Attachment A

General Plan Implementation Program



CHAPTER 13 **Implementation Program**



IMPLEMENTATION

The following implementation programs constitute the principal set of actions and procedures necessary to carry out the goals and policies of the City of Newport Beach General Plan. They are generally described and do not reiterate the policies' specific standards or requirements that must be addressed in implementation, such as permitted development densities and required parkland acreage dedication. Consequently, in implementing the programs it is necessary to review the Plan's policies to assure that they are fully addressed. For the convenience of the General Plan's users, each implementation program is numbered and referenced at the close of each relevant Element policy (Imp __).

The programs described herein may change over time to reflect available funding or as new approaches are used in the future. To this end, the General Plan Progress Report required to be prepared annually, as described in Imp 1.3 below, should review the continuing applicability of the programs and update this list as necessary. Such modifications would not necessitate a formal amendment of the General Plan, unless they substantively alter the Plan's goals or policies.

Development Management System

The City of Newport Beach's Development Management System encompasses the policy and regulatory documents and procedures that guide land use development and resource conservation in accordance with the goals and policies specified by the General Plan.

1. GENERAL PLAN

Overview

The City of Newport Beach General Plan was prepared and adopted in accordance with the procedural and substantive requirements of California Government Code §65300 et seq. It serves as the statement of official policy for Newport Beach's long term physical development and addresses all elements statutorily required by the Code including Land Use, Housing, Circulation, Conservation, Open Space, Public Safety, and Noise. To avoid redundancy, the subjects of the Conservation and Open Space Element have been merged into the Natural Resources Element. Parks and Recreation, under statute a component of the Open Space Element, has been prepared as a separate element to reflect its importance. As a municipality is permitted to incorporate other elements that pertain to its

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unique characteristics or visions, the Newport Beach General Plan also includes Harbor and Bay, Arts and Cultural, and Historic Resources Elements. Though optional by statute, once adopted they hold equal weight under the law as the mandated elements.

Goals and policies of the General Plan are applicable to all lands within the jurisdiction of the City of Newport Beach. Consistent with state statutes (§65300), the General Plan also specifies policies for the adopted Sphere of Influence (SOI), encompassing Banning Ranch, which represent the City's long-term intentions for conservation and development of the property should it be annexed to Newport Beach. Until that time, uses and improvements of the property are subject to the County of Orange General Plan.

Programs

Imp 1.1 Ensure that Private Development and Capital Improvements are Consistent with the General

California statutes require that a city's decisions regarding its physical development must be consistent with the adopted General Plan. As entitlements for the development of private properties are guided by the City's ordinances and Charter requirements, implicitly they must be consistent with the General Plan. As a consequence, it is necessary for Newport Beach to review all subdivision and development applications and make written findings that they are consistent with all goals and policies of the General Plan (see Imp 12.1 and Imp 13.1). If the project is found to be inconsistent, it cannot be approved without revisions of the General Plan and, as necessary, it's implementing ordinances.

When the City or any external agency responsible for the planning or implementation of public works within the City prepares its annual list of proposed public works and its five-year Capital Improvement Program (CIP), these must be submitted to the Planning Commission for review for conformity with the adopted General Plan (Government Code §65401). Additionally, when the City acquires property for public purposes, such as streets and parks, the Planning Commission is required to review this action and report on its consistency with the General Plan (§65402).

Imp 1.2 Update and Revise the General Plan to Reflect Changing Conditions and Visions

While there are no specific deadlines for updates and revisions of the General Plan, state guidelines urge that it be maintained to reflect current conditions, issues, and visions. The State Office of Planning and Research (OPR) is required to notify a city when its general plan has not been revised within eight years. If the plan has not been revised within ten years, OPR must also notify the Attorney General, who will notify the City of the legal risks for failure to maintain a legally adequate plan. An exception is the Housing Element, which is required to be revised at least every five years (Code §65588) and certified by the State Department of Housing and Community Development (HCD). Historically, this deadline has been extended on a number of occasions due to delays in the preparation of the regional housing allocation by the responsible regional agency, the Southern California Association of Governments (SCAG).

While comprehensive revisions occur infrequently in recognition of the long-term role of the General Plan, it is important to monitor its relevance and applicability to local needs and issues as they evolve over time. At least once every five years the City should review the economic markets for commercial, industrial, and housing development; identify trends that impact or provide opportunities for the City; assess the Plan's land use diagram, policies, and standards for their effectiveness in addressing these; evaluate traffic conditions and their correlation with land use development; and amend these where desired and necessary. All amendments must be analyzed pursuant to Charter Section 423 to determine if they must be submitted to the electorate.

As many of the General Plan's implementation programs, particularly the Public Infrastructure and Services Plans and Public Service Programs, are dependent on available funding and evolve over time to reflect changing community needs, they should be reviewed and updated at least once each three years to assure their continuing relevancy. This is a technical revision that would not necessitate a formal amendment of the General Plan, provided that they do not alter its policies, and would best be accomplished as an integral component of the Annual General Plan Progress Report (see Imp 1.3).

Revisions and updates of the General Plan should be made in accordance with the General Plan's Vision Statement, or as modified by future public input. Fundamentally, this should sustain the City's intentions to be a residential community, balanced with supporting retail uses, job opportunities, and visitor and recreational services and amenities. Amendments to accommodate the City's "fair-share" of regional housing demand will be considered in context of these visions and the goals stipulated by this Plan. Increments of additional growth will be linked to the provision of adequate supporting transportation systems, infrastructure, and public services.

Imp 1.3 Prepare Annual General Plan Progress and Housing Element Implementation Reports

The California Government Code §65400(b)(1) requires all cities and counties to submit an annual General Plan Progress Report to their "legislative bodies," the State Office of Planning and Research (OPR), and the State Department of Housing and Community Development (HCD). The purpose of the report is to provide information on the status of the General Plan and the progress made in implementing its programs and goals including the adequacy of transportation, utility infrastructure, and public services to support entitled projects. Additionally, the Report must specify the degree to which the approved general plan complies with the General Plan Guidelines published by the Governors Office of Planning and Research (OPR) and the date of its last revision.

As required by State Housing Element Law, the City is also required to monitor all housing programs and complete a detailed annual Housing Element Implementation Report that documents the City's progress in fulfilling its share of the Regional Housing Needs Assessment; the status of the implementation of each of the housing programs of the City's Housing Plan; and reviews actions and programs adopted to remove or mitigate governmental constraints on the development of housing for all income levels.

2. ZONING CODE

Overview

The City of Newport Beach Zoning Code, Title 20 of the Municipal Code, is one of the primary means of implementing the General Plan. Unlike the long-term perspective of the General Plan, the Zoning Code anticipates the immediate uses of the land. Areas within the SOI are governed by the County of Orange Zoning Code, until annexation to the City, when they would be subject to the City's Code.

While state statutes do not require consistency between the General Plan and Zoning Code for charter cities, such as Newport Beach, most court decisions in the state pertaining to the regulation of land use development in such communities have set the General Plan as the standard by which development entitlements that have been legally challenged have been measured. This is based on the premise that effective implementation of a general plan necessitates mutually reinforcing actions, such as a consistent zoning code. Newport Beach's practice has been to maintain consistency between its General Plan and Zoning Code.

Programs

Imp 2.1 Amend the Zoning Code for Consistency with the General Plan

Adoption of the updated General Plan necessitates a thorough review of the Zoning Code's regulations for consistency with the General Plan's Land Use Plan and policies. This shall include review of Code requirements pertaining to areas designated as "Specific Plans" (see "Specific Plans" below) and amendments to Planned Community (PC) Development Plans.

In accordance with state statutes, the Zoning Code shall be amended "within a reasonable time" of the adoption of the updated General Plan. While a specific time frame is not specified, it is common practice for communities to revise their zoning within a 12- to 18-month time period.

