategically lodging complaints on one of the 29 days when mandatory revocation, rather the possibility of suspension, is the consequence of a relatively minor violation – and that opportunity will, unfairly, be available only for STL's in selected areas.

Shade Structures

Regarding the proposed new year-round restrictions on allowable use of personal shade structures at the beach, it is curious that staff is asking the Council to adopt them without a recommendation from our Parks, Beaches and Recreation Commission. City Charter Section

[1] It is difficult to guess where the "10:00 a.m." came from. The "quiet hours" for Newport Beach, found in NBMC Chapter 10.26 (Community Noise Control), normally run from 10:00 p.m. to 7:00 a.m.

709 places on that body a requirement to "*Act in an advisory capacity to the City Council in all matters pertaining to parks, beaches, recreation, parkways and street trees*." These new rules would certainly appear to be a matter involving beaches and recreation. This Charter-imposed requirement to advise the Council seems even stronger and less avoidable than the Council's self-imposed requirement for proposed Zoning Code amendments to always come to Council with a recommendation from the Planning Commission.

As to the substance of the new shade structure rules, the February 10 staff report said the revised code "*Clarifies spacing, height, placement and visibility requirements to ensure unobstructed emergency access, public safety visibility and safe pedestrian movement during periods of heavy beach use*." However, the extensive redlining indicates the revisions are not confined to clarifying existing rules, but impose new and more restrictive ones:

- For example, the existing rules allow structures, or groups of structures, providing up to 100 square feet of shade. The proposed code prohibits grouping and limits the allowed single structure to a width, and its point of maximum width, of 6 feet, which would correspond to a 6-foot diameter circular umbrella (28 square feet) or a square shade with a 6-foot diagonal (4..2 feet on a side, or 18 square feet). Those are both much smaller than currently allowed.
- It requires anchoring, while simultaneously prohibiting many commonly used methods of anchoring.
- It introduces a new prohibition on anything that "*obstructs line-of-sight access from the surrounding beach or shoreline*." I do not know what obstructing "line-of-sight access" is intended to mean, but if it prohibits anything obstructing any visual line of sight that would exist without the structure, then this would seem to prohibit the erection of any opaque structure at all. If it means obstructing physical access (by foot or vehicle) along any possible straight line ("sight" is along straight lines) that, too, would seem to prohibit any structures, opaque or not.

Apparently small, transparent coverings will still be allowed on Newport Beach beaches, but they would not seem to provide much protection from the sun.

Item 4. Resolution No. 2026-13: Limiting the Parking of Vehicles on Certain City Streets

Curiously, the Google Street Views of the golf cart parking areas west of Marine Avenue at Balboa Avenue and Park Avenue, which are available for a number of years, do not document a problem. They do show the number of spaces increasing over the years. They do not show them being overutilized. They most frequently show a single parked cart or none at all.

Has something changed in the last year? Or does the problem exist at a time of day or time of year not represented by the photos?

As to the proposed resolution, it is not clear why it refers to the "*South **side** of Park Avenue*" but the "*North **curbside** of Balboa Avenue*." Is some distinction intended between "side" and "curbside"?

Item 6. Citywide ADA Improvements - Award of Contract No. 9943-1 (26R12)

Is the funding for this contract dependent upon the Council's approval of dedication of CDBG funds to ADA improvements in Item 11 on the present agenda? If so, isn't it being voted on out of sequence? Doesn't the funding mechanism need to be approved before a contract dependent on it can be approved?

Item 8. Amendment to Professional Services Agreement for Video Production and Programming Services with TV Pro Gear, Inc. (Contract No. 9488-1)

The staff report is confusing in that the Abstract says "*The remaining contract balance is **sufficient** to complete the services through the current term*," yet the Discussion says it is "***insufficient***," and a $60,000 increase in the not-to-exceed amount is being requested.

Is the "***sufficient***" in the Abstract a misprint for "***insufficient***"?

Assuming that is correct, since the existing contract referred to in the item title has not previously received Council review, it would have been helpful to disclose what the "scope of work" referred to in the Discussion as "not modified" is.

Although the contract appears to call only for the filming of City Council and Planning Commission meetings, I believe it may have been used to produce videos of the General Plan Advisory and Update Steering Committee meetings, as well. Is that the reason for the cost overrun? If that is not the reason, what is?

