

Attachment B

General Plan Annual Progress Report of
2019

CITY OF NEWPORT BEACH

GENERAL PLAN ANNUAL PROGRESS REPORT



2019 CALENDAR YEAR

APPROVED FOR SUBMISSION
_____, 2020

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1. Introduction

Consistent with Government Code Section 65400 and the City's General Plan Implementation Program Imp 1.3, the General Plan Annual Progress Report (GPAPR) was prepared using guidelines set forth by the California Office of Planning and Research (OPR) and provides information for decision makers on the status of the General Plan and progress on implementation during the 2019 calendar year ("Reporting Period"). The Newport Beach General Plan was adopted in November 2006 pursuant to guidelines provided in Government Code Section 65040.2 and consistent with Section 65400(a)(2). There is no standardized form or format for the preparation of the GPAPR; however, the report format and content follows the guidance provided by the [2019 Annual Progress Report Memorandum](#) issued by OPR on April 25, 2019.

2. Presentation and acceptance by local legislative bodies

The annual report was presented to the Planning Commission on March 5, 2020, and the City Council reviewed the report on March 24, 2020. At the conclusion of the review that included public comments, the City Council authorized the submission of the report to OPR and the State Department of Housing and Community Development (HCD) as required by State law.

3. General Plan Implementation

Included in the General Plan is an Implementation Program (Chapter 13) that includes specific programs to carry out the goals and policies of the General Plan. Appendix A of this report evaluates and provides the status of the General Plan organized by each implementation program. The table below provides a quick status on each program:

| Table 1 – Quick Status Update for Each Implementation Program | | | | | |
|---|---|---------|----------|---------|-----|
| Programs | | Ongoing | Complete | Pending | N/A |
| 1.1 | Ensure that Private Development and Capital Improvements are Consistent with the General Plan | ✓ | | | |
| 1.2 | Update and Revise the General Plan to Reflect Changing Conditions and Visions | ✓ | | | |
| 1.3 | Prepare Annual General Plan Progress and Housing Element Implementation Reports | | | ✓ | |
| 2.1 | Amend the Zoning Code for Consistency with the General Plan | | ✓ | | |
| 3.1 | Preparation of New Specific Plans | | | | ✓ |
| 4.1 | New "Planned Community" Development Plans | ✓ | | | |
| 5.1 | Review and Revise Coastal Land Use Plan for Consistency with the General Plan | ✓ | ✓ | | |
| 6.1 | Review the Subdivision Ordinance for Consistency with the General Plan | | ✓ | | |

| Table 1 – Quick Status Update for Each Implementation Program | | | | | |
|---|---|---------|----------|---------|-----|
| Programs | | Ongoing | Complete | Pending | N/A |
| 7.1 | Review Building and Construction Code for Consistency with General Plan | ✓ | | | |
| 7.2 | Revise Fair Share Traffic Contribution Ordinance | ✓ | | | |
| 7.3 | Review and Update Transportation Demand Ordinance | | ✓ | | |
| 8.1 | Review Codes and Ordinances for Consistency with the General Plan and Update Periodically | ✓ | ✓ | | |
| 8.2 | Prepare New Codes, Ordinances, and Guidelines | ✓ | | | |
| 9.1 | Review City Council Policy Manual for Consistency with the General Plan | ✓ | | | |
| 10.1 | Maintain Up-to-Date Comprehensive Database (<i>Data 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</i>) | ✓ | | | |
| 10.2 | Maintain Development Tracking and Monitoring Program | ✓ | | | |
| 11.1 | CEQA Review Development and Entitlement Applications | ✓ | | | |
| 12.1 | Evaluate Fiscal Benefits of Large Development Proposals and Annexations | ✓ | | | |
| 12.2 | Maintain and Update Fiscal Impact Model | ✓ | | | |
| 13.1 | Process Development Agreements | ✓ | | | |
| 14.1 | Adjoining Cities (<i>“Borders Committees” to collaborate with the cities of Irvine, Huntington Beach, and Costa Mesa</i>) | ✓ | | | |
| 14.2 | Coordinate with School Districts | ✓ | | | |
| 14.3 | Coordinate with Orange County | ✓ | | | |
| 14.4 | Coordinate with Orange County Transportation Authority (OCTA) | ✓ | | | |
| 14.5 | State of California Department of Housing and Community Development (HCD) | ✓ | | | |
| 14.6 | Coordinate with California Coastal Commission | ✓ | | | |
| 14.7 | Coordinate with the California Resources Agency, Department of Fish and Game (<i>now known as California Department of Fish and Wildlife</i>) | ✓ | | | |
| 14.8 | Coordinate with the California Department of Parks and Recreation | ✓ | | | |
| 14.9 | Coordinate with the California Department of Transportation (“Caltrans”) | ✓ | | | |
| 14.10 | Transportation Corridor Agencies (TCA) | ✓ | | | |
| 14.11 | California Public Utilities Commission (CPUC) | ✓ | | | |
| 14.12 | Coordinate with United States Army Corps of Engineers (“Corps”) | ✓ | | | |
| 14.13 | Coordinate with United States Fish and Wildlife Service | ✓ | | | |
| 14.14 | Coordinate with Environmental Protection Agency (EPA) | ✓ | | | |

| Table 1 – Quick Status Update for Each Implementation Program | | | | | |
|---|---|---------|----------|---------|-----|
| Programs | | Ongoing | Complete | Pending | N/A |
| 14.15 | Coordinate with United States Postal Service (USPS) <i>(for the relocation of Mariners' Mile distribution facility)</i> | ✓ | | | |
| 14.16 | Other Agencies | ✓ | | | |
| 15.1 | Encourage Annexation of Banning Ranch Prior to Development | ✓ | | | |
| 16.1 | Improve Arterial Streets and Highways According to Classification | ✓ | | | |
| 16.2 | Monitor Traffic Conditions and Plan for and Fund Improvements | ✓ | | | |
| 16.3 | Construct Street and Highway Improvements | ✓ | | | |
| 16.4 | Monitor Roadway Conditions and Operational Systems | ✓ | | | |
| 16.5 | Maintain Consistency with Regional Jurisdictions <i>(Caltrans and Orange County to provide adequate roadway infrastructure plans and design standards such as the Orange County Master Plan of Arterial Highways)</i> | ✓ | | | |
| 16.6 | Local/Neighborhood Access Roads | ✓ | | | |
| 16.7 | Traffic Control | ✓ | | | |
| 16.8 | Provide Public Transportation | ✓ | | | |
| 16.9 | Manage Truck Operations | ✓ | | | |
| 16.10 | Improve Parking Supply and Management | ✓ | | | |
| 16.11 | Maintain Trails | ✓ | | | |
| 16.12 | Marine Transportation | ✓ | | | |
| 17.1 | Maintain and Implement Urban Water Management Plans and Encourage Conservation | ✓ | | | |
| 18.1 | Maintain and Implement Sewer Master Plan | ✓ | | | |
| 19.1 | Maintain Storm Drainage Facilities | ✓ | | | |
| 20.1 | Design, Fund, and Construct Streetscape Improvements | ✓ | | | |
| 20.1 | Design, Fund, and Construct Streetscape Improvements <i>(continued)</i> | ✓ | | | |
| 20.2 | Design, Fund, and Construct Waterfront Promenade | ✓ | | | |
| 20.3 | Fund and Construct Public View Sites | ✓ | | | |
| 21.1 | Review and Update Harbor and Tidelands Improvement Plans | ✓ | | | |
| 21.2 | Develop Harbor Area Management Plan (HAMP) | ✓ | | | |
| 21.3 | Events Management and Programs | ✓ | | | |
| 21.4 | Harbor Operations and Management | ✓ | | | |
| 22.1 | Maintain and Enhance Police and Fire Facilities | ✓ | | | |
| 23.1 | Maintain and Update Parks and Recreation Facility Plans | ✓ | | | |
| 23.2 | Maintain and Improve Parks and Recreation Facilities | ✓ | | | |
| 23.3 | Assess Recreation Needs | ✓ | | | |
| 23.4 | Maintain Recreation Programs for Newport Beach's Residents | ✓ | | | |
| 23.5 | Requirements for Residential Developers | ✓ | | | |

| Table 1 – Quick Status Update for Each Implementation Program | | | | | |
|--|---|----------------|-----------------|----------------|------------|
| Programs | | Ongoing | Complete | Pending | N/A |
| 24.1 | Adopt and Implement Strategic Plan for Fiscal and Economic Sustainability | ✓ | | | |
| 25.1 | Implement Housing Element Programs | ✓ | | | |
| 26.1 | Enforce Codes and Ordinances | ✓ | | | |
| 27.1 | Seismic Compliance | ✓ | | | |
| 28.1 | Maintain Hazards Data Base | ✓ | | | |
| 28.2 | Maintain Emergency Preparedness, Response, and Recovery Programs | ✓ | | | |
| 29.1 | Educate the Community | ✓ | | | |
| 29.2 | Support of the Arts, Culture, and Historic Resources | ✓ | | | |
| 29.3 | Support Community Environmental and Recreation Initiatives | ✓ | | | |
| 30.1 | Maintain Annual Budgets for City Services and Improvements | ✓ | | | |
| 30.2 | Administer Impact and User Fees (<i>Development Impact Fees, Park Dedication and In-Lieu Fees, and Tideland Revenue Fees</i>) | ✓ | | | |
| 31.1 | Consider the Establishment of Community Facilities and Special Assessment Districts | ✓ | | | |

4. Housing Element APR report requirements

Government Code Section 65400 requires that each city, including charter cities, prepare an annual progress report (APR) on the status of the Housing Element of its General Plan. The State Department of Housing and Community Development has provided mandatory forms (Excel spreadsheets) and definitions for the reporting. The forms include six large tables (Tables A through F). A summary of the contents of each table is provided below. The complete forms are too large to copy for this report and are available online at the following link: www.newportbeachca.gov/APR. Table D Program Implementation Status provides each Housing Element Implementation Program and status of progress for the 2019 calendar year. The complete Table D is provided in Appendix B of this report.