In summary, map and text amendments may be necessary to accomplish the following:

a. Review and revise land use classifications to reflect the General Plan's policies for permitted uses, densities/intensities, and development standards. These need to reflect the new types of land use categories, including those that provide for the vertical and horizontal mixing of housing with commercial, office, visitor-serving and other non-residential land uses.
b. Add standards to implement policies addressing community character and design and development for each land use category and as defined for sub-areas.
c. Review and amend, where necessary, Code requirements and standards pertaining to the location and design of development to protect terrestrial and marine environmental resources; protect development and populations for the risks of environmental hazards such as earthquakes, tsunamis, methane gas, and excessive noise; and maintain the integrity and quality of Newport Harbor and the Upper Bay.
d. Review and amend the Code, as necessary, to achieve specific objectives of the General Plan such as lot consolidation to improve the economic viability of commercial uses, retention of marine-related businesses, development of affordable housing, and implementation of more environmentally sustainable buildings and site planning. These may be accomplished through development requirements and/or incentives.
e. Review and amend the Code, as necessary, to assure that developer requirements for the dedication of lands for roadway improvements, parklands, and other elements defined by General Plan policies are fulfilled, including specifications and procedures for which in-lieu fees may be contributed.

3. SPECIFIC PLANS

Overview

Specific plans are tools for the systematic implementation of the General Plan and intended to implement and regulate land use and development within a specific project boundary, subject to the substantive and procedural requirements of §65450 through §65450 of the California Government Code. Specific plans are regulatory documents adopted by ordinance and, to date, have been incorporated into Newport Beach's Zoning Code. Therefore, all development standards contained therein are enforceable by law.

Specific plans that have been adopted by the City of Newport Beach, generally, are more limited in their scope and application than authorized by the California Government Code. Principally, they are more specific than underlying the parallel zoning requirements in their definition of development standards and design guidelines to reflect the unique characteristics of their planning area. Some prescribe programs for visual enhancement and streetscape improvements. Adopted specific plans at the time of the approval of the updated General Plan include Newport Shores, Mariner's Mile, Cannery Village/McFadden Square, Santa Ana Heights, Central Balboa, and Old Newport Boulevard.

A "placeholder" is included in the Code for the anticipated future preparation of a specific plan for Corona del Mar. However, the updated General Plan does not specify a specific implementation structure or regulating document for Corona del Mar or most other areas.

As a component of the revision of the Newport Beach Zoning Code for consistency with the General Plan (Imp 2.1, above), development regulations for designated Specific Plan areas of the City shall be reviewed and amended as necessary.

Programs

Imp 3.1 Preparation of New Specific Plans

As specific plans are considered by the state OPR to be especially useful for large projects and sites with environment constraints, there are several potential applications in the City of Newport Beach. These may be prepared by either the City or private sector. However, responsibility for their adoption lies with the City Council.

a. Should Banning Ranch not be acquired as open space, guidelines and standards for the integration of development with the preservation of critical habitat, bluffs, and other natural open spaces are essential. General Plan policies for the intermixing of a variety of housing types with local retail services, a hotel, and park in a walkable and sustainable environment can best be accomplished through detailed development standards and design guidelines that are not currently contained in the City's ordinances. A specific plan, as conceived by state statute, would also encompass detailed infrastructure, financing, and phasing plans. A specific plan would also be helpful in assuring that the quality of development and scope of resource protection desired for this property would be achieved

b. Specific plans may also be considered to satisfy the regulatory planning requirements for the residential villages proposed for the Airport Area and the integration of the mix of medical-related, housing, commercial, and industrial uses in West Newport Mesa. In these cases, the specific plans would serve as important tools to guide the development of multiple properties into a cohesive district. It would establish standards for a suitable interface among the diverse permitted land uses, a high level of architectural design and site landscape, and the incorporation of parklands, unifying streetscapes, and other amenities.

4. DEVELOPMENT PLANS/PLANNED COMMUNITIES

Overview

The City of Newport Beach provides for a "Planned Community" (PC) designation for the development of large properties, usually under one ownership, with the objective of producing a well-defined and cohesive district that integrates one or more type of housing unit and supporting uses that meets standards of density, open space, light and air, pedestrian and vehicular access, and traffic circulation similar to comparable residential and commercial districts in the City, as well as reflects the unique environmental setting of the property. These define specific development standards that are customized to reflect the unique attributes of the property and its surroundings.

Programs

Imp 4.1 New "Planned Community" Development Plans

In lieu of the preparation of specific plans, as discussed above, the City may elect to have "Planned Community" plans prepared for large scale development projects permitted by the General Plan. Principally, these would apply to Banning Ranch, and residential villages in the Airport Area. For the latter, these would serve as the "regulatory plan" required for each village. This would expand the traditional use of the City's PC designations to incorporate detailed design guidelines, infrastructure plans, phasing, and financing mechanisms.

5. LOCAL COASTAL PROGRAM

Overview

Implementation of *California Coastal Act* policies is accomplished primarily through a Local Coastal Program (LCP) that contains a Coastal Land Use Plan (CLUP) and Implementation Plan (IP). The CLUP sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City of Newport Beach, with the exception of Newport Coast and Banning Ranch. Newport Coast is governed by the previously certified and currently effective Newport Coast segment of the Orange County Local Coastal Program. Banning Ranch is a Deferred Certification Area (DCA) due to unresolved issues related to land use, public access, and the protection of coastal resources. The IP consists of the zoning ordinances, zoning district maps, and other legal instruments necessary to implement the land use plan.

Programs

Imp 5.1 Review and Revise Coastal Land Use Plan for Consistency with the General Plan

The General Plan's updated goals and policies were written in consideration of the CLUP approved by the California Coastal Commission on February 8, 2006. Many of its policies were directly incorporated in the Land Use, Harbor and Bay, Natural Resources, Recreation, and Safety Elements. However, there are a number of policies in the updated General Plan that may deviate from those in the approved CLUP Among these are policies for the inclusion of housing and mixed-use developments in portions of the coastal zone and the revised land use classification and density/intensity system. It will be necessary to review and amend the CLUP for consistency and submit these to the Coastal Commission for certification.

6. SUBDIVISION ORDINANCE

Overview

The City of Newport Beach Subdivision Ordinance, Title 19 of the Municipal Code, regulates and controls the division of land within the City in accordance with the *Subdivision Map Act* and Government Code §66411. The Subdivision Ordinance regulates the design and improvement of

subdivisions, requires dedications of public improvements, establishes development impact fees and mitigation programs, and requires conformity with the provisions of the City's General Plan. This includes the review and approval of lot size and configuration, street alignments, street grades and widths, traffic access, drainage and sanitary facilities, lands dedicated for public uses (e.g., schools and parks) and open spaces, and other measures as may be necessary to insure consistency with or implementation of the General Plan.

Programs

Imp 6.1 Review the Subdivision Ordinance for Consistency with the General Plan

On adoption of the updated General Plan, the Subdivision Ordinance shall be reviewed and amended where necessary to ensure consistency with its goals and policies. This may encompass revisions related to the Plan's policies pertaining to the intermixing of uses; site planning and design; landscape improvements; roadway and street standards and improvements; storm drainage and pollution runoff control; conformance to natural topography and landscapes; terrestrial and marine habitat protection; landform and coastal sand protection; flooding, fire, geologic, seismic, and other hazard abatement; environmental impact mitigation, and infrastructure and public service concurrency.

Additionally, the City should examine and modify the Ordinance to reflect state-of-the-art land development practices that enhance environmental sustainability, such as the draft "LEED for Neighborhood Developments (LEED-ND) Rating System." These standards would largely be applicable to large scale development projects, such as the Banning Ranch.

7. BUILDING AND CONSTRUCTION CODE

Overview

Building construction in the City is regulated by Title 15 of the Newport Beach Municipal Code, "Buildings and Construction." This encompasses the 1994 Uniform Code for Building Conservation; 1997 Uniform Administrative Code; Uniform Housing Code; California Swimming Pool, Spa, and Hot Tub Code; the 2001 California Building Code; California, Mechanical Code, and California Plumbing Code; the 2004 California Electrical Code; Newport Beach Excavation and Grading Code; Newport Beach Flood Damage Protection; and the Newport Beach Construction Site Fencing and Screening. Additionally, Title 15 includes regulations for Earthquake Hazard Reduction in Existing Buildings, Sign Code, House Moving, Abatement of Substandard Buildings, Undergrounding of Utilities, Fair Share Traffic Contribution, Traffic Phasing, Major Thoroughfare and Bridge Fee Program, Development Agreements, Flood Damage Protection, Methane Gas Mitigation, Wireless Telecommunications Facilities, and Santa Heights Redevelopment. The City applies the most recently updated codes by state, federal, and professional organizations. The Fair Share Traffic Contribution ordinance and accompanying resolution determine the total unfunded cost of completing the City's Circulation Element and allocate this cost to future development based on traffic generation rates.