That said, if the City was truly interested in improving communication with the public it might consider creating and posting videos of additional City meetings, possibly using a lower cost method, such as a fixed camera position that would not require manual operation and editing.

As an example to consider, since 2020, the City of Rancho Palos Verdes (with a population about half that of Newport Beach), appears to stream and post timely videos of essentially all its public meetings. The City of Stockton (about four times the population of Newport Beach) appears, since 2021, to use two fixed cameras to record and post videos of all its board, commission and committee meetings. The City of Pasadena (with a population about 50% larger than Newport Beach) has, since 2021, often posted videos, but at least audio recordings, of all its board, commission and committee meetings.

In Newport Beach, by contrast, short of submitting a Public Records Act request, the public who were unable to attend in person have to wait, as an extreme example, three months (sometimes six, if the next meeting was cancelled) to see a written record of what happened at the last Aviation Committee meeting (and a month or more for other commissions and committees). Frustrated parties, such as the Newport Mooring Association, appear to be filming, at their own expense, meetings of the Harbor Commission to have a complete and accurate record.

Item 10. Cultural Arts Grants Fiscal Year 2025-26

Comparison with the recommendations from last year, Item 12 at the March 11, 2025, meeting, indicates a great deal of similarity. Grants were recommended to be awarded to eight organizations each year. The only difference is the Balboa Island Improvement Association and the Newport Theatre Arts Center have dropped off the list, while the Choral Arts Initiative and Wildlife Jewels have been added.

Item 11. Resolution No. 2026-14: Substantial Amendment to the 2025-2026 Annual Action Plan for the Federal Community Development Block Grant Program

Table 1 of the staff report indicates the $750,000 recommended to be dedicated to ADA improvements would come from the unallocated balance in the current fiscal year plus balances from two previous years.

It would have seemed helpful to put these numbers in the context of the total funding received in each year that could be used for this purpose. Will this proposal be using all the funding that was received and could be used for physical improvements? Or only a part of it?

Item 12. Approval of Proposed Revisions to Various Council Policies

Overview

As the staff report indicates, on January 14, 2025, (as consent calendar Item 6) the City Council appointed a three-member subcommittee which was allowed to meet privately to review the City Council Policy Manual and was asked to report back any recommended changes to the full Council before the end of 2025. The committee failed to report back, but the present item purports to reflect the changes they would have recommended if they had recommended changes.

It is good to see City staff has placed the recommendations on the regular agenda for discussion, as opposed to the consent calendar, and that a redline of the proposed changes has been provided.

It is much less good that staff has provided no table indicating which of the proposed changes are substantive, and for the policies affected by those, why they are being changed and how their interpretation would, after each proposed change, differ from how they operate today.

It is also problematic that the redlining cannot be trusted to be accurate. For example, the redline of the proposed Council Policy A-17 (Newport Beach City Council Airport Policy) suggests that the only changes to the existing policy are a new paragraph added on page 1 and a minor change to one sentence within a paragraph on page 3. Yet the entire existing policy has been rearranged (and even the name changed), condensing eleven pages of existing text (plus many pages of attachments) down to slightly over three.

Missing Review by Boards, Commissions and Committees

According to the staff report, one purpose of the review was to ensure the policies are consistent with our City Charter. Yet, even though the Charter requires certain boards and commissions to advise the Council on policy matters, only two of the proposed policies, to the best of my knowledge, have been shown to any other body before asking the Council to adopt them.

One of those is the new Council Policy A-17 (Newport Beach City Council Airport Policy), a version of which was seen by the City's recently-restructured Aviation Committee at its January 26 meeting. While the City Charter does not require the Council to seek their advice, the meagre redlining noted above may represent some of the committee members' suggested additions to the draft changes they saw – although for the reasons stated in my comments on Item 8, above, it is difficult to tell because a written record of what happened at the January 26 meeting will not be available until the Aviation Committee meets again, which will be no sooner than April 27.

One body that *is*, in the City Charter scheme of government, expected to advise the Council is our Parks, Beaches and Recreation Commission, established by Charter Section 709. Of the five revised policies relevant to them (B-1, B-9, B-13, G-1 and G-6), the only one they were shown was Policy G-1 (Retention, Removal, and Maintenance of City Trees), which they saw at their February 3, 2026, meeting. Again, we do not yet have a written record of their discussion, but my recollection they found the proposed changes so extensive that they requested more time to consider them before making any recommendations, and also asked to communicate with the Council reviewing committee (which they assumed was still reviewing its own recommendations, unaware it had ceased to exist).