Table A Summary- Housing Development Applications Submitted

Table A provides a complete listing of all housing applications including discretionary and ministerial permits submitted during the Reporting Period. The following table is a summary of the net totals of Table A.

| Table A Summary - 2019 Housing Development Applications Submitted | | | | | |
|--|--------------------------------|------------|-----------------|-----------------------|------------------------|
| Unit Type | Affordability By Income | | | | Total Submitted |
| | Very-Low | Low | Moderate | Above-Moderate | |
| Accessory Dwelling Units | 1 | 0 | 0 | 1 | 2 |
| Single-Family | 0 | 0 | 0 | 175 | 175 |
| Multi-Family | 3 | 0 | 0 | 316 | 319 |
| Total | 4 | 0 | 0 | 492 | 496 |

Table A2 Summary - Annual Building Activity Summary

Table A2 is a comprehensive table that includes data on net new housing units and developments that have received any one of the following forms of project readiness during the Reporting Period: 1) an entitlement approval, 2) a building permit issued, or 3) a certificate of occupancy issued. These projects are organized by affordability level. Projects that result in a net zero or decrease in number of units are not reported in this table. The following table is a summary of the net totals of Table A2:

| Table A2 Summary - 2019 Building Activity Summary – Net New Units | | | | | |
|--|------------------------------|--|------------------------------|--|------------------------------|
| Approved Entitlements | | Building Permits Issued | | Certificates of Occupancy Issued | |
| Affordable | Above-Moderate Income | Affordable | Above-Moderate Income | Affordable | Above-Moderate Income |
| 78 Low-Income (Newport Crossings Mixed-Use) | 363 | 2 Very Low-Income and 1 Low Income (ADUs) | 23 | 91 Very Low-Income (Uptown Newport) | 171 |

Table B Summary - Regional Housing Needs Allocation Progress

Table B reports the number of units for which permits were issued to demonstrate progress in meeting the City's Regional Housing Needs Allocation goal.

The Southern California Association of Governments (SCAG) prepared a Regional Housing Needs Allocation (RHNA) to identify the housing needs for each jurisdiction within the SCAG region. SCAG, through the RHNA process, assigned Newport Beach a share of the region's new housing units that should be constructed in the 2014 - 2021 planning period to satisfy housing needs resulting from projected growth in the region. To accommodate projected growth in the

region, SCAG determined the City's share of RHNA to be a total of five new dwelling units.

| Table B Summary: Regional Housing Needs Allocation Progress | | | | | | | | |
|--|------------------------|--|-------------------------|-------------------------|-------------------------|-------------------------|-------------|----------------------|
| Income Level | RHNA Allocation | Permitted Units Issued by Affordability | | | | | | |
| | | 2014¹ | 2015¹ | 2016¹ | 2017¹ | 2018² | 2019 | Total to Date |
| Very Low | 1 | 0 | 0 | 0 | 0 | 92 | 2 | 94 |
| Low | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Moderate | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Above Moderate | 2 | 115 | 197 | 186 | 716 | 406 | 23 | 1,643 |
| Total RHNA | 5 | - | - | - | - | - | | - |
| Total Units Produced | | 115 | 197 | 186 | 716 | 498 | 26 | 1,738 |

Table C Summary - Sites Identified or Rezoned to Accommodate Shortfall Housing Need

This table does not apply to Newport Beach because the City did not have an identified unaccommodated need of sites from a prior Housing Element planning period. In other words, the City currently has sufficient zoning in place to accommodate the City's five-unit RHNA.

Table D Summary - Program Implementation Status Pursuant to Government Code Section 65583

Table D provides the status and/or progress of implementing each Housing Element Program for the Reporting Period. Attachment C includes a detailed status report of each Housing Element Program. Some highlights of the program implementation in 2019 are the following:

- In 2019, 227 units of the 462-unit first phase of the Uptown Newport project were completed and certificates of occupancy issued. Of the 227 units completed, 91 units are affordable to very-low income households.
- The City's Senior Housing Assistance Repair Program (SHARP) continues to successfully assist low-income seniors. In 2019, Habitat for Humanity and OASIS staff worked on two projects and expended a total of \$30,682. Projects included home weatherization, roof repair and accessibility modifications. To date, the program has used \$243,466 for a total of 11 projects.

¹ Data for years 2014-2017 are based on permits finalized (certificates of occupancy issued). The 2018 APR form now requests number of units permitted.

²Due to change in reporting requirements from permits finalized to permits issued, and after consultation with HCD staff, 2018 data includes the 462 units, including 91 very-low income units, issued in 2017 for the Uptown Newport project to ensure proper RHNA credit is given to the City.

- The City approved the Newport Crossings Mixed-Use project consisting of a total of 350 apartment units, including 78 units affordable to low-income households. The Environmental Impact Report (EIR) was certified and the project was approved by the Planning Commission on February 21, 2019.

Table E Summary - Commercial Development Bonus Approved Pursuant to Government Code Section 65915.7

This table does not apply to Newport Beach because the City did not approve any commercial development bonus in exchange for the development of affordable housing during the Reporting Period. Pursuant to State Density Bonus Law, a commercial developer may be eligible for an increase in floor area, height, or other development standard exception if they partner with an affordable housing developer to provide affordable housing units

Table F Summary - Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites Pursuant to Government Code Section 65583.1(c)(2)

This table does not apply to Newport Beach because the City did not approve any eligible projects in 2019.

5. General Plan compliance with OPR's General Plan Guidelines

Newport Beach General Plan Implementation Program 1.3 provides that the annual progress report must specify the degree to which the General Plan complies with the General Plan Guidelines published by the Governor's Office of Planning and Research (OPR) and the date of its last revision. The Newport Beach General Plan was last comprehensively updated in 2006. It has since been amended 41 times, including two major Housing Element updates (2007 and 2014). The OPR published General Plan Guidelines pursuant to Government Code Section 65040.2 in 2017 to reflect more recent changes to Government Code Section 65302.

The Newport Beach General Plan is generally consistent with the guidelines except that several required elements will require updating in the future to be consistent with Government Code Section 65302 following the guidance of OPR's 2017 Guidelines. The November 11, 2019 memorandum from Dyett & Bhatia (Appendix C) outlines and explains in more detail on each shortcoming:

- The Circulation Element does not incorporate every aspect of mobility as required by Section 65302(b). Updating the Circulation Element is required the next time the City chooses to make any substantial revision to the Circulation Element.

- The Safety Element does not fully address Climate Change as required by Government Code Section 65302(g). The City must update the Safety Element to address Climate Change the next time it updates the Local Hazard Mitigation Plan.
- The General Plan currently does not address Environmental Justice as specified by Government Code Section 65302(h). Including Environmental Justice policies or adding a new separate element is not required until the City revises two or more elements of the General Plan.
- In addition, the Housing Element must be also be updated for the 6th cycle (2021-2029) Planning Period, which is due in October 2021.

In February 2019, the City Council initiated a comprehensive review and update of the General Plan with the goal to bring it up to date with the requirements of Government Code Section 65302 consistent with the City's changing vision to be identified through a robust public outreach process.

6. Established priorities for land use decision making for 2019

In 2019, priorities on amendments and policies included the following and the status of each can be found in the referenced Implementation Programs in Appendix A:

Title 20 (Zoning Code) and Title 21 (Local Coastal Program Implementation Plan) Update Related to Accessory Dwelling Units (Implementation Program 8.2)

On February 12, 2019, the City Council adopted amendments to Title 20 and Title 21 necessary to address changes in State law (Senate Bill 1069 and Assembly Bill 2299, Statutes of 2016, and Senate Bill 229 and Assembly Bill 494, Statutes of 2017) that require jurisdictions to amend their local ordinances to conform to California Government Code Section 65852.2. The ordinances expanded opportunities in the City for the conversion and construction of new Accessory Dwelling Units (ADUs) to any residential lot with existing or proposed single-unit development.

In 2019, the California Legislature adopted another group of housing bills aimed at addressing the housing crisis. The Legislature approved, and the Governor signed SB 13 (Chapter 653, Statutes of 2019), AB 68 (Chapter 655, Statutes of 2019), and AB 881 (Chapter 659, Statutes of 2019) into law that, among other things, amended Government Code sections 65852.2 and 65852.22 to further impose new limits on the City's ability to regulate ADUs and Junior Accessory Dwelling Units (JADUs). The City is in the process of amending Newport Beach Municipal Code (NBMC) Titles 20 and 21 to conform with revisions to Government Code Sections 65852.2 and 65852.22 that went into effect on January 1, 2020.

Title 17 (Harbor Code) Update (Implementation Program 8.1)

Throughout 2019, the Harbor Commission led a comprehensive review and update of Title 17 of the NBMC. This effort included significant community stakeholder involvement, including hosting multiple well-attended community meetings, inviting written comments and suggestions, and incorporating community input into recommendations advanced to City Council, where warranted. Recommended updates to Title 17 (with the exception of the Code section associated with Marine Activities Permits) were advanced to the City Council for consideration at the January 28, 2020, City Council meeting where they were largely adopted. Efforts to recommend updates to Code sections governing Marine Activities Permits and live-aboard activities within private commercial marina remain ongoing. Harbor Commission recommendations to City Council on these sections are expected in summer of 2020.

Maintaining Up-to-Date Comprehensive Database (Implementation Program 10.1)

The City's Geographical Information System (GIS) data is updated regularly to provide up-to-date, parcel-specific information including specific lot information, planning (zoning, land entitlements, building, code enforcement, environmental layers, general information [contours, assessor, easement, etc.]), general services, harbor, hazards including flood and seismic, fire, police, public works, parking, street and utilities. New layers are added whenever necessary and appropriate.

Maintaining Development Tracking and Monitoring Program (Implementation Program 10.2)

Work continues on the comprehensive update to the citywide, parcel-specific database that accounts for all existing development. The database includes statistics for non-residential floor area and residential dwelling units. The database is used for site-specific information or compiled to provide information by any geography needed, from a single lot to a neighborhood to statistical area to citywide. The land use data is available by Statistical Area as directed by the General Plan. The data is currently being used to update the land use inputs of the Newport Beach Traffic Analysis Model (NBTAM), which will be consistent with the Orange County Transportation Analysis Model (OCTAM).