Programs

Imp 7.1 Review Building and Construction Code for Consistency with General Plan

General Plan policies largely mimic the provisions of the City's Building and Construction Code (Title 15), particularly those addressing public safety. As the General Plan specifies many new policies pertaining to the design and development character of many land use districts, the Code should be reviewed to assure that these are fully addressed. In addition, as the General Plan provides for the development of high-rise multi-family residential, the Code should also be reviewed for its adequacy in consideration of the policies for such building types in the Airport Area.

The City should also consider revisions of Title 15 to foster the use of "green-building" techniques that have not been traditionally used in the City, as well as other appropriate revisions to achieve the Plan's policy objectives.

Imp 7.2 Revise Fair Share Traffic Contribution Ordinance

The updated Circulation Element will require revisions of the City's Fair Share Traffic Contribution Ordinance, Chapter 15.38, for consistency, with periodic updates as necessary for funding consideration changes (including the implications of regional improvements such as those contained in the Orange County Master Plan of Arterial Highways and the traffic contribution of adjacent cities such as Irvine, Huntington Beach, Costa Mesa, and Laguna Beach). This ordinance and accompanying resolution determine the total unfunded cost of completing the City's Circulation Element and allocate this cost to future development based on traffic generation rates.

Imp 7.3 Review and Update Transportation Demand Ordinance

The Transportation Demand Management (TDM) Ordinance should be periodically reviewed and updated to address the needs of new development types and land use mixes, especially as mixed use development is implemented in areas such as Newport Center and the Airport Area.

8. OTHER CODES AND ORDINANCES

Overview

General Plan policies are also implemented through a diversity of other codes and ordinances of the City of Newport Beach. Relevant sections of the Municipal Code may include, but are not limited to, the following:

- Title 6, Health and Sanitation
- Title 9, Fire Code
- Title 10, Offenses and Nuisances
- Title 11, Recreational Activities
- Title 12, Vehicles and Traffic
- Title 13, Streets, Sidewalks, and Public Properties
- Title 17, Anchorage and Mooring Regulations

Programs

Imp 8.1 Review Codes and Ordinances for Consistency with the General Plan and Update Periodically

On adoption of the General Plan, relevant codes and ordinances of the City shall be reviewed for their consistency and revisions prepared where necessary. These shall be updated periodically to reflect state-of-the-art practices and technologies. Representative of the issues addressed by General Plan policy that should be reviewed are the following:

a. Requirements for live-aboard vessels pertaining to the integrity, quality, and safety of Harbor uses, environmental protection, and impacts on the public, waterfront owners/lessees, and adjoining properties
b. Regulation and transfer of mooring permit applications and titles
c. Standards for the design and siting of bulkheads, pier, and similar structures to address their potential visual impacts
d. Standards and policies specified by the Noise Element to protect sensitive noise receptors, residents and businesses from unwanted noise impacts from traffic, JWA operations, construction activities, truck deliveries, special events, charter and entertainment boats, and similar sources

Imp 8.2 Prepare New Codes, Ordinances, and Guidelines

The updated General Plan shall be reviewed and evaluated for the need to adopt new codes and ordinances that implement its policies and standards. Among those that may be considered for their appropriateness are the following:

a. A "commercial-residential" interface ordinance that regulates use, activity, and design of commercial properties located on shallow parcels directly abutting residential neighborhoods
b. Design guidelines for the renovation or reconstruction of housing in existing neighborhoods to assure that they complement the character of existing development; these may be applied to specific neighborhoods or citywide
c. An ordinance or guidelines for the preservation of historic buildings and/or properties; this shall be developed in consideration of guidelines published by the State Historic Preservation Office
d. An ordinance managing parking in commercial and mixed-use corridors and districts characterized by deficient parking; this may provide for the establishment of parking districts in which new parking may be developed in public or private shared facilities or structures or other facilities, as well as procedures for the funding of these improvements

9. CITY COUNCIL POLICY MANUAL

Overview

Many regulatory policies established by the City Council are adopted by ordinance and included in the Municipal Code. However, other policies also are established which by their nature do not require adoption by ordinance. These policy statements adopted by resolution of the City Council are

consolidated within the Newport Beach City Council Policy Manual. This Manual contains numerous polices that establish rules and guidelines for City administration, planning, public works and utilities, environmental protection, city services, and coastal activities. These policies help to guide residents and city staff in the direction that Council will take on certain matters. City Council Policies are set at Council Meetings and are reviewed annually.

Programs

Imp 9.1 Review City Council Policy Manual for Consistency with the General Plan

The City Council Policy Manual shall be reviewed to assure that its policies are consistent with the updated General Plan.

10. DATABASE MANAGEMENT AND DEVELOPMENT TRACKING AND MONITORING

Overview

Among the responsibilities of the City's Management Information Systems (MIS) Division is the maintenance of a centralized database development and support system. This is supplemented by the development and maintenance of data by individual City departments. This includes the Geographic Information System (GIS) that allows data to be connected to all parcels in the City, facilitating analysis and display of information geographically.

Tracking new development as it is approved will enable the City, property owners, and the public to easily and quickly know how much development potential remains for a property or an area. Incorporation of the data base in GIS format on the city's web page would facilitate public access and review. In addition, adoption and voter approval of the updated General Plan will modify the development capacities in the City, and these will be used as the basis for the review of project applications and determination of the need for voter approval pursuant to Charter Section 423.

Programs

Imp 10.1 Maintain Up-to-Date Comprehensive Database

Data that is likely to change over a comparatively short time period, such as built land use and traffic should be updated on a continuing basis, while data that is stable, such as seismic hazard zones, can be updated on a less frequent basis. In its annual budgeting process, priority should be placed on expenditures for the compilation of data that informs the City's development decisions, public works improvements, services, and programs.

Imp 10.2 Maintain Development Tracking and Monitoring Program

As new development is approved and implemented, the number of dwelling units and building area of non-residential development should be tracked to enable the City to inform property owners, developers, and decision-makers regarding the amount of remaining development capacity for

pertinent Statistical Areas and individual parcels. This will facilitate the City's compliance with the development thresholds and limits required by Charter Section 423.

11. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Overview

Chapter 20.90.050 of the Newport Beach Municipal Code requires that a project that is not exempt from the *California Environmental Quality Act* (CEQA) shall be reviewed and either a Negative Declaration or an Environmental Impact Report (EIR) shall be prepared. The City's Implementation Procedures for CEQA are presented in the City Council Policy Manual, Policy "K.3." These specify the activities that are subject to, not subject to, and exempt from CEQA; content and procedures for Initial Studies, Negative Declarations, and Environmental Impact Reports; processes for consultant assistance in the preparation of environmental studies and documents; fees for CEQA processing; and authorities of the Planning Director.

In conformance with CEQA requirements, a "Program" EIR was prepared and certified for the updated City of Newport Beach General Plan. Some of the provisions that might have been defined as mitigation measures have been incorporated as policies of the General Plan, so that the requirements are specified in one document.

The Program EIR is written to the level of specificity of the General Plan's Land Use Plan's goals, policies, and programs. It may serve as a reference in the preparation of CEQA-required environmental documents for implementation of the General Plan, subsequent Specific Plans, Precise Plans, capital improvements, and other actions that are consistent with the General Plan.

Programs

Imp 11.1 CEQA Review Development and Entitlement Applications

Applications for entitlement and development in the City of Newport Beach shall be subject to review in accordance with the City Council Policy Manual Implementation Measures for CEQA. Environmental analyses shall include assessment of the project's consistency with General Plan policies pertaining to each environmental topic under discussion. To the extent permitted by state law and court decisions, the General Plan Program EIR can be used as citywide framework from which project EIRs can be tiered. The Program EIR shall not be used for any project that is more intense than, or inconsistent, with the General Plan.

12. FISCAL IMPACT ANALYSIS

Overview

A Fiscal Impact Model has been developed that documents the balance of costs of public services and revenues to be derived resulting from the mix of land uses permitted by the General Plan. These are assigned to each category of land use, single family residential, multi-family residential, retail

commercial, and office development, for example. As the analyses conclude, the mix of uses is highly inter-related and the fiscal benefits of individual land uses cannot be considered independently.