One of the features of PB&R meetings, for many years, has been that when public hearings end, the chair tells the audience "I*f anyone is not happy with our decision, you can appeal to the City Council*." Under the proposed revisions to Policy G-1, that will need to be changed (at least for trees) to "*If anyone is not happy with our decision, it is final, but you can always sue us*."

Why would PB&R's request for more time to review Policy G-1 be denied? And do any of the Council members really want to deny their constituents the ability to appeal commission decisions to them? Are they even aware this change is being proposed?

None of the other revised policies relevant to PB&R were even seen by them. Similarly, I am doubtful that most of (or even any?) of the revisions relevant to the Planning Commission or the Finance Committee were seen by them.

Deletion of Policy D-4 (Innovation/Improvement Incentive Program)

The only proposal for which the staff report provides any specific reason is the proposed deletion of Policy D-4, for which it says the committee "*concluded that it functions better as an administrative policy than a formal Council policy. Rescinding Policy D-4 will help keep the Council Policy Manual focused on governance matters while allowing staff to manage innovation initiatives administratively*."

There are at least two problems with that reasoning: (1) nearly all the Council policies exist to establish rules determining how the City is expected to be administered (so why shouldn't they all be deleted?); and (2) the internal administrative policies promulgated by the City Manager and department directors are not publicly posted, nor are they (at least in recent years) reviewed by, let alone approved by, the Council.

In the present case, while the details of the "Innovation/Improvement Incentive Program"[2] might be left to City staff to work out, I would think the Council would want to set the policy as to whether such a program should exist, who should be eligible for the incentives, and how much of the City's money can be spent on it. The latter, in particular, is a budget matter which is a quintessential Council oversight function, and should not be left to those spending the money on themselves.

Comments on Specific Policies

I am unlikely to be able to review all the changes before these comments are due, but here are a few thoughts about a few of the proposed revisions. Proposed policy revisions that I have not had a chance to review are indicated by ellipsis (" … ").

Policy A-1 (City Council)

One might wonder why continue to start Council meetings at 4:00 p.m., an hour at which many working residents will be unable to attend. That hour was originally intended for non-action study sessions, followed by the closed session, with the regular meeting starting at a later hour.

Placing public comments on non-agenda items at the beginning of the meeting is a welcome innovation, allowing persons wanting to make them to not have to wait hours to do so.

Allowing public comment on agenda items before the matters are heard is also welcome, but only if the comment can be continued when the item comes up for discussion. At the very least, a person using only a small part of their 3 minutes to comment at the beginning of the meeting about an agendized item should be allowed to use the remainder of their 3 minutes[3] to finish their comments about the item when the Council discusses it later in the meeting. But that does not appear to be spelled out in the proposed policy.

The proposed restriction on advocating for or against a ballot measure during non-agenda public comments, especially if it is a city ballot measure, is highly problematic. A city ballot

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[2] If I ever knew of it, I did not remember the City had an "Innovation/Improvement Incentive Program" offering cash to its employees, and I do not know if it is currently active. As best I can tell there is no line item in the currently-approved budget detail indicating any funds allocated to be spent on "Innovation" or "Improvement" "Incentives" or rewards. I *am* aware of a "Rewarding Ideas Program" at the Costa Mesa Sanitary District (from whom I receive sewer service). But it is part of board-approved Administrative Policies and the actual award to an employee requires board approval (which not only provides oversight, but public recognition of the employee's innovations).

[3] Only a few of those participating in today's meetings may recall that during most of the City's history, the time allowed for public comments, if there was any limit, was 5 minutes. Why it went to "3" and why "4" was never considered is unclear. As to the value of having two opportunities to speak, even fewer may recall that in 2014, AB-194, which would have required all Brown Act bodies to provide an opportunity for public comment *both* before *and* during the consideration of every agenda item, overwhelmingly passed the California legislature but was vetoed by Governor Jerry Brown.

measure is indisputably a matter within the subject matter jurisdiction of the City Council, and Government Code Section 54954.3(a)(1) of the Brown Act requires the Council to "*provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public … that is within the subject matter jurisdiction of the legislative body*."