As required by Section 423 of the City Charter, the Planning Division tracks increases in development limits approved by General Plan amendments (GPA) for a period of 10 years. If a proposed amendment exceeds the established thresholds of 40,000 square feet of non-residential development, 100 dwelling units, 100 AM peak hour traffic trips or 100 PM peak hour traffic trips on its own or, when combined with 80 percent of previously approved General Plan amendment(s)

located in the same Statistical Area, the amendment is considered a “major amendment.” Approval or denial of a “major amendment” is determined by a vote of the electorate. The GPA/Charter Section 423 tracking tables are available for public review at the General Plan information page on Newport Beach’s Community Development Department’s Planning Division website at - <https://www.newportbeachca.gov/chartersection423>

In the last year, staff has compiled a database of all transfers of development rights in Statistical Area L1 (Newport Center) and Statistical Area L4 (Airport Area). Land Use Element policies LU4.3 (Transfer of Development Rights) and LU6.14.3 (Transfers of Development Rights – Newport Center) allow development rights and intensity (e.g. square footage) to be transferred in certain circumstances without an amendment to the General Plan. The policies are implemented by Chapter 20.46 (Transfer of Development Rights) of the Newport Beach Municipal Code and the North Newport Center Planned Community Development Plan.

The transfer of development tables are located at the following webpage: <https://www.newportbeachca.gov/developmenttransfertables>

Update and Revision to the General Plan to Reflect Changing Conditions and Visions (General Plan Implementation Program 1.2)

The General Plan was comprehensively updated in 2006. Staff reviews the General Plan on an ongoing basis to ensure it is maintained to reflect current conditions, issues, and visions.

On January 22, 2019, the City Council acted to initiate a General Plan review and update process. A City Council-appointed resident Steering Committee was formed to prepare a request for proposals for consultant assistance. The Steering Committee guided an open, transparent and inclusive public outreach process during the latter part of 2019, called the “Listen and Learn” process. However, during this outreach effort, the Regional Housing Needs Assessment (RHNA) allocation process was being conducted by the Southern California Association of Governments (SCAG). Early methodology estimates showed between approximately 2,000 and 5,000 new housing units required for the City of Newport Beach’s 6th cycle RHNA. The Listen and Learn effort was augmented to focus specifically on RHNA and updating the Housing Element. On January 14, 2020, City staff reviewed the progress of the update with the City Council at the direction of the Steering Committee, given that much of the context surrounding the potential comprehensive update of the General Plan had changed due to the housing crisis. City Council directed staff to focus efforts on primarily updating the Housing Element for compliance with State law.

The City released a request for proposals (RFP) related to consultant services for updating the Housing, Land Use, and Circulation Elements in December 2019, and a new housing-centric committee will replace the Steering Committee. All

information regarding the General Plan update efforts including the initiation, evaluation and process can be found on the City webpage at <https://www.newportbeachca.gov/gpupdate>

APPENDIX A. GENERAL PLAN IMPLEMENTATION PROGRAM STATUS

| PROGRAMS | | STATUS |
|----------|---|--|
| 1.1 | Ensure that Private Development and Capital Improvements are Consistent with the General Plan | <p>Ongoing</p> <ol style="list-style-type: none"> 1. All private development projects require consistency with the General Plan. Consistency is ensured through application of zoning requirements. Discretionary applications require the adoption of a finding that the project is consistent with the General Plan based upon facts. 2. In June 2019, the City Council confirmed that the Fiscal Year 2019-20 Capital Improvement Program (CIP) was consistent with the General Plan when it approved the CIP with the adoption of the budget. <p>For reference, in November 2012 the residents approved Measure EE, a City charter amendment. Section 707 of the City's Charter was amended eliminating the need for the Planning Commission to recommend any proposed public works items to the City Council.</p> |
| 1.2 | Update and Revise the General Plan to Reflect Changing Conditions and Visions | <p>Ongoing</p> <p>The General Plan was comprehensively updated in 2006. Staff reviews the General Plan on an ongoing basis to ensure it is maintained to reflect current conditions, issues, and visions. On January 22, 2019, the City Council acted to initiate a General Plan review and update process. A City Council-appointed resident Steering Committee was formed to prepare a request for proposals for consultant assistance. The Steering Committee guided an open, transparent and inclusive public outreach process during the latter part of 2019, called the "Listen and Learn" process. However, during this outreach effort, the Southern California Association of Governments (SCAG) was conducting the Regional Housing Needs Assessment (RHNA) allocation process. Early methodology estimates showed between approximately 2,000 and 5,000 new housing units required for the City of Newport Beach's 6th cycle RHNA. The Listen and Learn effort was augmented to focus specifically on RHNA and updating the Housing Element. On January 14, 2020, City staff reviewed the progress of the update with the City Council at the direction of the Steering Committee given that much of the context surrounding the potential comprehensive update of the General Plan had changed due to the housing crisis. City Council directed staff to focus efforts primarily on housing. The refocused update effort is the Housing Element, the Land Use Element to accommodate the additional housing, the Circulation Element, and Environmental Justice policies. The City Council dissolved the Steering Committee while creating a new Housing Element Update Advisory Committee (HEUAC). Staff released a request for proposals (RFP) for consultant services to prepare the refocused updates in December 2019 and those proposals are currently under review. All information regarding the General Plan update efforts including the initiation, evaluation and process can be found on the City webpage at https://www.newportbeachca.gov/gpupdate.</p> |

| PROGRAMS | | STATUS |
|----------|---|--|
| 1.3 | Prepare Annual General Plan Progress and Housing Element Implementation Reports | <p><i>Pending for 2019</i></p> <p>The Annual Report for 2019 was reviewed by the City Council and submitted to the Governor’s Office of Planning and Research (OPR) and State of California Department of Housing and Community Development (HCD) in April 2020. Implementation Program 1.3 also states that the report must specify the degree to which the General Plan complies with the General Plan Guidelines published by OPR and the date of its last revision. The Newport Beach General Plan was last comprehensively updated in 2006. It has since been amended 41 times, including two major Housing Element updates (2007 and 2014). The OPR published General Plan Guidelines pursuant to Government Code Section 65040.2 in 2017 to reflect more recent changes to Government Code Section 65302. The Newport Beach General Plan is generally consistent with the guidelines except that several required elements will require updating in the future to be consistent with Government Code Section 65302 following the guidance of OPR’s 2017 Guidelines. The “General Plan Diagnostic Memo” provided in Appendix C of the 2019 General Plan Annual Progress Report attachment outlines and dives into more detail on each shortcoming. The Circulation Element does not incorporate every aspect of mobility as required by Section 65302(b). Updating the Circulation Element is required the next time the City chooses to make any substantial revision to the Circulation Element. The Safety Element does not fully address Climate Change as required by Government Code Section 65302(g). The City must update the Safety Element to address Climate Change the next time it updates the Local Hazard Mitigation Plan. The General Plan currently does not address Environmental Justice as specified by Government Code Section 65302(h). In 2019, the City initiated a comprehensive review and update of the General Plan to update it consistent with Government Code Section 65302 and its changing vision of the future of the City.</p> |
| 2.1 | Amend the Zoning Code for Consistency with the General Plan | <p><i>Complete</i></p> <p>Comprehensive Zoning Code Update, consistent with the General Plan, was adopted by City Council in October 2010.</p> |
| 3.1 | Preparation of New Specific Plans | <p><i>Not Applicable in 2019</i></p> <p>Within the Airport Area, Uptown Newport and Koll Center elected to meet their “regulatory plan” requirements (General Plan Policy LU 6.15.10) through a Planned Community Development Plan as allowed pursuant to Implementation Program 4.1. The streetscape improvements for West Newport and Balboa Village are intended to create a unified theme as public and private improvements are implemented in the area.</p> |

| PROGRAMS | | STATUS |
|----------|---|--|
| 4.1 | New “Planned Community” Development Plans | <p>Ongoing</p> <ul style="list-style-type: none"> • Uptown Newport – Approved in February 2013, the Uptown Newport Planned Community (PC) was created (formally a part of the Koll Center Planned Community) to specifically serve as a zoning document for the construction of up to 1,244 residential units, 11,500 square feet of retail commercial, and 2.05 acres of park space. The Uptown Newport PC requires densities between 30 du/acre and 50 du/acre, consistent with the densities of the General Plan, and allows additional density opportunities with a density bonus. Construction of the first phase of the project (462 apartment units, including 91 affordable units) was under construction in 2019 and 227 of these units were completed and finalized in 2019. • Koll Center Newport –. The application for the development of 260 for-sale condominium units is currently under review by the City. A Planning Commission study session was conducted late January 2019. There has been no subsequent action to date. The applicant has indicated that they are considering revising the project design. • Back Bay Landing - A proposed integrated, mixed-use waterfront village on an approximately 7-acre portion of a 31.5-acre parcel located adjacent to the Upper Newport Bay in the City of Newport Beach. The proposed project involves land use amendments to provide the legislative framework for future development of the site, including a Planned Community Development Plan (PCDP) that provides the zoning regulations for the site. The requested approvals would provide for recreational and marine commercial retail, marine office, marine services, enclosed dry stack boat storage, and limited mixed-use structures with residential uses above the ground floor. The PCDP was adopted by the City Council on April 26, 2016. Due to negotiations with the Orange County Sanitation District and design implications associated with the reconstruction of an adjacent pump facility, the project has been delayed. The project applicant anticipates submitting applications for Site Development Review and a Coastal Development Permit for the actual development in late 2020. |

| PROGRAMS | | STATUS |
|----------|---|---|
| 5.1 | Review and Revise Coastal Land Use Plan for Consistency with the General Plan | <p><i>Complete and Ongoing</i></p> <p>The Coastal Land Use Plan (CLUP) was amended to be consistent with the 2006 General Plan in 2009. When the City approves an amendment of the General Plan that affects property in the Coastal Zone, the City prepares necessary amendments to the CLUP. The General Plan amendment is held in abeyance until the corresponding CLUP amendment is certified by the California Coastal Commission and accepted by the City Council.</p> |
| 6.1 | Review the Subdivision Ordinance for Consistency with the General Plan | <p><i>Complete</i></p> <p>The Subdivision Code was reviewed and updated in 2009 and 2010 consistent with this program.</p> |
| 7.1 | Review Building and Construction Code for Consistency with General Plan | <p><i>Ongoing</i></p> <p>Every three years the City's Building and Construction Codes are updated to incorporate changes to the California Building and Fire Codes. The 2019 updated Building and portions of the Fire Code were adopted by the City in late 2019, and were effective starting January 1, 2020, as required by State Law. The final portions of the Fire Code were adopted by the City on February 24, 2020.</p> |
| 7.2 | Revise Fair Share Traffic Contribution Ordinance | <p><i>Partially Complete</i></p> <p>The City created a subcommittee to study and guide an update to the Fair Share Traffic Fee; however, it held an abeyance due to the feasibility and uncertainty of infrastructure and costs associated with development of Banning Ranch. The City has as adjusted the fee annually for changes in the Consumer Price Index.</p> |
| 7.3 | Review and Update Transportation Demand Ordinance | <p><i>Complete</i></p> <p>The Transportation Demand Management Ordinance was reviewed and updated as a part of the comprehensive Zoning Code Update in 2010 (see Section 20.44 of the Zoning Code).</p> |
| 8.1 | Review Codes and Ordinances for Consistency with the General Plan and Update Periodically | <p><i>Complete and Ongoing</i></p> <p>Codes and Ordinances are revised for consistency with the General Plan on an as-needed basis. The Zoning Code was comprehensively updated in 2010, and Subdivision Code was updated in 2009 and 2010 for consistency with the General Plan. The following are specifically recommended (sections from the Implementation Measure are italicized):</p> |