Programs

Imp 12.1 Evaluate Fiscal Benefits of Development Proposals and Annexations

Significant development projects and General Plan Amendments shall be evaluated for their net fiscal impacts on the City of Newport Beach. This will use the Fiscal Impact Model developed for the General Plan and identify all costs for public services and revenues to be derived. The City shall decide the type, scale, and mix of uses that shall be subject to fiscal review.

Imp 12.2 Maintain and Update Fiscal Impact Model

To ensure that the Fiscal Impact Model continues to be a useful tool for evaluating development proposals, annexations, and related actions, the City should maintain and regularly update the base information in the model.

13. DEVELOPMENT AGREEMENTS

Overview

In accordance with Chapter 15.45 of the Newport Beach Municipal Code, development agreements may be prepared as contractual agreements between the City and developers to provide assurances to each party regarding the uses to be entitled, rules of development, and public benefits of the development project. The Code stipulates that a development agreement specify the duration of the agreement, permitted uses of the property, density or intensity of use, maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes, if required. The agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions and may specify the timing and phasing of construction.

The uses and development standards specified by a development agreement must be consistent with the General Plan and/or, where appropriate, Specific Plan and Local Coastal Program.

Programs

Imp 13.1 Process Development Agreements

For new master planned residential communities and large scale commercial and mixed-use projects, the City and project developers may elect to enter into a development agreement. Such a tool may be useful in guiding development that may be permitted on Banning Ranch if not acquired as open space, development of residential villages within the Airport Area, and the integration of multiple uses in West Newport Mesa. Development Agreements shall be required for housing developed as additive infill on surface parking lots in the Airport Area and the additional entitlement of 450 housing units in Newport Center and shall specify the public benefits to be contributed by the developer in exchange for the City's commitment for the number, density, and location of the housing units.

Governance

The Governance portion of the General Plan Implementation Program describes the institutional processes through which key policy decisions related to land use development, capital improvements, and resource conservation will be made and carried out.

14. INTERAGENCY COORDINATION

Overview

Implementation of the General Plan's goals and policies requires the cooperation and coordination of the City with a diversity of local, state, and federal agencies and private and semi-private institutions. The following summarizes many of the interagency coordination procedures directly related to the General Plan's policies that are currently being carried out or anticipated in the short-term. These will be supplemented by other ongoing programs and new strategies that will be defined during the life span of the General Plan's implementation.

Programs

Imp 14.1 Adjoining Cities

The City of Newport Beach has established "borders committees" to collaborate with the cities of Irvine, Huntington Beach, and Costa Mesa to address planning, development, transportation, and other issues that jointly impact the communities. Newport Beach will also work with surrounding jurisdictions and agencies to coordinate and test emergency preparedness and response plans.

Imp 14.2 Coordinate with School Districts

The City of Newport Beach and the school districts serving the City, including the Newport-Mesa Unified School District, Santa Ana Unified School District, and Laguna Unified School District, shall work together on the identification and acquisition of potential school sites and expansion of existing facilities; monitoring and management of traffic conditions at school locations; CEQA-required documentation for residential projects; and joint-use agreements for public recreational uses of school properties.

Imp 14.3 Coordinate with Orange County

The City of Newport Beach and Orange County should continue to collaborate in numerous programs affecting land use and development, affordable housing, transportation, infrastructure, resource conservation, environmental quality, management of Newport Harbor and Upper Newport Bay; and John Wayne Airport operations and improvement plans.

Imp 14.4 Coordinate with Orange County Transportation Authority (OCTA)

The Orange County Transportation Authority (OCTA) is a multi-modal transportation agency serving Orange County. It is responsible for countywide bus and paratransit service, Metrolink commuter rail

service, the 91 Express Lanes toll facility, freeway, street and road improvement projects, motorist aid services, and regulation of taxi operations. Through the adopted Measure M, a voter-approved half-cent sales tax for transportation improvements, OCTA allocates funding for specific transportation improvement projects in three major areas—freeways, streets, roads and transit. OCTA also secures funding for regional and local agencies from state and federal agencies. The City of Newport Beach will implement General Plan policies by doing the following:

- Working with OCTA to support the implementation of needed regional Master Plan improvements that will benefit mobility within the City
- Soliciting funding from OCTA for local transportation, transit, parking, bikeway, and other related improvements as such revenues are available in the future
- Periodically reviewing the adequacy of transit service in Newport Beach and coordinating with OCTA to provide transit support facilities including park-and-ride lots, bus stops, shelters, and related facilities
- Coordinating with OCTA to establish or modify bus stop locations to provide adequate access to local residents and to destinations for external uses, as well as efficient and safe traffic operations
- Requesting the OCTA to assess the need for the expansion of fixed-route service and efficient transportation to future transportation facilities
- Coordinating with OCTA to provide expanded summertime bus and/or shuttle service to reduce visitor traffic
- Coordinating with OCTA to provide programs to issue monthly bus passes locally and provide special programs for subsidizing passes for the disadvantaged

Imp 14.5 State of California Department of Housing and Community Development

The California Department of Housing and Community Development (HCD) is responsible for the certification of Newport Beach's Housing Element (see Development Management System above). Each five years, the City shall update the Element based on input received from the HCD and regional agency (Southern California Association of Governments) regarding the City's "fair share" of regional housing demand. The focus of the update will be on the provision of adequate sites and programs for affordable housing.

Imp 14.6 Coordinate with California Coastal Commission

The California Coastal Commission is responsible for the implementation of the *California Coastal Act of 1976*. As described above (Development Management System), the City's Local Coastal Program's (LCP) Land Use Plan (CLUP) had been certified at the time of the adoption of the updated General Plan. The City shall work with the Coastal Commission to amend the CLUP to be consistent with the General Plan and pursue certification of the Implementation Plan. The City shall ensure that on certification, applications for development shall be reviewed by the City for consistency with the certified LCP and *California Coastal Act of 1976*.

Imp 14.7 Coordinate with the California Resources Agency, Department of Fish and Game

The California Resources Agency Department of Fish and Game is responsible for the maintenance of native fish, wildlife, plant species, and natural communities for their intrinsic and ecological value. This includes habitat protection and maintenance in a sufficient amount and quality to ensure the survival of all species and natural communities. The Department is also responsible for the issuance of permits for lake and streambed alterations, incidental takes of state-listed species, in accordance with the *California Endangered Species Act*, and near-shore fishery activity.

Implementation of the General Plan's policies for natural resource protection shall be achieved through the City's consultation with the DFG in the review of projects that may impact terrestrial and marine resources and identification of resource protection and impact mitigation measures, including support for the DFG's efforts for habitat acquisition and restoration on Banning Ranch. The City shall cooperate with the DFG and other agencies in implementing the eel grass restoration of Newport Bay and programs for the protection and management of upper Newport Bay, including the Newport Beach Marine Refuge, Irvine Coast Marine Life Conservation Areas, and Upper Newport Bay State Marine Park.

Imp 14.8 Coordinate with the California Department of Parks and Recreation

The California Department of Parks and Recreation is responsible for the management of state parks and beaches under its jurisdiction. In Newport Beach, this includes Corona del Mar State Beach and Crystal Cove State Park. Cooperate in maintaining and expanding, where appropriate, recreational opportunities along the coast and marine recreation related facilities.

Imp 14.9 Coordinate with the California Department of Transportation

The California Department of Transportation (Caltrans) is responsible for the planning, construction, and maintenance of state highways and freeways, including SR 73 and Newport Boulevard (SR 55) between Finley Avenue and the City boundary. Coast Highway in Newport Beach, excluding the portion from Newport Coast Drive to Jamboree Road, is currently a state highway and Caltrans maintains authority over its right-of-way and standards for improvements. The General Plan recommends that the City discuss and negotiate with Caltrans for the relinquishment of Coast Highway through the City as a State Highway and begin these discussions at the earliest possible time.

