



NEWPORT BEACH

City Council Staff Report

June 9, 2026
Agenda Item No. 10

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Amendment No. One to Encroachment and Landscape
Maintenance Agreement Between the City of Newport Beach and
the Balboa Island Improvement Association EPN2010-0097

ABSTRACT:

In April 2026, the Balboa Island Improvement Association (BIIA) requested an amendment to the existing Encroachment and Landscape Maintenance Agreement between the BIIA and the City of Newport Beach (City). The proposed amendment allows for installation of a new flagpole, commemorative donation plaque, City-approved specialized landscaping improvements, and uplighting within the Park Avenue median west of the intersection of Park Avenue and Marine Avenue.

RECOMMENDATIONS:

- a) Find this project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311(a) (Accessory Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the project consists of placement of minor accessory public improvements involving negligible or no expansion of existing use;
- b) Approve Amendment No. One to the Encroachment and Landscape Maintenance Agreement Between the City of Newport Beach and Balboa Island Improvement Association (EPN2010-0097) and authorize the Mayor and City Clerk to execute the agreement; and
- c) Waive City Council Policies B-17 (*Parks, Facilities and Recreation Program Donations*) and L-6 (*Encroachments in Public Rights-of-Way*) to allow for the commemorative donation plaque and use of 110 voltage electrical wiring for uplighting of the flagpole within the public right-of-way.

DISCUSSION:

The BIIA entered into an agreement with the City on December 22, 2010, for the planting and maintenance of landscaping, signs, flags and other decorative improvements within the public right-of-way on Balboa Island. The BIIA is requesting an amendment to the agreement to allow for the installation of a new sail mast style flagpole, commemorative donation plaque, specialty landscaping and 110 voltage uplighting within the Park Avenue median,

west of the intersection of Park Avenue and Marine Avenue, in celebration of the 250th anniversary of the United States. The BIIA will fund all related costs to design, install, maintain and operate the new flagpole, donor plaque, landscaping and uplighting. The proposed amendment also includes authorization allowing the BIIA to expand its City-approved specialty landscaping improvements to the remainder of the Park Avenue median containing the new flagpole, should it desire to implement the improvements in the future.

FISCAL IMPACT:

The flagpole, flags, commemorative donation plaque, landscaping and lighting fixtures will be funded and maintained by the BIIA. The City will install the associated irrigation and electrical service connections and be reimbursed by the BIIA. The adopted budget includes sufficient up-front funding for the work proposed to be completed and reimbursed by the BIIA.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311(a) (Accessory Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the project consists of placement of minor accessory public improvements involving negligible or no expansion of existing use.

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 - Existing Encroachment and Landscape Maintenance Agreement Between the City of Newport Beach and Balboa Island Improvement Association
- Attachment B - Amendment No. One to the Encroachment and Landscape Maintenance Agreement