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| | <p>a. <i>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</i> – Pursuant to Newport Beach Municipal Code (NBMC) Section 17.40, the City's Harbormaster's Office will conduct vessel inspections annually and implement regulations including the maximum number of renewable annual permits. The Harbormaster's Office will implement enhanced equipment inspections and review of service records with associated vessel sanitation systems and the frequency by which these systems are serviced to responsibly remove waste materials from vessels; confirming operability of vessel; overall vessel condition; and other requirements of the code section. In addition to live-aboard related codes, throughout 2019 the Harbor Commission led a comprehensive review and update of Title 17 of the NBMC. This effort included significant community stakeholder involvement, including hosting multiple well-attended community meetings, inviting written comments and suggestions and incorporating community input into recommendations advanced to City Council, where warranted. Recommended updates to Title 17 (with the exception of the code section associated with Marine Activities Permits) were advanced to the City Council for consideration at the January 28, 2020, City Council meeting where they were largely adopted. Efforts to recommend updates to Code sections governing Marine Activities Permits and live-aboard activities within private commercial marina, remain ongoing. Harbor Commission recommendations to City Council on these sections are expected in summer of 2020.</p> <p>b. <i>Regulation and transfer of mooring permit applications and titles</i> – Managed by the City's Harbormaster's Office on an ongoing basis. These code requirements were reviewed and updated in the Harbor Commission's comprehensive review and update of Title 17, as discussed in a. above.</p> <p>c. <i>Standards for the design and siting of bulkheads, pier, and similar structures to address their potential visual impacts</i> – Current City Council approved Harbor Standards state that the bulkhead height is required to be +10 Mean Lower Low Water (MLLW). However, with the City's approved Local Coastal Program (LCP) requirements for addressing sea level rise, staff is increasing the height requirements for bulkheads above what is stated in the Harbor Standards. Therefore, in 2020, staff will modify the Harbor Standards to match the LCP requirements.</p> <p>d. <i>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</i> – Reviewed and implemented on an ongoing basis through project review consistent with the Airport Land Use Environs Plan (AELUP) by Code Enforcement, Harbormaster's Office, and building inspectors.</p> <p>.</p> |
| 8.2 | <p>Prepare New Codes, Ordinances, and Guidelines</p> <p>Ongoing</p> <p>The comprehensive Zoning Code update was adopted in November 2010, by the City Council. The following are specifically recommended (sections from the Implementation Measure are italicized):</p> |

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| | <p>a. <i>A “commercial-residential” interface ordinance that regulates use, activity, and design of commercial properties located on shallow parcels directly abutting residential neighborhoods</i> - The Zoning Code includes development standards that address the commercial and residential interface to minimize potential land conflicts.</p> <p>b. <i>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</i> – The 2010 Zoning Code attempted to regulate third floor mass and bulk through the use of NBMC Section 20.48.180 (Residential Development Standards and Design Criteria), which includes third floor area limits, third floor step backs for enclosed floor area, and open space standards to increase building modulation. However, the third floor limits do not apply to unenclosed covered deck areas or unfinished attics, resulting in building designs with third levels (enclosed and unenclosed) that visually appear larger and bulkier than the code intended. Furthermore, these standards do not currently apply to Two-Unit Residential, Balboa Island (R-BI) and the Multiple Residential (RM) zoning districts.</p> <p>As a result of growing community concerns related to the loss of small residential cottages and the bulk and mass associated with new single- and two-unit dwelling developments in the City, the City Council held a study session on April 23, 2019, and directed staff to prepare amendments regulating these concerns. On August 19, 2019, the Community Development Department staff hosted a community meeting to share proposed changes to residential design standards. As a result of comments received, staff has completed draft revisions to the residential design standards and anticipates Planning Commission and City Council review in spring of 2020.</p> <p>c. <i>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</i> – Staff continues to review projects subject to the California Environmental Quality Act (CEQA) to address historic preservation. An ordinance has not been prepared at this time.</p> <p>d. <i>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</i> – In 2016, the City pursued this initiative through the Mariners’ Mile Revitalization Master Plan. The plan was prepared but its adoption was postponed to consider its content/initiatives as part of a comprehensive General Plan update, scheduled to begin in 2019. See Program 16.10 for an update on Balboa Village parking.</p> <p>On February 12, 2019, the City Council adopted amendments to Title 20 and Title 21 necessary to address changes in State law (Senate Bill 1069 and Assembly Bill 2299, Statutes of 2016, and Senate Bill 229 and Assembly Bill 494, Statutes of 2017) that require jurisdictions to amend their local ordinances to conform to California Government Code Section 65852.2. The ordinances expanded opportunities in the City for the conversion and construction of new Accessory Dwelling Units (ADUs) to any residential lot with existing or proposed single-unit development.</p> |

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| | | In 2019, the California Legislature adopted another group of housing bills aimed at addressing the housing crisis. The legislature approved, and the Governor signed, SB 13 (Chapter 653, Statutes of 2019), AB 68 (Chapter 655, Statutes of 2019), and AB 881 (Chapter 659, Statutes of 2019) into law that, among other things, amended Government Code Sections 65852.2 and 65852.22 to further impose new limits on the City's ability to regulate ADUs and Junior Accessory Dwelling Units (JADUs). The City is in the process of amending Newport Beach Municipal Code Titles 20 and 21 to conform with revisions to Government Code Sections 65852.2 and 65852.22 that went into effect on January 1, 2020. |
| 9.1 | Review City Council Policy Manual for Consistency with the General Plan | <p>Ongoing</p> <p>In 2019, the following City Council Policies were reviewed: B-17, F-27, I-7, H-1 and A-12. Per the City Council's direction, a subcommittee was created by the Planning Commission and was tasked with reviewing the "L" series (Public Works) policies. The review of all the L Policies was completed in early 2019, with the City Council adopting updated policies. All of the policies were determined consistent with the General Plan.</p> |
| 10.1 | Maintain Up-to-Date Comprehensive Database (Data 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) | <p>Ongoing</p> <p>The City's Geographical Information System (GIS) data is updated regularly to provide up-to-date parcel-specific information including specific lot information (agreements), planning (zoning, land entitlements, building, code enforcement, environmental layers, general information [contours, assessor, easement, etc.]), general services, harbor, hazards including flood and seismic, fire, police, public works, parking, street and utilities. New layers are added whenever necessary and appropriate.</p> |

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| 10.2 | Maintain Development Tracking and Monitoring Program | <p>Ongoing</p> <p>Work continues on the comprehensive update to the citywide, parcel-specific database that accounts for all existing development. The database includes statistics for commercial floor area and residential dwelling units. The database is used for site-specific information or compiled to provide information by any geography needed, from a single lot to a neighborhood to statistical area to citywide. The land use data is available by Statistical Area as directed by the General Plan. The data is currently being used to update the land use portion of the Newport Beach Traffic Model (NBTAM).</p> <p>As required by Section 423 of the City Charter, the Planning Division tracks increases in development limits approved by General Plan amendments (GPA) for a period of 10 years. If a proposed amendment exceeds the established thresholds of 40,000 square feet of non-residential development, 100 dwelling units, 100 AM peak hour traffic trips, or 100 PM peak hour traffic trips on its own or, when combined with 80 percent of previously approved General Plan amendment(s) located in the same Statistical Area, the amendment is considered a “major amendment.” Approval or denial of a “major amendment” is determined by a vote of the electorate. The GPA/Charter Section 423 tracking tables are available for public review at the General Plan information page on Newport Beach’s Community Development Department’s Planning Division website at - https://www.newportbeachca.gov/chartersection423</p> <p>In the last year, staff has compiled a database of all transfers of development rights in Statistical Area L1 (Newport Center) and Statistical Area L4 (Airport Area).</p> <p>Land Use Element policies LU4.3 (Transfer of Development Rights) and LU6.14.3 (Transfers of Development Rights – Newport Center) allow development rights (e.g. square footage) to be transferred in certain circumstances without an amendment to the General Plan. The policies are implemented by <u>Chapter 20.46 (Transfer of Development Rights)</u> of the Newport Beach Municipal Code and the North Newport Center Planned Community Development Plan.</p> <p>The transfer of development tables are located at the following webpage: https://www.newportbeachca.gov/developmenttransfertables</p> |
| 11.1 | CEQA Review Development and Entitlement Applications | <p>Ongoing</p> <p>All private and public development projects are reviewed for CEQA compliance.</p> |

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| 12.1 | Evaluate Fiscal Benefits of Large Development Proposals and Annexations | <p>Ongoing</p> <p>In 2019, Applied Development Economics, Inc., on behalf of the City, prepared a fiscal impact analysis for the Vivante Senior Housing project and the project was approved. Harbor Pointe Senior Living and Newport Crossings Mixed Use projects included fiscal impact analyses prepared by Applied Development Economics, Inc. in 2018 and both were approved in 2019.</p> <p>No annexations have been proposed.</p> |
| 12.2 | Maintain and Update Fiscal Impact Model | <p>Ongoing</p> <p>The fiscal impact model is maintained by Applied Development Economics, Inc. on behalf of the City. The model calculates public service impacts for specific land uses that support the residential population, the employment base and the visitor population in the City. It also calculates the public revenues that each type of land use typically generates for the City, including property taxes, sales taxes, and other taxes, as well as a variety of user charges and fees. The output from the fiscal impact model can be modified to address these circumstances for each individual project and the fiscal year the project is proposed.</p> |
| 13.1 | Process Development Agreements | <p>Ongoing</p> <p>The City requires Development Agreements for projects in accordance with Chapter 15.45 of the Municipal Code and where required by the General Plan.</p> <p>A development agreement was also prepared for the Harbor Pointe Senior Living project, which received City Council approval in February 2019.</p> |
| 14.1 | Adjoining Cities (<i>"Borders Committees" to collaborate with the cities of Irvine, Huntington Beach, and Costa Mesa</i>) | <p>Ongoing</p> <p>The City continuously collaborates with neighboring cities as projects/issues warrant but there currently is not an established committee.</p> |
| 14.2 | Coordinate with School Districts | <p>Ongoing</p> <p>Staff works with Newport Mesa Unified School District, Santa Ana Unified School District, and Coast Community</p> |