Imp 14.10 Transportation Corridor Agencies (TCA)

The Transportation Corridor Agency (TCA) oversees the San Joaquin Hills (SR-73) Toll Road. It is governed by a Board of Directors made up of elected officials from cities and county districts that are adjacent to the toll roads, whom are appointed by the respective cities. The San Joaquin Hills Toll Road was built as a state highway, owned and maintained by Caltrans and the TCA is responsible for public oversight, toll policies, operations, and financing. The City shall coordinate its local roadway improvements that impact and are impacted by the Toll Road with the TCA.

Imp 14.11 California Public Utilities Commission

The California Public Utilities Commission (PUC) regulates privately owned telecommunications, electric, natural gas, water, railroad, rail transit, and passenger transportation companies. Among its

responsibilities is the coordination of funding for the undergrounding of overhead utilities. Newport Beach shall work with the PUC in obtaining funding and implementing the undergrounding of remaining overhead utilities.

Imp 14.12 Coordinate with United States Army Corps of Engineers

Among its responsibilities, the United States Army Corps of Engineers (USACE) is responsible for the protection of water resources, habitat, and hydrological processes in the "navigable waters" of the United States. This encompasses wetlands, in addition to Newport Harbor and Bay.

Implementation of the General Plan's policies for natural resource protection shall be achieved through the City's support of programs of the USACE, with other agencies, in the restoration of wetlands and other habitat on Banning Ranch. The City shall cooperate with the USACE and other agencies in implementing the eel grass restoration of Newport Bay and programs for the protection and management of upper Newport Bay, including the Newport Beach Marine Conservation Area, Irvine Coast Marine Life Refuge, and Upper Newport Bay State Marine Park. In addition, the City shall coordinate with USACE in the maintenance and delineation of federal navigational channels for navigation and safety in Newport Harbor and securing and funding sediment disposal sites for future dredging projects.

Imp 14.13 Coordinate with United States Fish and Wildlife Service

The US Fish and Wildlife Service (USFWS) is responsible for conserving, protecting, and enhancing fish, wildlife, and plants and habitats that are subject to federal jurisdictional authority within Newport Beach. The City shall cooperate with the USFWS, in collaboration with other resource agencies, in the protection of terrestrial and marine resources including wetlands and other important habitats on Banning Ranch and supporting and implementing management of the Upper Newport Bay State Marine Park and marine life refuges off shore of Corona del Mar and Newport Coast.

Imp 14.14 Coordinate with Environmental Protection Agency

The US Environmental Protection Agency (EPA) is responsible for protecting human health and the environment. Other responsibilities include developing and enforcing regulations that implement environmental laws enacted by Congress; cooperating with the US EPA, in collaboration with other resource agencies, in the protection of terrestrial and marine resources; and working with the EPA to secure sediment disposal sites for future dredging projects.

Imp 14.15 Coordinate with United States Postal Service

The United States Postal Service (USPS) maintains a distribution facility in Mariner's Mile. Newport Beach should work with the USPS for the possible relocation of this postal distribution facility to enable its reuse for parking or retail activity. The City should assist in the identification of potential alternative sites that are accessible to residents and do not adversely impact neighborhood character.

Imp 14.16 Other Agencies.

There are numerous other agencies that have jurisdiction and/or are involved in the development, capital improvement, and conservation programs of the City of Newport Beach. The following lists some of these key agencies:

- Energy and telecommunications service providers such as Southern California Edison Company and Southern California Gas Company
- Santa Ana Regional Water Quality Control Board
- Metropolitan Water District
- South Coast Air Quality Management District
- Southern California Association of Governments
- California State Parks
- National Marine Fisheries Service

15. ANNEXATION

Overview

Lands may be annexed into the City of Newport Beach with the approval of the Local Agency Formation Commission (LAFCO) and registered voters within the area to be annexed or property owners, based on land valuation, where there are no residents.

During the approval process the City must identify its intended zoning for the area, which must be consistent with the General Plan; review of the environmental impacts of annexation; identify the costs and adequacy of government services; evaluate the ability of the City to provide the services to the annexed area and sufficiency of revenue demonstrated; and establish a program and compensation defined for the transfer of existing facilities, such as parks and libraries, and capital improvements from the County to the City.

A fiscal impact study should be conducted for any proposed annexation that identifies all costs of services, the revenue to be derived, and the net effect on the City's overall fiscal balance. In practice, this will be accomplished through the Fiscal Impact Model developed for the General Plan update. Unincorporated lands within Newport Beach's sphere of influence should be considered for annexation.

Programs

Imp 15.1 Encourage Annexation of Banning Ranch Prior to Development

The City shall work with the property owners to reach agreement on development of the property (if it is not acquired as open space) with City approvals and its annexation into Newport Beach prior to development, to assure that development is consistent with the goals and policies of the General Plan.

Public Infrastructure Plans

A diversity of public and quasi-public agencies is responsible for the provision of infrastructure and services for Newport Beach's residents and businesses. These include agencies both under the jurisdiction and independent of the City. Each is responsible for the planning and funding of improvements to assure that existing and projected future needs of Newport Beach's residents are

met. The General Plan provides information to each agency regarding the City's intended distribution and density/intensity of future growth that should serve as the basis for the updating of Public Improvement Plans that specify the type, amount, cost, and phasing of public improvements and facilities necessary to support future population and employment development.

16. MOBILITY INFRASTRUCTURE AND TRAFFIC MANAGEMENT

Overview

The City's Department of Public Works is responsible for the planning, engineering, and improvement of streets throughout the City, except the portions of Coast Highway and Newport Boulevard that are designated State Highways, State Route 73, and streets within gated residential communities. It is anticipated that the City will assume responsibility for Coast Highway in the future. Required improvements are reviewed annually, prioritized, and funded by the City's Capital Improvement Program (CIP).

Programs

Imp 16.1 Improve Arterial Streets and Highways According to Classification

The City shall take the necessary actions to obtain the required right-of-way to provide the ultimate cross sections for each type of roadway classification designated in the General Plan when adjacent land development occurs.

Imp 16.2 Monitor Traffic Conditions and Plan for and Fund Improvements

The City shall monitor, design and manage roadway conditions and maintain streets. Periodically, the City shall conduct traffic counts at key intersections and roadways (average daily traffic counts and peak hour intersection counts). The City shall strive to maintain Level of Service "D" as specified in General Plan policies. Street improvements in the City's Capital Improvement Program shall be reviewed and updated regularly to meet and maintain the adopted traffic level of service standards and be consistent with Measure M and State Congestion Management Program requirements.

Imp 16.3 Construct Street and Highway Improvements

The City shall construct necessary improvements to street intersections to attain acceptable Levels of Service, as defined in the Circulation Element. These shall be implemented as needed based on the list of impacted intersections included in the General Plan EIR, and also in accordance with development project traffic impact studies. Intersections with improvements necessary for buildout conditions are delineated on Figure CE-3 of the Circulation Element.

Imp 16.4 Monitor Roadway Conditions and Operational Systems

The City shall monitor and maintain City streets and thoroughfares. The City shall develop and follow a schedule for periodic review of City streets with respect to pavement, signage, signalization, and

comparable elements. If inadequacies are found, the City will perform or contract with a consultant to perform maintenance of roadway features.

Imp 16.5 Maintain Consistency with Regional Jurisdictions

The City shall maintain consistency with regional jurisdictions (Caltrans, Orange County) to provide adequate facilities including roadway infrastructure plans and design standards. The City shall work with regional jurisdictions to modify regional plans (such as the Orange County Master Plan of Arterial Highways) so that they are consistent with City plans. The City will also periodically review City standards to ensure they remain up-to-date and consistent with regional standards as new standards are adopted.

Imp 16.6 Local/Neighborhood Access Roads

The City shall undertake studies of residential neighborhoods on a case by case basis to identify local circulation patterns and principal access points in order to assess the opportunities and needs to restrict, divert, or mitigate arterial traffic intrusion. Such studies should include an assessment of the traffic impacts on the entire neighborhood and the participation of neighborhood residents to prepare a consensus plan of neighborhood traffic control. In addition, the City shall maintain standards that ensure safe and efficient access for emergency vehicles to residential, commercial, and industrial areas.

Imp 16.7 Traffic Control

Traffic congestion shall be reduced through reasonable methods utilizing conventional and innovative methods for traffic control. Traffic signal timing standards, in addition to serving drivers, should adequately provide for pedestrian crossings. Traffic signal interconnect systems shall be maintained and upgraded to efficiently coordinate and control traffic flows on arterial streets. The City shall identify and incorporate intelligent transportation systems as a logical method to improve peak hour traffic flow.