In the proposed new rule for selecting the Presiding Officer in the absence of the Mayor and Mayor Pro Tem, if the most senior member is to be chosen, it is quite likely there could be more than one "most senior" member. The rule should be refined to defer to the one who received the most votes at the their most recent election.

The requirement for the Presiding Officer or (now) City Clerk to state the question before a vote is taken on any Council motion (other than to approve the staff recommendation found in the agenda) is also most welcome, although the existing provision to that effect has almost never been enforced. Will the revised one be honored?

The rule that a "*motion is a proposal in that it sets forth something the person making the motion favors*" is proposed to be deleted. I do not understand why.

It is not clear why the rules allowing extra time for spokespersons for a group have been deleted, or the "Limitation on Debate" rule requiring rotation between speakers on the dais when some are waiting a turn to speak.

The new requirement to disclose ex parte communications is welcome, provided it is understood the disclosure is supposed to summarize the information received, not just that a communication took place. Without a summary, there is no chance to challenge the misinformation that may influence a decision.

It is strange the "Voting Procedure" paragraph does not seem to mention the electronic system that is most often used, but only oral and hand-raising votes.

It is unclear why a new limit of a single substitute motion has been introduced.

Under "Ordinances, Resolutions and Contract," why is the Planning Commission being stripped of its authority to initiate Zoning Code amendments? That authority is found in Municipal Code Section 20.66.020, and one of the stated goals of the present exercise is to improve consistency of the policies with the NBMC, not to create new inconsistencies.

Why is the entire section on "City Council Member Requests for Research or Information" proposed to be deleted? This is an important issue which must be dealt with consistent with the restrictions imposed by City Charter Section 406. It is hard to see how deletion of the rules helps ensure actions will be consistent with the Charter.

Policy A-2 (Boards, Commissions, and Committees)

Under "Boards and Commissions (Permanent)," it is unclear why "*or resolution*" is proposed to be deleted. City Charter Section 700 was amended in 2012 to allow new boards and commissions to be created by resolution. Unless the Council does not want to exercise that power, this change seems to be a reversion to a now obsolete rule.

Under “City Council/Citizens’ Committees (Standing or Ad Hoc)” the word “Annually” has been moved without deleting the original occurrence of it, resulting in it appearing twice in the second sentence.

As a general comment, the intended distinction between the various kinds of committees does not seem universally followed. For example, under Boards, Commissions and Committees on the City’s website, the City Clerk lists four committees under “Citizens Advisory Committees” even though all four are chaired by Council members, which would seem to make them “Council/Citizens Ad Hoc Committees” under the Policy A-2 definitions. It has been a number of years since Newport Beach has had a true Citizens Advisory Committee, consisting solely of ordinary citizens.

Under “New Boards, Commissions, or Committees – Citizen Appointment,” why is the “*enabling*” ordinance or resolution here called a “*formation*” one?

Under “Annual Appointment List,” if by “posting” at the Central Library, that means on the bulletin board, I don’t think that happens. It may be in some binder at the Reference Desk, but I don’t know.

Under “Qualifications,” there should be a requirement for the City Clerk to notify applicants when their application has been destroyed. Otherwise people, unaware of this policy, will imagine they have an application on file when they don’t and need to re-file.

The “Limit on Service” provisions may be outdated. I believe the Council has established committees with terms other than four years.

I am very concerned about the proposed changes under “Optional Ad Hoc Appointments Committee.” If I understand the revisions, it looks like there will no longer be a confirmation of recommendations at the meeting prior to the one at which appointments are made, and that on the night of appointment, there may be only a single nominee to consider for each position. Compared to other cities, we already have a very opaque system in which applicants are not publicly interviewed. It looks like these revisions, if adopted, will take the Council members not on the Ad Hoc Appointments Committee completely out of the process, expecting them to rubberstamp the selections made privately by the Committee.

The provisions under “Business Improvement District Appointments” have always been problematic. They defer to the California Streets and Highways Code, but if I recall correctly, that code defers to the city’s appointments policy.

Under “Recording of Open Meetings,” I have never understood why we are so anxious to destroy recordings after one year. That seems far too short, and I don’t think electronic storage costs make it necessary.

In the title to “Use of City Stationary,” the misspelling of “Stationery” was noticed and corrected for Policy A-1. Why is it not being corrected here?