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| | | College District ("School Districts") on the identification and acquisition of potential school sites and expansion of existing facilities on an as-needed basis. Should the need arise, Public Works staff monitors traffic conditions at school locations. The City works with the School Districts on joint-use agreements for public recreational uses of school properties on an as-needed basis. School fees are assessed during the issuance of building permits when applicable. |
| 14.3 | Coordinate with Orange County | <p>Ongoing</p> <p>The City of Newport Beach continues to work with Orange County on various 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 on an as-needed basis.</p> |
| 14.4 | Coordinate with Orange County Transportation Authority (OCTA) | <p>Ongoing</p> <p>The Public Works Director is on the Technical Advisory Committee (TAC), which meets monthly and consists of most of the Public Works Directors in Orange County, to discuss and make recommendations to the OCTA and its board on the allocation of funding.</p> |
| 14.5 | State of California Department of Housing and Community Development (HCD) | <p>Ongoing</p> <p>The 2019 General Plan Annual Progress Report, including the Housing Element Report, was sent to HCD in April 2020.</p> |
| 14.6 | Coordinate with California Coastal Commission | <p>Ongoing</p> <ul style="list-style-type: none"> On April 17, 2019, the City submitted a Local Coastal Program Amendment (LC2017-001) to the California Coastal Commission to add the Balboa Village Parking Management Overlay District to the certified Local Coastal Program (LCP) Implementation Plan. A Coastal Commission hearing date is pending. On October 29, 2019, the City submitted a Local Coastal Program Amendment (LC2019-003) to the California Coastal Commission to incorporate regulations authorizing the Transfer of Development Rights (TDR). General Plan Land Use Element Policy LU 4.3 (Transfer of Development Rights) establishes the City's current citywide TDR program in Newport Beach and Policy LU 6.14.3 (Transfer of Development Rights) establishes the TDR program in the Newport Center area of the City. Although TDRs are an established program in the City, TDR provisions were not included in the adopted LCP. Therefore, the LCP |

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| | <p>amendment is necessary to provide clear authority for TDRs in the coastal zone and provide consistency with the General Plan. A Coastal Commission hearing date is pending.</p> <ul style="list-style-type: none"> • Bayview Heights Storm Drain Project contains jurisdictional wetlands and requires permits for the California Coastal Commission, Army Corps of Engineers, Regional Water Quality Control Board and California Department of Fish & Wildlife. Project substantially completed July 2019. A 120-day plant establishment period completed November 2019. • Big Canyon Restoration - Phase 2A. This project in the center of the Nature Park contains jurisdictional wetlands and requires permits from the California Coastal Commission, Army Corps of Engineers with concurrence from U.S. Fish and Wildlife Service, Regional Water Quality Control Board and California Department of Fish and Wildlife. The project is scheduled to start: September 1, 2020, and anticipated to substantially be complete by February 1, 2021. • Big Canyon Restoration - Phase 2B/C. This proposed project at the mouth of Big Canyon Nature Park contains jurisdictional wetlands and requires permits from the California Coastal Commission, Army Corps of Engineers with concurrence from U.S. Fish and Wildlife Service, Regional Water Quality Control Board and California Department of Fish and Wildlife. Proposed project start: September 1, 2022. Substantially complete: July 1, 2023. • Western Snowy Plover (WSP) Habitat Management Plan – Planning Division staff is in the process of finalizing the management plan for the portions of ocean-facing beach designated as critical habitat and beaches to the east. The area covered by the plan is generally the beaches from B Street to the Wedge. Coordination with California Coastal Commission staff is ongoing and a Coastal Commission hearing on the plan is expected to take place in March 2020. • Planning and Public Works staff routinely communicate directly with Coastal Commission staff on an as-needed basis regarding implementation of the Local Coastal Program. |

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| 14.7 | Coordinate with the California Resources Agency, Department of Fish and Game (now known as California Department of Fish and Wildlife) | <p>Ongoing</p> <ol style="list-style-type: none"> 1. Planning and Public Works staff routinely communicates with California Department of Fish and Wildlife with regards to the management of Upper Buck Gully and the upper Newport Bay. 2. Recreation and Senior Services staff continues to work as a partner with the University of California, Irvine; Orange County Public Health; OC Parks; California Department of Fish and Wildlife; and the Back Bay Science Center. |
| 14.8 | Coordinate with the California Department of Parks and Recreation | <p>Ongoing</p> <p>The City, through its Natural Resource Division of the Recreation and Senior Services Department, coordinates with the California Department of Fish and Wildlife, California State Parks, the County, education, and non-governmental organizations (NGOs) to protect natural resources through implementation of state and local legislation, enforcement, monitoring, and to provide education programming at Big Corona del Mar and Little Corona del Mar State Beach, Crystal Cove, and Upper Newport Bay. Coordination highlights from 2019 include the following:</p> <ol style="list-style-type: none"> 1. Natural Resource Division continued to work with various City departments on issues concerning natural resources. 2. Natural Resource Division continued to work with the MPA Watch (Marine Protected Area Watch Program - Human Use), along with serving as an active member of the Orange County Marine Protected Area Council (OCMPAC). 3. The Natural Resource Division conducted field trips, interpretive programs, and beach cleanups in a number of locations throughout Newport Beach, partnering with the Environmental Nature Center, Irvine Ranch Conservancy, Newport Bay Conservancy, and California Department of Fish and Wildlife. 4. The Natural Resource Division continued to work with other City departments, U.S. Fish and Wildlife Service on the Western Snowy Plover Management Plan to establish a set of programs and management practices to protect the Western Snowy Plover and improve best management practices. 5. The Natural Resource Division partnered with other City departments, Newport Bay Conservancy, Newport Dunes Resort and Marine, and California Department of Fish and Wildlife to run the Fostering interest in Nature (FiiN) program. The program is a four-day, three-night science camp program located within the Upper Newport Bay MPA. There were 285 fifth graders from Title I schools in Orange County that attended this free program over a nine-week period. |

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| 14.9 | Coordinate with the California Department of Transportation (“Caltrans”) | <p>Ongoing</p> <p>The City’s Public Works Department coordinates with Caltrans on an as-needed basis for the review of improvements to the State Highway System or impacts on the system by development:</p> <ul style="list-style-type: none"> The City has teamed up with the Orange County Transportation Authority (OCTA) and Caltrans to update traffic signal communication, control equipment and coordination along Coast Highway through the Measure M2 grant-funded Coast Highway Traffic Signal Synchronization Project, which was completed. The Maintenance and Monitoring phase of the project has begun and will monitor and update traffic signal equipment, timing and coordination through 2021. |
| 14.10 | Transportation Corridor Agencies (TCA) | <p>Ongoing</p> <p>City staff continually works with the Transportation Corridor Agencies (TCA) regarding the San Joaquin Hills (SR-73) Toll Road and continuously implements TCA’s Major Thoroughfare and Bridge Fee Program through the Municipal Code. Impact fees are collected by the City when a building permit is issued.</p> |
| 14.11 | California Public Utilities Commission (CPUC) | <p>Ongoing</p> <p>The City works with the California Public Utilities Commission (CPUC) to explore funding for the undergrounding of utilities. To date, the City has adopted several underground utility districts, including assessment districts, to provide funding for undergrounding projects. Most of the funding for undergrounding in the City has come from assessment districts using CPUC Rule 20B. The City receives funding allocation from Southern California Edison (SCE) for Rule 20A undergrounding projects. In 2013, the City Council adopted a Utility Undergrounding District on Balboa Boulevard from Coast Highway to 23rd Street and directed staff to proceed with a Rule 20A, an undergrounding project along Balboa Boulevard. The City Council approved five Rule 20B Utility Underground Assessment Districts upon a positive resident vote: one in Corona del Mar, three adjacent to the Balboa Boulevard Rule 20A project, and a 2018-approved district for the west side of Balboa Island, which are in various stages of completion. Staff also continues to work with other resident groups in Balboa Peninsula, Central Balboa Island, and Corona del Mar for possible other Rule 20B projects.</p> |

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| 14.12 | Coordinate with United States Army Corps of Engineers ("Corps") | <p data-bbox="495 193 621 225">Ongoing</p> <ol style="list-style-type: none"> <li data-bbox="541 258 2009 355">1. Public Works continues to coordinate with the Corps on the City's "Newport Specific Eelgrass Plan" – an ecosystem-based eelgrass management plan for Newport Harbor. The Plan was approved in December 2015. <li data-bbox="541 396 2009 558">2. Public Works staff continues to strategize with the Corps on the next phase of dredging the Lower Bay to the federally-authorized and approved depths. The City is completing all of the pre-project planning including sediment testing/approval, design, engineering, environmental review and permitting (with Corps input) so the project will be shovel-ready by fall 2020. Full federal funding is required before a construction date can be established. <li data-bbox="541 599 2009 729">3. Bayview Heights Storm Drain Project contains jurisdictional wetlands and requires permits from the California Coastal Commission, Army Corps of Engineers, Regional Water Quality Control Board and California Department of Fish & Wildlife. Project was substantially completed July 2019. A 120-day plant establishment period completed November 2019. <li data-bbox="541 769 2009 932">4. Big Canyon Restoration - Phase 2A This project in the center of the Nature Park contains jurisdictional wetlands and requires permits from the California Coastal Commission, Army Corps of Engineers with concurrence from U.S. Fish and Wildlife Service, Regional Water Quality Control Board and California Department of Fish and Wildlife. The project will initiate construction in September 2020 and is anticipated for completion by February 2021. <li data-bbox="541 972 2009 1135">5. Big Canyon Restoration – Phase 2B/C. This proposed project at the mouth of Big Canyon Nature Park contains jurisdictional wetlands and requires permits from the California Coastal Commission, Army Corps of Engineers with concurrence from U.S. Fish and Wildlife Service, Regional Water Quality Control Board and California Department of Fish and Wildlife. Proposed project start is anticipated September 1, 2022 and completion is anticipated July 1, 2023. <li data-bbox="541 1175 2009 1305">6. Newport Bay Trash Wheel - The Trash Wheel will be constructed in San Diego Creek just upstream of the Jamboree Road Bridge. This project will require a US Army Corps of Engineers (USACE) Section 404, Letter of Permission of Clean Water Act and Section 106 (Cultural) approval. Project start date is anticipated for April 1, 2021 and completion is anticipated September 30, 2022. |