The special issue of summertime traffic should be monitored and evaluated periodically. The City should continue to evaluate and implement, if appropriate, summertime traffic control measures and/o alternative transportation modes to reduce the impact of high volume summer traffic.

Imp 16.8 Provide Public Transportation

The City shall continue to operate local demand-responsive transit service within the City to ensure mobility and accessibility for the City's citizens, especially the elderly. The City shall also work with the Orange County Transportation Authority for countywide bus service that will guarantee regional and local travel options. The City should encourage the development of additional public transportation services and facilities such as park-and-ride facilities, and look for opportunities to support the upgrade and enhancement of existing services.

Imp 16.9 Manage Truck Operations

Maintain and enforce a system of truck routes on specified arterial streets to control trucking and delivery operations within the City. Periodically review the truck route system and make changes as required to ensure that it adequately serves the City and protects areas of the City from truck traffic intrusion. Work with regional agencies as they continue to assess goods movement in Orange County.

Imp 16.10 Improve Parking Supply and Management

Parking Management Programs shall be considered for commercial and residential areas of the City with inadequate parking, such as Corona del Mar and the Balboa Peninsula. This may consider the development of public parking lots or structures, street parking permitting, valet programs, and similar techniques as feasible. Existing public parking lots should be evaluated for their accessibility, utilization, and proximity to the uses they support. Possible relocation should be considered where they do not effectively support surrounding land uses.

Funding for public parking facilities may be derived from the establishment of parking districts, supported by local businesses and organizations, including Business Improvement Districts. In-lieu fee programs shall be considered to fund the development of public parking.

The City shall work with commercial, office, and institutional property owners to encourage the use of parking areas on weekends and holidays in conjunction with transit services.

Imp 16.11 Maintain Trails

Newport Beach should continue to develop and maintain non-motorized transportation systems as a viable alternative to vehicular travel and to help satisfy local recreational needs, and should include trails and facilities that traverse the citywide area. A system of route designations for bicycles, equestrians, and pedestrians, as well as support facilities shall be maintained in cooperation with adjacent jurisdictions, where appropriate.

Imp 16.12 Marine Transportation

The City shall conduct a study to evaluate the feasibility of marine transportation services as a supplement to automobile use. Marine transportation docking, buildings, and support facilities such as parking throughout the coastal areas of the City shall be evaluated and modified as necessary and feasible to coordinate with the surrounding transportation system.

17. WATER

Overview

Water service in the City of Newport Beach is provided by the City, Irvine Ranch Water District, and Mesa Consolidated Water District. Each agency maintains master plans for services, facilities, maintenance, and improvements necessary to support existing and projected population growth and development. Conservation practices and requirements to meet regional, state, and federal water quality regulations are included within the respective plans. Each agency maintains a capital improvements program for the provision of water system improvements, special projects, and ongoing maintenance. Water demands are monitored and periodically the plans are updated to account for any service issues and regulatory changes.

Programs

Imp 17.1 Maintain and Implement Urban Water Management Plans and Encourage Conservation

Information regarding the General Plan's development capacities shall be forwarded by the City to the Irvine Ranch Water District and Mesa Consolidated Water District as the basis for their consideration of the adequacy of existing and planned improvements to meet the needs of existing and future populations. Required facility improvements shall be budgeted by each agency, including, where appropriate, the City's five year and annual Capital Improvement Programs.

Strategies to promote the conservation of water should be periodically reviewed for their effectiveness and updated in the plans to reflect best management practices. These may include tiered rates, the use of recycled water, incentives for on-site capture and retention of rainwater in private development, and comparable techniques. In addition, the water agencies should consider the potential use of alternative water sources for the water supply by implementation of advanced water treatment processes, when feasible.

18. SEWER

Overview

Sanitation service and sewerage in the City of Newport Beach are provided by the City, Irvine Ranch Water District (IRWD), and Costa Mesa Sanitation District (CMSD). Each agency maintains master plans for services, collection and treatment facilities, maintenance, and improvements necessary to support existing and projected population growth and development. Wastewater from these service areas, as well as greater Orange County, is collected, treated, and disposed by the Orange County Sanitation District (OCSD).

Programs

Imp 18.1 Maintain and Implement Sewer Master Plan

Information regarding the General Plan's development capacities shall be forwarded to the IRWD, CMSD, and OCSD as the basis for their consideration of the adequacy of existing and planned improvements to meet the needs of existing and future populations. These master plans should review the adequacy of facilities in areas in which new growth or substantive changes in use are targeted. Required facility improvements shall be defined and budgeted by the respective agencies, including the City's five year and annual Capital Improvement Programs.

19. STORM DRAINAGE

Overview

Storm drainage systems in the City of Newport Beach are maintained by the City, Orange County, and local community associations. In general, the County is responsible for maintaining the regional flood

control system, while the City is responsible for local improvements, excepting Newport Coast. Drainage improvements are coordinated between the City's Public Works Department and County's Public Resources and Facilities Department. Each maintains master and capital improvement plans for storm drainage improvements, special projects, and ongoing maintenance. These must also conform to regional, state, and federal regulatory requirements, including controls of the discharge from municipal storm sewer systems.

Programs

Imp 19.1 Maintain Storm Drainage Facilities

The City and County shall periodically review their Storm Drain Master Plans to assure that adequate facilities are provided to serve permitted development and to comply with National Pollutant Discharge Elimination System (NPDES) requirements.

20. PUBLIC STREETSCAPE IMPROVEMENT PLANS

Overview

The City has completed streetscape improvements for Balboa Village and Corona del Mar, including street trees and plantings, medians, decorative paving materials, lighting, and benches. Specific Plans for other areas and General Plan policies provide for the implementation of additional streetscape improvements.

Programs

Imp 20.1 Design, Fund, and Construct Streetscape Improvements

For areas designated by the General Plan to achieve an active pedestrian environment or improvement of their image and quality, design plans and financing plans should be prepared for the appropriate streetscape improvements. These may include the Airport area's residential villages, Mariner's Mile, West Newport Mesa, and West Newport (highway), as well as a comprehensive plan for Balboa Peninsula that links its districts along Newport/Balboa Boulevard from Lido Village to Balboa Village. Where the public streetscapes are integral to new residential and mixed-use neighborhoods, their implementation shall be the responsibility of private developers, in conformance with legislative nexus requirements. For other areas, funding may be derived from fees imposed by a local business improvement district, capital improvement funds, and other sources.

Imp 20.2 Design, Fund, and Construct Waterfront Promenade

The planned waterfront promenade on Newport Harbor should be designed, sources of funding identified, and constructed as feasible. Where private properties are redeveloped, promenade improvements shall be integrated with the new construction and be the responsibility of the developer.

Imp 20.3 Fund and Construct Public View Sites

The City shall develop a plan for the development of public view sites and amenities specified by Policies NR 20.3 and 20.5. The location, types, and of improvements and a financing plan shall be specified, which may include such elements as observation decks or plazas, benches, markers and signage, telescopes, lighting, and landscape.

21. HARBOR RESOURCES PLANNING AND MANAGEMENT

Overview

The City's Harbor Resources Division is responsible for tidelands administration including management of pier and mooring permits, harbor dredging, pumpout stations, Balboa and Corona Del Mar parking lots, Marine Life Refuge, Balboa Yacht Basin, harbor debris pickup, and mooring liveaboards.

Programs

Imp 21.1 Review and Update Harbor and Tidelands Improvement Plans

The Harbor Resources Division shall review its goals and policies to assure that the plans, proposed improvements, and operations for the Harbor and tidelands are consistent.

Imp 21.2 Develop Harbor Area Management Plan

Develop a harbor area management plan (HAMP) that provides a comprehensive approach to the management of Newport Bay's resources, including restoration of marine habitats such as kelp beds and fisheries, and boat anchorages, marinas, and other development activities. Improvements in the Harbor shall be located and designed to facilitate boating and other coastal recreational activities, while protecting important marine habitats, prevent water pollution, maintain the Harbor's hydrologic functions, protect coastal landforms and dunes, minimize sand transport, and be compatible with adjoining residential neighborhoods. This will require coordination with the Orange County Harbors, Beaches, and Parks Department and Harbor Patrol Division and U.S. Army Corps of Engineers relative to their respective jurisdictions.