Policy A-12 (Discretionary Grants)

Why is the provision allowing an audit of the use of granted funds being deleted?

Policy A-17 (Newport Beach City Council Airport Policy)

As noted in the "Overview" above, the redlining is deceptive. This policy has been completely rearranged, rewritten and even retitled. The small bits of redlining may represent further additions suggested by members of the Aviation Committee.

Policy B-1 (Park Fee Policy)

This policy was not reviewed by PB&R.

In the last sentence of the first paragraph under "Service Criteria," was "***as*** *those trails*" intended to read "***and*** *those trails*"?

Where and how is the extent of the listed trails defined?

…

Policy G-1 (Retention, Removal, and Maintenance of City Trees)

This policy is the subject of extensive redlining, which may or may not be comprehensive or accurate.

As noted above under "Missing Review by Boards, Commissions and Committees," it was presented to the Parks, Beaches and Recreation Commission at their February meeting, but they did not have time to make recommendations about it.

Why would the Council rush to adopt it prior to PB&R's review?

Personally, I am concerned about the deletion of the existing ability to appeal PB&R tree decisions to the City Council. I would think at least some of the Council members would be concerned about that as well.

Without having time to adequately review any of the other provisions, but should it be adopted, I would simply note the proposed new policy title ("RETENTION, REMOVAL OF CITY TREES") seems ungrammatical. For consistency with the titling of other policies, shouldn't it at least be "Retention ***and*** Removal of City Trees"?

Policy G-6 (Maintenance and Planting of Parkway Trees)

This policy was not reviewed by PB&R, although their providing the Council with advice regarding park and parkway trees is arguably required by the City Charter.

The changes may be primarily a moving of tree maintenance rules from Policy G-1 to Policy G-6, but why was "Parkway" removed from the section title of "STANDARDS AND SPECIFICATIONS FOR PLANTING PARKWAY TREES." Isn't that section still exclusively about parkway trees?

…

Policy L-23 (The Siting of Wireless Telecommunications Equipment on City-Owned Property)

This policy is of particular interest to me since it resulted, in 2009, in City staff approving, without any public notice, the placement of cell antennas at eye level atop a City streetlight pole in front of my home's Upper Back Bay view windows, resulting in my involvement in City policy issues.

Since I understand the City is currently in the process of comprehensively reviewing its cell siting regulations, I have trouble understanding why this part of that is coming forward separately, and even if there were a reason for that, why it is being wrapped together with revisions to 15 unrelated policies, and, like those other 15, being presented for approval with no explanation of how it is being changed, or why.

That sounds like poor policy making to me.

For starters, while I gather that "personal wireless service facilities" may be a term defined in federal law, I think the inclusion of the word "personal" in this City policy is confusing. Most readers will assume it regulates things like a home WiFi connection, which I don't think is its intent.

In addition, the proposed new title ("REDUCING BARRIERS TO WIRELESS SERVICE FACILITIES ON PRIVATELY OWNED PROPERTY, ON CITY-OWNED AND CITY-HELD TRUST PROPERTY, AND THE PUBLIC RIGHT-OF-WAY" – 20 or 24 words depending on how one counts hyphens) seems inconsistent with the other Council Policy titles, both as to length (many of which are just 2 or 3 words, and longest is 15) and to tenor. Something as simple as "WIRELESS SERVICE FACILITIES" (3 words) would be more in keeping with the other titles.

The new inclusion of "private property" in the title and first two paragraphs is particularly confusing since the third paragraph under "Policy" on page 1 seems to say the policy does *not* apply to private property. Why is it being added if the policy continues to be only about City property?

Next, without explanation, I do not understand how the City can exclude installations on City property and trust lands from any permit requirements, including coastal development permits. I don't believe the City has the latter power.

I continue to not understand the prohibition on adding cell service antennas to traffic signal poles. They seem to me, in many cases, the most logical and unobtrusive option. Doesn't the basis for this restriction need to be reevaluated?

It seems irresponsible to me to adopt the proposed changes to the rent structure without any explanation of where this proposal came from and what, if any, other options are available.

I do not understand why there would be no notification or opportunity for appeal.

I do not understand why encroachment permits would not still be required. Is the City completely abandoning any control over use of our public rights-of-way? What happened to our interest in "maintaining local control"? Do we assume all telecom companies have our best interests at heart?