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| 14.13 | Coordinate with United States Fish and Wildlife Service | <p>Ongoing</p> <p>Big Canyon Habitat Restoration and Water Quality Improvement Project – Phase 2A, 2B and 2C contains jurisdictional wetlands and requires permits from the California Coastal Commission, Army Corps of Engineers with concurrence from U.S. Fish and Wildlife Service, Regional Water Quality Control Board and California Department of Fish and Wildlife. The project will initiate construction in September 2020 and be substantially complete by summer 2023 (see Program 14.12).</p> <p>Western Snowy Plover (WSP) Habitat Management Plan – Planning Division staff is in the process of creating a management plan for the portions of ocean-facing beach designated as critical habitat. Coordination with U.S. Fish and Wildlife Service has occurred and will continue to occur for the preparation of a revised draft plan.</p> |
| 14.14 | Coordinate with Environmental Protection Agency (EPA) | <p>Ongoing</p> <p>The City coordinates with the U.S. EPA in collaboration with other resource agencies in the protection of terrestrial and marine resources and sediment disposal sites for future dredging projects on an as-needed basis when projects are within the U.S. EPA jurisdiction.</p> |
| 14.15 | Coordinate with United States Postal Service (USPS) (<i>for the relocation of Mariners' Mile distribution facility</i>) | <p>Ongoing</p> <p>The USPS distribution facility was relocated to Santa Ana and Anaheim. The USPS maintains a location in the Mainer's Mile area offering typical retail mail services.</p> |
| 14.16 | Other Agencies | <p>Ongoing</p> <p>The City continuously works with the following agencies that are involved in the development of capital improvement and conservation programs:</p> <ul style="list-style-type: none"> • Energy providers, such as Southern California Edison and Southern California Gas Company • Telecommunications service providers on a case-by-case basis • Santa Ana Regional Water Quality Control Board • Metropolitan Water District • South Coast Air Quality Management District • Southern California Association of Governments (SCAG) • California State Parks • National Marine Fisheries Service |

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| 15.1 | Encourage Annexation of Banning Ranch Prior to Development | <p>Ongoing</p> <p>On December 12, 2017, the City Council adopted Ordinance No. 2017-17, which repealed all approvals for the Newport Banning Ranch project. The absence of an approved project does not preclude the City from pursuing annexation of the Banning Ranch property with the Local Agency Formation Commission (LAFCO).</p> |
| 16.1 | Improve Arterial Streets and Highways According to Classification | <p>Ongoing</p> <p>West Coast Highway (SR-1) and Old Newport Boulevard Intersection Improvements – The project will widen West Coast Highway at Old Newport Boulevard to provide for a third westbound through lane, a right turn lane, and a bike lane. The project's environmental document (MND) was approved in spring 2018. The City is currently applying for a Construction Grant with OCTA to proceed with funding for Right-Of-Way acquisition.</p> <p>West Coast Highway (SR-1)/Superior Avenue Bridge project will install a pedestrian and bicycle bridge over the north leg of the intersection (Superior Avenue). The project has been awarded grant funding through the OCTA Bicycle Corridor Improvement Program and is in the design phase.</p> |
| 16.2 | Monitor Traffic Conditions and Plan for and Fund Improvements | <p>Ongoing</p> <ol style="list-style-type: none"> 1. Traffic Signal Modernization and Rehabilitation Programs (see Program 16.4) 2. Installation of additional CCTV Cameras includes field surveillance cameras for integration into the City Traffic Management to monitor and change the traffic signal system depending on traffic conditions. |
| 16.3 | Construct Street and Highway Improvements | <p>Ongoing</p> <p>Staff continues to work with Caltrans regarding the design to widen Coast Highway at Old Newport Boulevard and to provide for a third westbound through lane, a right turn lane, and bike lane at the intersection. The project's environmental document (MND) was approved in spring 2018. The City is currently applying for a Construction Grant with OCTA to proceed with funding for Right-Of-Way acquisition.</p> <p>The City has teamed up with the Orange County Transportation Authority (OCTA) and Caltrans to update traffic signal communication, control equipment and coordination along Coast Highway through the Measure M2 grant-funded Coast Highway Traffic Signal Synchronization Project. Project construction is complete. The Maintenance and Monitoring phase of the project has begun and will monitor and update traffic signal equipment, timing and coordination through 2021.</p> |

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| 16.4 | Monitor Roadway Conditions and Operational Systems | <p>Ongoing</p> <p>The City continues to monitor and improve traffic flow through proactive maintenance and updates to the City's modern traffic signal system.</p> <ul style="list-style-type: none"> • The City has teamed up with the Orange County Transportation Authority (OCTA) and Caltrans to update traffic signal communication, control equipment and coordination along Coast Highway through the Measure M2 grant-funded Coast Highway Traffic Signal Synchronization Project. Project construction is complete. The Maintenance and Monitoring phase of the project has begun and will monitor and update traffic signal equipment, timing and coordination through 2021. • City has deployed devices and is actively monitoring the flow of traffic on the Peninsula, Coast Highway and in East Newport, allowing for quicker traffic signal outage response and refined traffic signal timing. |
| 16.5 | Maintain Consistency with Regional Jurisdictions (<i>Caltrans and Orange County to provide adequate roadway infrastructure plans and design standards such as the Orange County Master Plan of Arterial Highways</i>) | <p>Ongoing</p> <p>The City monitors the regional Arterial Program, OCTA's Master Plan, and the Countywide traffic model to ensure consistency. Public Works staff coordinates with regional jurisdictions on an as-needed basis. Public Works staff is currently working with the Orange County Council of Government (OCCOG), Technical Advisory Committee (TAC), and the Southern California Association of Governments (SCAG) in reviewing the Orange County Complete Streets Initiative Design Manual.</p> |
| 16.6 | Local/Neighborhood Access Roads | <p>Ongoing</p> <p>Public Works staff works with local neighborhood groups on an as-needed basis when traffic issues arise. The City maintains standards that ensure safe and efficient access for emergency vehicles. The City has been extensively working with the Newport Heights neighborhood to improve safety in and around school areas. The City has been working with the Mariners and Dover Shores neighborhoods regarding possible traffic calming improvements.</p> |

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| 16.7 | Traffic Control | <p>Ongoing</p> <p>The following projects were implemented to improve traffic congestion through conventional and innovative methods of traffic control.</p> <ol style="list-style-type: none"> 1. The Annual Traffic Signal Rehabilitation Project rehabilitates the Irvine Avenue/Westcliff Drive-17th Street, Jamboree Road/University Drive-Eastbluff Drive, University Drive/La Vida-Baypointe Drive, and Newport Center Drive/Civic Center Drive-Granville Drive traffic signals. |
| 16.8 | Provide Public Transportation | <p>Ongoing</p> <p>The City continuously looks for opportunities to support the upgrade and enhancement of existing facilities, as well as encourage the development of additional public transportation services and facilities. The City provides shuttle bus services for the Oasis Senior Center clients on an as-needed basis. The City also continuously works with the Orange County Transportation Authority (OCTA) for countywide bus services.</p> <p>The City continued to operate a shuttle service on the Balboa Peninsula during the summer with OCTA grant funding. The free trolley service ran from 8 a.m. to 10 p.m. on Saturdays and Sundays through Sunday, September 2, as well as on the July 4, making 22 stops along the peninsula. Funding from OCTA to continue the program is available for the next six years (until 2023), subject to the City meeting ridership minimums and at the discretion of the City Council. In its second summer, the shuttles carried over 13,000 riders at an average of 729 per day, far exceeding the rider-per-day minimum set by OCTA. With room for bicycles, surfboards, and beach gear, the shuttles offered a fun alternative travel method for residents and visitors alike.</p> |
| 16.9 | Manage Truck Operations | <p>Ongoing</p> <p>Trucks are required to obtain a Haul Route Permit through the Public Works Department and are required to use designated haul routes.</p> |

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| 16.10 | Improve Parking Supply and Management | <p>Ongoing</p> <p>Parking availability can be challenging especially during the summer when many thousands of people visit coastal areas. West Newport, Balboa Peninsula, Mariners Mile, and Corona del Mar experience high parking demand. Parking conflicts can hold back commercial and economic activities. Creating new parking is often expensive.</p> <p>The City requires new development to provide off-street parking in accordance with the Zoning Code and Local Coastal Program thereby increasing parking supply.</p> <p>In 2011, the City prioritized the revitalization of Balboa Village and better parking management was considered a high priority before increasing the supply. In 2012, the City Council approved the Balboa Village Master Plan that identified several parking management strategies including the creation of a parking management overlay district, consideration of parking on a district-wide basis rather than individual property basis, demand-based pricing strategies, an employee parking program, enhanced wayfinding, and potentially an overnight resident parking program (RP3) for the neighborhood just west of Balboa Village. In January 2015, the City Council approved all of the parking strategies. The Balboa RP3 was abandoned due to insufficient resident support. On April 17, 2019, the City submitted a Local Coastal Program Amendment (LC2017-001) to the California Coastal Commission to add the Balboa Village Parking Management Overlay District to the certified Local Coastal Program Implementation Plan. The application is currently under review and a Coastal Commission hearing date is pending. Although the Balboa RP3 was unsuccessful, using this same strategy for the Finley Tract was examined. Resident support was high and a Coastal Development Permit (CDP) was issued by the City. The CDP is on appeal with the Coastal Commission. Expanding parking supply through the development of parking lots or parking structures is very costly. The City has discussed the creation of additional parking resources in the Lido Village and Balboa Village areas with several area business and property owners. Discussions are ongoing.</p> |
| 16.11 | Maintain Trails | <p>Ongoing</p> <p>The City continues to maintain existing bike paths and trails that are within the City's jurisdiction. The City continues to review and expand bicycle facilities during roadway reconstruction projects.</p> |
| 16.12 | Marine Transportation | <p>Complete</p> <p>The City's Harbor Commission studied the feasibility of a water taxi in the harbor. A fixed route and an on-demand system were examined. Constraints include providing appropriate accessible locations to pick-up and drop-off passengers in a safe manner. Due to the size of the harbor, number of vessels, and cost, the fixed route model was deemed infeasible. The on-demand system was deemed infeasible due to low demand for the service. Either way, a public significant subsidy was identified and there was no funding source. As a result, further study of a water transportation service was abandoned.</p> |