Among the improvements that shall be considered is the identification of an area that can support Harbor maintenance facilities and equipment. This shall be coordinated with the Orange County Harbor Patrol Division, California Coastal Commission, and other jurisdictional agencies. In addition, the Division shall review procedures for the transfer of mooring titles to assure their equitable use.

Imp 21.3 Events Management and Programs

The City shall continue to coordinate Harbor event planning in collaboration with the Harbor Commission and Orange County Harbor Patrol. Special operating standards shall be established for the Christmas Boat Parade and other activities that are seasonal, recurring, and unique to the Harbor,

but which may require special controls on access, parking, noise, and other factors to minimize impacts on residential and other users.

The City shall review the need to require vendors to provide a safety program that educates boaters and property owners on safe boating and berthing practices. The program could be integrated with permit/lease enforcement to protect the public health and safety and the rights of other users and owners/lessees.

The City shall continue to work with various community and business associations such as the Balboa Village Merchants and Owners Association, Mariner's Mile Business Owners Association, and the Newport Pier Association as well as the vessel owners/operators to provide for the parking needs of the patrons of sportfishing boats, passengers and sightseeing vessels, and boat rentals.

Imp 21.4 Harbor Operations and Management

The City shall prepare and fund a joint City/County study that will evaluate the costs and efficiency of current services provided by the City and County in Newport Harbor and opportunities to realign these to reduce costs.

Public Service Facility Plans

Agencies responsible for the provision of public services for Newport Beach's residents and businesses shall maintain plans and fund improvements to assure that they adequately meet existing and projected future needs. The Public Facilities Plans shall specify the type, amount, cost, and phasing of public improvements and facilities that will support existing land uses and growth accommodated by the updated General Plan.

22. POLICE AND FIRE

Overview

The Newport Beach Police and Fire Departments provide public safety services to the City's residents, business, and visitors. Until such time that Banning Ranch may be annexed, police and fire services will be primarily provided by the Orange County Sheriff's Department and Orange County Fire Authority respectively, although the City will continue to provide response services through established mutual aid agreements.

Programs

Imp 22.1 Maintain and Enhance Police and Fire Facilities

The City of Newport Beach Police and Fire Departments shall maintain, periodically update, and implement their plans for facilities, equipment, and personnel to provide service to the community. On annexation of new areas, police and fire service responsibilities would be transferred to the City. The Police and Fire Departments shall monitor their operations, emergency response times, and number of incidents (rates of crime and fire calls) and periodically review the need to expand existing

and/or construct new facilities to assure an acceptable level of service. Physical improvements shall be incorporated in the City's CIP.

23. PARKS AND RECREATION

Overview

The Newport Beach Recreation and Senior Services Department and General Services Department are responsible for the development and operation of public parks in the City of Newport Beach. These encompass parks, greenbelts, beaches, and community centers, as well as joint use of public school grounds. In addition, the county and state own and operate four recreational facilities in the City. The City collects fees and/or requires dedication of land for parks in accordance with the *Quimby Act*, based on the standard of five acres of park for each 1,000 residents. The City oversees the development of new and improvement of existing parklands and facilities. The Recreation Element of the General Plan identifies specific needs for service areas throughout the City. Banning Ranch is the single largest property available for the development of a new park, should it be annexed to the City. In most other cases, new parklands will occur within the fabric of existing development.

Programs

Imp 23.1 Maintain and Update Parks and Recreation Facility Plans

The City shall maintain, periodically update, and implement its plans for the development, operation, programming, and maintenance of its system of parks throughout the City. Resident recreational needs should be monitored on a continuing basis to correlate these with park facilities and recreational programs.

Once each five years, the City should comprehensively review the status of its park system and assess the need for improvements, including new or renovated facilities. These shall be prioritized and a funding program defined for their implementation. Park users and the community shall be involved in identifying and prioritizing the improvements.

Imp 23.2 Maintain and Improve Parks and Recreation Facilities

Through the CIP and development approval process, the City shall implement the park improvements specified by the Recreation Element. Parks should be designed in consideration of their adjoining land uses, particularly to prevent impacts on residential neighborhoods due to lighting, noise, site access, and parking and minimize lighting impacts on any adjacent habitat areas. Facilities shall be designed and properties landscaped to complement the quality of the neighborhood in which they are located. Additionally, the City shall consider assisting Orange County with the management, operation, and maintenance of Upper Newport Bay Ecological Reserve, including the Peter and Mary Muth Center.

Imp 23.3 Assess Recreation Needs

Periodically, the City shall evaluate the recreation needs of Newport Beach's residents. Existing programs should be reviewed and scored according to their adequacy and programs desired by residents but not currently or inadequately provided should be identified. This may be accomplished

through surveys of park users, homeowner organizations, and other residents. Results of the survey would be used defining future programs to be provided at local parks and beaches.

Imp 23.4 Maintain Recreation Programs for Newport Beach's Residents

Recreational programs will be provided to serve the needs of Newport Beach's residents as identified by the needs assessment and prioritized by the Parks, Beaches, and Recreation Commission. Periodically the City shall review and update as necessary its fees for recreation programs to assure that they are adequate to cover ongoing costs. This may include a comparative assessment of the fees imposed by other jurisdictions.

Imp 23.5 Requirements for Residential Developers

As new residential developments are approved, requirements for parkland dedication, improvements, or the provision of in-lieu fees in accordance with the park dedication (Quimby) ordinance shall continue to be implemented.

Public Services and Programs

Services to support the needs of the City of Newport Beach's residents, businesses, and visitors are provided by a diversity of City departments, other public agencies, and private organizations. The following summarizes the principal programs that implement the General Plan's policies. These do not encompass all of the programs that are administered by each department or agency, which may include other activities unrelated to the Plan's policies. Inherently, the scope of these programs will change often during the General Plan's implementation due to evolving needs and available funding. The list of programs in this section should be reviewed and updated regularly.

24. ECONOMIC DEVELOPMENT

Overview

The City of Newport Beach administers programs to promote economic activity within the City to maintain a healthy economy, provide revenue for high quality municipal services and infrastructure maintenance and improvements, and preserve the City's unique commercial villages. The City Council's policy states that these will serve the overriding purpose of protecting the quality of life of Newport Beach's residents, in recognition of the balance of economic development objectives with the protection of the environment and health and safety of the community.

Priority improvement areas include Mariner's Mile, Corona del Mar, Balboa Village, West Coast Highway, Lido Village, Cannery Village, and McFadden Square. To achieve these, Council policy established the Economic Development Committee (EDC), which places a priority on cooperative relationships with the Chambers of Commerce, Conference and Visitors Bureau, Building Industry Association, Business Improvement Districts, other business groups, and individual business and property owners.

Programs

The economic development implementation actions below summarize the principal components of the Economic Strategic Plan prepared as a companion piece to the General Plan. The reader should refer to that document for more information.

Imp 24.1 Adopt and Implement Strategic Plan for Fiscal and Economic Sustainability

The Economic Development Committee should complete the Strategic Plan for Economic Sustainability for City Council approval. This plan should outline the incentives to be provided and other City actions to be undertaken to implement the goals and policies of the General Plan. This plan should be dynamic and reviewed and updated annually as a part of the City budget.

25. HOUSING PROGRAMS

Overview

Newport Beach's Planning Department administers a number of policies and programs identified in the Housing Element that promote the preservation, conservation, and improvement of housing within the community; support the development of a variety of housing for all economic segments; support the needs of special needs households and existing homeowners; preserve existing affordable housing; and support equal housing opportunities for all residents.

Programs

Imp 25.1 Implement Housing Element Programs

As required by state law, the Housing Element includes a five-year action plan with programs for the City to meet its goals for housing conservation, development, affordability, and access. The City shall implement these programs and update its Housing Element as required by state law.

26. CODE ENFORCEMENT

Overview

The City of Newport Beach enforces Building and Zoning Ordinances to assure the protection and preservation of public health and safety, residential neighborhood character, and the overall quality of life for Newport Beach's residents.

Programs

Imp 26.1 Enforce Codes and Ordinances

Newport Beach shall continue to administer health and safety, zoning, and other codes and ordinances that implement the General Plan While enforcement procedures normally occur on a complaint basis, the City may consider the appropriateness of pro-active inspection of areas of the

City in which there has been a high frequency of prior complaints. Among the purposes for which this may be initiated by the City are the removal of illegal signs and control of retail commercial, restaurant, entertainment, and comparable uses that directly abut residential neighborhoods.

27. PROPERTY MAINTENANCE AND ENHANCEMENT

Overview

While code enforcement is the primary tool used by the City to assure compliance of private property owners with Newport Beach's codes and regulations, there are a number of other programs directed at property maintenance and improvement.

Programs

Imp 27.1 Seismic Compliance

The City shall support and encourage the seismic retrofitting and strengthening of essential facilities, especially facilities that have been constructed in areas subject to ground rupture, high levels of earth shaking, and tsunami. The retrofitting of unreinforced masonry buildings during remodels to minimize damage in the event of a seismic or geologic hazard shall continue to be required.

28. EMERGENCY PREPAREDNESS AND RESPONSE

Overview

The City of Newport Beach Police and Fire Departments maintain programs for emergency preparedness, response, and recovery.

Programs

Imp 28.1 Maintain Hazards Data Base

The Police and Fire Departments shall maintain data bases regarding the type and occurrence of criminal activities and natural hazards (e.g., tsunami inundation, wildfire hazards, flooding, seismic, landslide, subsidence, and other) that may impact the City as the basis for the planning of facilities, personnel assignments, and emergency response programs.

Imp 28.2 Maintain Emergency Preparedness, Response, and Recovery Programs

The Police and Fire Department shall maintain, and periodically update, and implement their plans for emergency preparedness, response, and disaster recovery. This shall include cooperative and mutual aid agreements with adjoining jurisdictions, the County of Orange, and state and federal agencies and participation in disaster simulations.

29. COMMUNITY INVOLVEMENT

Overview

Newport Beach provides opportunities for its residents and businesses to be engaged in its culture and life through education about community services, programs, and initiatives and participation in a diversity of community events. Additionally, numerous opportunities are provided for public input and advice in the City's decision-making processes through the diversity of appointed boards, commissions, and committees. Among these are the Board of Library Trustees; City Arts Commission; Civil Service Board; Parks, Beaches, and Recreation Commission; Planning Commission; Harbor Commission; Aviation Committee; Economic Development Committee; Coastal/Bay, Water Quality Citizens' Advisory Committee; Environmental Quality Affairs Citizen Advisory Committee; Newport Coast Advisory Committee; and, constituted for the purposes of the updated General Plan, the General Plan Advisory Committee. Additional committees may be formed for limited or extended time periods to address specific issues. These boards, commissions, and committees and City Council meetings provide opportunities for public input at any of their meetings, in conformance with state law.

Programs

Imp 29.1 Educate the Community

The City shall continue to make information available to inform residents and businesses within the City regarding its services, programs, and key community issues. Representative of the range of information that may be presented include: land use zoning and development processes; development fees; code compliance; property and building maintenance and improvement techniques; financial assistance and affordable housing programs, public transportation; ride-sharing, energy conservation methods, waste reduction and recycling programs; hazards and emergency/disaster preparedness, evacuation, and response protocols and procedures; natural resources and their value; educational and cultural events and venues; parks and recreation, health and safety, and seniors and youth programs; and access to government services and elected officials. This information may be presented in flyers and newsletters that are distributed to households in the City, on the City's Web Page, by cable television broadcasts, in workshops with homeowners associations and business organizations; and general community presentations and workshops.

Imp 29.2 Support of the Arts, Culture, and Historic Resources

The City shall continue to work with the Arts Commission and local community groups and organizations to incorporate donated or privately funded arts elements and exhibits in public buildings and facilities such as City Hall and the Central Library. The City shall also work with local groups advocating for the preservation of historic sites and buildings. Procedures for the review of modification and/or demolition of these resources shall be defined.

Imp 29.3 Support Community Environmental and Recreation Initiatives

The City shall support private groups' efforts to *(a)* acquire properties and their development for the Orange Coast River Park including the potential acquisition of Newport Beach's westernmost parcel, currently developed as a mobile home park, to be completely or partially re-developed as a staging

area for the park; and *(b)* acquire Banning Ranch as open space and the restoration of its wetlands and habitats.

Financing

The financing strategy defines the sources and uses of funds for the public improvements and services described in the Public Improvement Plans and Public Services Programs. In addition to those defined herein, any development specific plan will incorporate a detailed financing plan as stipulated by state law.

30. MUNICIPAL BUDGETING

Overview

The General Fund is the portion of Newport Beach's operating budget that funds the majority of City services. This fund is used to account for fiscal resources which are dedicated to the general government operations of the City. Examples of the services funded by the General Fund include Police and Fire Services; Refuse Collection; Public Library; Recreation Programs; much of the City's expenditures on street maintenance; Planning and Building, and Engineering services; as well as the general administration of the City. In addition, many Capital Improvements are funded by the General Fund.

The General Fund and its activities are primarily supported by property, sales, and transient occupancy taxes. In addition, the other revenue sources supporting General Fund activities include: Licenses, Fees and Permits; Intergovernmental Revenues; Charges for Services; Fines, Forfeitures and Penalties; Revenue from the Use of Money and Property; Contributions; and Other Miscellaneous Revenue. By far, the City's largest revenue source is property taxes. The second largest single revenue source is Sales Tax, followed by Transient Occupancy Tax.

Programs

Imp 30.1 Maintain Annual Budgets for City Services and Improvements

The City shall annually budget for the provision of services to Newport Beach's residents and businesses. This shall define their costs, sources of revenue, and estimates of revenues to be received including any necessary changes in fees. As part of the budget, the City will adopt a Capital Improvement Plan (CIP) that provides funds for capital facilities including arterial highways; local streets; storm drains, bay and beach improvements; park and facility improvements; water and wastewater system improvements; and planning programs.

Imp 30.2 Administer Impact and User Fees

a. Development Impact Fees

The City imposes fees on development projects to provide revenue for required supporting public infrastructure and services, and mitigation of transportation, environmental and other impacts in

accordance with state nexus legislation. This includes fees imposed for transportation improvements by the Fair Share Traffic Contribution Ordinance. For development projects that contain low and moderate income housing, the planning fees may be waived at the discretion of the City Council and Planning Commission. Development fees will be evaluated annually to ensure that they are sufficient to support new infrastructure and that the fiscal balance of the developing land use mix can sustain the City' ability to operate and maintain the existing infrastructure.

b. Park Dedication and In-Lieu Fees

The City requires dedication of land, payment of fees in-lieu thereof, or a combination of both for park or recreational purposes in conjunction with the approval of residential projects. In-lieu fees are placed in a fund earmarked for the provision or rehabilitation of park and recreation facilities that can serve the subdivision. The City's park fees shall be reviewed periodically for their adequacy and updated as necessary.

c. Tideland Revenue Fees

The City derives revenue from a diversity of activities conducted in the tidelands including moorings, public marinas, piers, entertainment boat permits, property leaseholds, and other uses. The feasibility of implementing longer term tideland leases with rental rates that reflect the nature and intensity of the permitted uses and activities and security for funding enhanced or expanded facilities should be studied. Tideland revenues shall be restricted for expenditures within the designated tidelands.

31 COMMUNITY FACILITIES AND SPECIAL ASSESSMENT DISTRICTS

Overview

Assessment districts are established for the funding of streets, water, sewerage, storm drainage, schools, parks, and other infrastructure and services required to support development. Costs are distributed and fees assessed on all development in the district. When applied to developed properties, a vote of the property owners is required for implementation.

Actions

Imp 31.1 Consider the Establishment of Community Facilities and Special Assessment Districts

The establishment of new Community Facilities and Special Assessment Districts shall be considered as necessary to support new development in the City. This would most likely be limited to areas in which extensive redevelopment is projected and for large vacant parcels that may be developed. Respectively, these may include development of residential villages in the Airport Area and West Newport Mesa and a mixed-use community in Banning Ranch should it not be acquired as open space. Additionally, the City may form and implement Lighting and Landscape Districts as a means to improve community character and the undergrounding of utilities.