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| 17.1 | Maintain and Implement Urban Water Management Plans and Encourage Conservation | <p>Ongoing</p> <p>Historical Droughts followed by tremendous rains that fell in winter 2018-19 created many challenges for water planning and its long-term use. These drought periods followed by wet winter months seem to be the new normal. Therefore, long-term Water Use Efficiency/Conservation Bills (SB 606 (Hertzberg) and AB 1668 (Friedman)) were signed into law by Governor Brown in May 2018. These Bills establish water use objectives, standards and reporting requirements for indoor and outdoor residential water use, commercial, industrial, and institutional (CII) landscape areas, water losses, and other unique local uses.</p> <p>Efficient water use is the most cost-effective way to achieve long-term conservation goals, as well provide the water supply reliability needed to adapt to the longer and more intense droughts climate change is causing in California. Although it does not impose individual mandates for homeowners or businesses, the mandates will fall on urban water suppliers – not customers. Specifically, the bills call for creation of new urban efficiency standards for indoor use, outdoor use, and water lost to leaks, as well as any appropriate variances for unique local conditions. The State Water Board will adopt these standards by regulation no later than June 30, 2022.</p> <p>Beginning November 2023, each urban retail water agency will calculate its own objective, annually. This calculation is based upon the water need in its service area for efficient indoor residential water use, outdoor residential water use, commercial, industrial and institutional (CII) irrigation with dedicated meters. The calculation will include reasonable amounts of system water loss, along with consideration of other unique local uses (i.e., variances) and “bonus incentive,” or credit, for potable water reuse, using the standards adopted by the Board.</p> <p>In order to achieve water use standards and respond to future droughts, the City is in the process of revising its current water conservation program and policies. This will include an allocation-based method of conservation. This strategy is in an effort to create an equitable efficient use of water. Below is a sample of the methodology.</p> <p>Residential water allocations are calculated using:</p> <ul style="list-style-type: none"> • Number of residents in each home; • Landscaped irrigable area (where applicable); and, • Real-time localized weather data. <p>The allocation will vary month-to-month based on weather and number of billing days in each cycle. Commercial water use estimated allocations are calculated on a three-year running average. The Urban Water Management Plan is updated every five years, with the next update due in 2021. The Plan will include (but not be limited to):</p> <ul style="list-style-type: none"> • Distribution loss standards; • Social and economic factors that drive planning; • Identification and quantification of existing and planned sources of water over the next five years; and • Water supply assessment for normal water year; single dry year; and five-year drought. |

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| | | <p>Historical weather patterns have been trending towards great fluctuations in California climate. Due to the unpredictability in this climate, greater emphasis on water efficiency is the new normal. The City is taking the opportunity to refine and build upon the lessons learned from the last drought.</p> <p>For more information, visit: https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/water_efficiency_bill_factsheet.pdf</p> |
| 18.1 | Maintain and Implement Sewer Master Plan | <p>Ongoing</p> <p>The Public Works Department continues to implement the adopted Sewer Master Plan with projects throughout the City.</p> <p>A vigorous sanitary system overflow (SSO) prevention plan, which includes good investments in our Wastewater Master Plan, use of closed circuit television (CCTV) program to monitor the system, and an aggressive lift-station cleaning program continues.</p> |
| 19.1 | Maintain Storm Drainage Facilities | <p>Ongoing</p> <ol style="list-style-type: none"> Storm drain facility improvements estimated at \$6M. Projects include: <ul style="list-style-type: none"> The Arches Diversion Project – Construction will commence Spring 2020 Big Canyon Project Phase 2A and 2B– Construction will commence Fall 2020 Newport Dunes Diversion Upgrade Project – Design will commence Spring 2020 Installed 450 Connector Pipe Screens – Completed Fall 2019 Street sweeping program consisted of 36,895 curb miles swept, removing 4,578 tons (dry) of debris. The City's 86 tidal valves are operated/maintained on a regular basis. Two and a half miles of channel and 3,334 catch basins were cleaned, yielding 142 tons of debris. A total of 435 Inlet Guards were re-installed after the winter season to assist in keeping trash/debris from entering the storm drain system/bay/ocean. |

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| 20.1 | Design, Fund, and Construct Streetscape Improvements | <p>Ongoing</p> <p>Lido Village:</p> <ul style="list-style-type: none"> ▪ In September 2014, the City Council approved the Lido House Hotel project, which includes landscape improvements and enhanced pedestrian areas along Newport Boulevard and 32nd Street fronting the former City Hall site. The project also includes a minor realignment of 32nd Street and changes to existing street parking spaces between Newport Boulevard and Lafayette Avenue. Construction began in December 2017 with completion in 2018. ▪ Lido Marina Village has ongoing tenant improvements with the repair of Via Oporto. ▪ Paved 32nd Street, created diagonal parking and installed landscaping completed in 2019 <p>Balboa Village:</p> <ul style="list-style-type: none"> ▪ In October 2014, the City Council approved a conceptual streetscape improvement plan for Balboa Village that included updated landscaping, street furniture, lighting and wayfinding signage. Funding for the streetscape improvement plan and the wayfinding sign program was approved in the 2016 Capital Improvement Program. ▪ In June 2016, the City was awarded a grant from OCTA to operate a trolley service that would travel from Coast Highway to Balboa Village during the summer weekends. In May 2019, the trolley service was in operation. ▪ In 2019, several streetscape improvements were installed including refreshed landscaping, new decorative pots, new trashcans, and new bike racks. |
| 20.1 | Design, Fund, and Construct Streetscape Improvements (<i>continued</i>) | <p>Ongoing</p> <p>West Newport Revitalization:</p> <ul style="list-style-type: none"> ▪ The City Council Ad Hoc Neighborhood Revitalization Committee (NRC) prioritized the preparation of a preliminary design of a Capital Improvement Project for beautification of West Coast Highway from the Santa Ana River to the Arches Bridge and of Balboa Boulevard from West Coast Highway to McFadden Square. ▪ The NRC established the West Newport Citizen Advisory Panel (CAP) to guide the effort. The CAP identified keystones to the project that included the alteration of existing medians, incorporation of sustainable elements, and the addition of lush plantings to soften the look and improve the aesthetics of the area. They also expanded the area of focus to include Superior Avenue, north of Coast Highway. ▪ The CAP forwarded a concept layout which included landscaping with varying heights (groundcover, shrubs, and canopy trees), while minimizing hardscape. ▪ Balboa Boulevard between West Coast Highway and McFadden Square has been landscaped with water-friendly plants and a water-efficient irrigation system. Various architectural features have been added near the 26th Street parking lot and entry by West Coast Highway to further beautify and enhance this area of West Newport Beach. |

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| | | <ul style="list-style-type: none"> The next segment of this project will take place on West Coast Highway from the Santa Ana River to Newport Boulevard. About half of the project was completed from Santa Ana River to about 62nd Street in fall 2018. The second and third phases from 62nd Street to Newport Boulevard will commence in 2020. |
| 20.2 | Design, Fund, and Construct Waterfront Promenade | <p>On Hold</p> <p>A plan was created in 2005 for a walkway from Mariners' Mile to Lido Village along Newport Harbor; however, the plan is on hold due to lack of funding.</p> |
| 20.3 | Fund and Construct Public View Sites | <p>Ongoing</p> <p>Lower Sunset View Park Extension – The conceptual design for the Lower Sunset View Park Extension (Superior Avenue Pedestrian/Bicycle Bridge) project was approved by City Council on November 19, 2019. The environmental documents, both CEQA and NEPA, were adopted in November 2019 and January 2020, respectively. Final construction documents are currently being developed. A Coastal Development Permit will also be required. Staff will continue to pursue grant funding for the second pedestrian/bicycle bridge across West Coast Highway.</p> |
| 21.1 | Review and Update Harbor and Tidelands Improvement Plans | <p>Ongoing</p> <p>The Tidelands Capital Plan (TCP) was originally implemented in 2012. The TCP is now called the Harbor Capital Project Planning Tool and is a living document that is updated and refined by staff throughout the year.</p> |
| 21.2 | Develop Harbor Area Management Plan (HAMP) | <p>Complete</p> <p>In November 2010, the City Council approved the HAMP.</p> |
| 21.3 | Events Management and Programs | <p>Ongoing</p> <p>Chamber of Commerce, Harbor Resources, and Orange County Harbor Patrol continuously work together to plan and implement special events that take place in the Harbor such as the annual Christmas Boat Parade. For the ninth year, City staff teamed up with the Orange County Water District to provide education on how to protect our coast and waterways from trash at the 22nd Annual Children's Water Education Festival on March 27 and 28, 2019, at the University of California, Irvine.</p> |
| 21.4 | Harbor Operations and Management | <p>Ongoing</p> <p>A joint City/County study that evaluates the costs and efficiency of current services provided by the City and County in Newport Harbor and opportunities to realign these to reduce costs has not been conducted to date and may be prioritized in the future based on needs and funding.</p> |

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| | | In 2019, the City created and funded a new department focused on Newport Harbor. The Harbor Department is responsible for many of the harbor-related programs and services provided by the City. The team are "ambassadors" of the harbor and they conduct daily harbor patrols and provide assistance and services to our community and visitors. The team is entrusted with educating the community and coordinating the use of the anchorages and mooring fields. The Harbor Department also manages the City's guest marina, Marina Park, renting available slip space and moorings. |
| 22.1 | Maintain and Enhance Police and Fire Facilities | <p>Ongoing</p> <p>Newport Beach Police and Fire Departments annually maintain and periodically update facilities and personnel to provide a high-level of service. This process is implemented through the City's budget process. Additionally, response times are monitored and changes are proposed through the budget process. A remodel of the Police Station at 870 Santa Barbara Drive was completed in 2018. The new Corona del Mar Fire Station No. 5 and Library were in the construction phase in 2018 and completed in 2019.</p> |
| 23.1 | Maintain and Update Parks and Recreation Facility Plans | <p>Ongoing</p> <p>The Recreation and Senior Services Department reviews the status of the park system on an ongoing basis and improvements are recommended in the City's annual Capital Improvement Plan.</p> |
| 23.2 | Maintain and Improve Parks and Recreation Facilities | <p>Ongoing</p> <p>In 2019, the following accomplishments were achieved:</p> <ol style="list-style-type: none"> 1. Ongoing maintenance of existing facilities; 2. Renovation of Grant Howald Park- Construction Documents completed to 90%; 3. Lower Sunset View Park Extension- Public outreach conducted, conceptual plans refined; 4. Newport Island Park- Construction Documents completed and project out to bid; 5. Mariners tennis, basketball and handball courts resurfaced; 6. Upgrades of surfacing and/or play equipment at Eastbluff, Channel Place and Coastal Peak Parks; 7. Conceptual development begun for Newport Beach Junior Lifeguard and Community Center building; and 8. Completion of construction of a 1-acre Uptown Newport Public Park. |

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| 23.3 | Assess Recreation Needs | <p>Ongoing</p> <p>The Recreation and Senior Services Department continuously analyzes enrollment numbers in existing recreation programs and periodically initiates community surveys to assess the current needs of the community.</p> |
| 23.4 | Maintain Recreation Programs for Newport Beach's Residents | <p>Ongoing</p> <p>The Recreation and Senior Services Department provides recreation programs citywide. The Newport Navigator is a recreation guide for all recreation programs and services provided by the City. The Newport Navigator is produced quarterly in addition to a summer issue. The Parks, Beaches, and Recreation Commission (PB&R) acts in an advisory capacity to City Council for all matters pertaining to parks, beaches, recreation, parkways, and street trees. The following are Commission highlights from 2019:</p> <ol style="list-style-type: none"> 1. Special Needs programming and events implemented for the community 2. Fostering interest in Nature Presentation and first year of programming implemented 3. Lawn Bowling Presentation 4. Boys & Girls Club Presentation 5. Grant Howald Rehabilitation Project Review 6. Trees 101 Presentation 7. 13 Tree Reforestations Requested 8. One Tree Donation 9. Certificate presentation to outgoing PB&R Commissioner Roy Englebrecht 10. Certificate presentation and tree donated to retiring PB&R Secretary Teri Craig 11. Welcomed New Commissioner – Kate Malouf 12. Lower Sunset View Park Conceptual Design Presentation 13. City Council Policy G-1- Presentation Regarding Tree Removal Noticing Procedures 14. Newport Mesa Requests Soccer Lights 15. Newport Theater Arts Center Presentation 16. Friends of OASIS Presentation 17. Elections – David Granoff, Chair/ Heather Ignatin, Vice Chair. 18. Ad Hoc Committee Appointments – Big Canyon, Walt Howald, Hassan Archer & Diane Daruty; Community Service Award, Hassan Archer; Youth Sports Commission, Kate Malouf; Tree Noticing, Hassan Archer, Walt Howald & Heather Ignatin; Community Pool, Diane Daruty, David Granoff & Laird Hayes |

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| 23.5 | Requirements for Residential Developers | <p>Ongoing</p> <p>Park fees are assessed for all new residential subdivisions pursuant to the Subdivision Map Act and the City's Subdivision Code.</p> |
| 24.1 | Adopt and Implement Strategic Plan for Fiscal and Economic Sustainability | <p>Ongoing</p> <p>In June 2009, the City Council updated its Strategic Plan for Fiscal and Economic Stability through the Economic Development Committee (EDC). The Strategic Plan is designed to serve as a work program for the City Council, City staff, and the EDC to promote and sustain fiscal and economic vitality in Newport Beach. It is intended, in part, as a companion document for the General Plan (adopted in 2006), to assist the City in implementing portions of the General Plan that affect economic development in the City. The Strategic Plan includes goals and objectives to enhance the business climate in the community and focuses on a shorter time frame (three to five years) than does the General Plan, since economic conditions and priorities can change more rapidly than do planning goals related to community character and land use patterns. The Strategic Plan calls for regular reviews of progress and re-assessments of priorities.</p> |
| 25.1 | Implement Housing Element Programs | <p>Ongoing</p> <p>The City implements Housing Element Programs through the review of proposed residential projects. Programs are reviewed in the Housing Element Progress Report, which is provided as a part of the Annual General Plan Progress Report.</p> |
| 26.1 | Enforce Codes and Ordinances | <p>Ongoing</p> <p>The City enforces all Municipal Code Sections including but not limited to health and safety, and zoning to implement the General Plan primarily on a complaint-driven basis. Code Enforcement and Planning staff partnered with the Balboa Village Merchants Association to identify substandard buildings and work with the property owners to participate in the City's Façade Improvement Program. The Program provides grant monies to eligible property and/or business owners to make improvements to the façade of their buildings.</p> |
| 27.1 | Seismic Compliance | <p>Ongoing</p> <p>The City continuously implements the Municipal Code and the California Building Code through the Building Division, which requires seismic retrofitting and strengthening to minimize damage in the event of a seismic geologic hazard.</p> |

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| 28.1 | Maintain Hazards Data Base | <p>Ongoing</p> <p>The Police Department maintains a crime statistics database to keep track of the type and occurrence of criminal activities. The Fire Department relies on the Disaster Preparedness Division under the City's Emergency Management Program (see Program 28.2 and 29.1) for the planning of facilities, personnel assignments, and emergency response programs as related to natural hazards. Additionally, the City maintains hazard information in its Geographic Information System (GIS).</p> |
| 28.2 | Maintain Emergency Preparedness, Response, and Recovery Programs | <p>Ongoing</p> <p>On July 4, 2019, the Police Department Operations Center (DOC) was activated to support the field operations and interdepartmental coordination. Several briefings were held to ensure all departments were sharing intelligence and coordinating.</p> <p>On October 17, 2019, Orange County's Regional Emergency Notification System, AlertOC, was tested with the help of 25 jurisdictions (24 cities and the County unincorporated areas) including Newport Beach, in conjunction with National Preparedness Month. The primary objective of the regional exercise was to test Alert OC's capability, capacity and effectiveness to deliver emergency notifications to the public during a major disaster, and to encourage residents to register their cell phone numbers. Approximately 33,000 (mostly landline) phone numbers were called during the test. The City's public hotline received over 400 calls from residents. The hotline was staffed with representatives from the Police Department.</p> <p>On November 6, 2019, a citywide Department Operations Center drill was conducted. The drill scenario was a major power outage and it included the Community Development, Fire, Public Works and Utilities DOCs. DOC staff was challenged with tracking and deploying resources and field staff.</p> <p>In the fall of 2019, over 150 City staff members who comprise the Emergency Operations Center (EOC) were trained in all EOC sections, which includes: Finance, Logistics, Management, Operations and Planning.</p> <p>The City's Emergency Preparedness Committee (EPC) is comprised of representatives from each department and meets monthly. The EPC works collaboratively to plan, train, and address all city emergency management threats.</p> |

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| 29.1 | Educate the Community | <p>Ongoing</p> <ol style="list-style-type: none"> The City continuously educates the community through its various City departments on services, programs, and key issues including 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. Significant events in 2019 include: <ul style="list-style-type: none"> Emergency Siren System Test (1/4/19) Flood Maps and Insurance Community Meeting (03/14/19) Harbor Commission Visioning Forum (03/18/19) Earthquake and Tsunami Awareness Workshop (3/28/19) John Wayne Airport Town Hall (04/06/19) VE Zone Development Impact Community Meeting (04/08/19) Proposed Code Changes to Address Residential Street Parking Impacted by Construction Meeting (04/18/19) Police Department Open House (4/19/19) Western Snowy Plover Community Meeting (05/20/19) Peninsula Point Ocean Front Encroachments Community Meeting (08/15/19) Residential Design Standards Community Meeting (08/19/19) Green on the Green and Disaster Preparedness Expo (9/7/19) Fire Service Day Open House (10/6/19) Homeless 101 (10/23/19) General Plan Listen and Learn Workshops <ul style="list-style-type: none"> November 12, 6 - 8 p.m. at 16th Street Recreation Center – District 2 November 14, 6 - 8 p.m. Back Bay Science Center – District 3 November 20, 6 - 8 p.m. Newport Coast Community Center – District 7 November 21, 6 - 8 p.m. OASIS Senior Center– District 6 December 3, 6 - 8 p.m. Central Library's Friend Meeting Room – District 5 December 11, 6 - 8 p.m. Bonita Creek Community Center - District 4 December 12, 6 - 8 p.m. Marina Park Community Center – District 1 The City's webpage was revamped to include easily accessible, up-to-date information on all of the aforementioned services, programs, key issues and current projects. The new webpage includes a "Newsplash" |

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| | <p>tool. This tool gives the community the ability to sign up to receive automated emails regarding news or updated information related to certain topics including all of the aforementioned.</p> <p>3. The Disaster Preparedness Division implemented several community outreach programs as they relate to emergency and disaster preparedness including AlertOC, which is a mass notification calling system for staff, residents, and businesses, The Community Emergency Response Team (CERT) program to certify residents as Disaster Service Workers, School Emergency Response Team (SERT) training sessions in public schools and private schools, and Business Emergency Response Team training sessions.</p> |
| 29.2 | <p>Support of the Arts, Culture, and Historic Resources</p> <p>Ongoing</p> <p>The City Arts Commission acts in an advisory capacity to the City Council in all matters pertaining to artistic, aesthetic, and cultural aspects of the City. The City Arts Commission also recommends to the City Council the adoption of such ordinances, rules and regulations as it may deem necessary for the administration and preservation of fine arts, performing arts, historical, aesthetic, and cultural aspects of the community. The following is an update on implementation in 2019:</p> <ol style="list-style-type: none"> 1. Concerts on the Green – Four concerts were held during the summer. Concerts included The Side Deal; Smith; Queen Nation; and Flashback Heart Attack. One concert on the Balboa Peninsula was held at Marina Park featuring The Neil Diamond Tribute with Jason Lohrke 2. Exhibits in the Central Library – The City maintains exhibit space at the Central Library. The City Arts Commission's Fine Arts Committee meets periodically to review artist's submissions for exhibition. Upon acceptance, exhibiting artists must agree to the conditions and requirements in the City Policy 1-11. 3. Newport Beach Art Exhibition – On June 15, 2019, the Arts Commission hosted the 55th Annual Exhibition and cash prizes were awarded to artists within a number of categories. A portion of the proceeds from the art sale funds Newport Beach community arts programs. 4. Newport Beach Arts Foundation – On September 28, 2019, the Newport Beach Arts Foundation presented the 16th Annual Art in the Park on the Civic Green with over 175 artists and craftspeople exhibiting and selling their arts and fine crafts. 5. Grants Awarded – In November 2019, the City Council awarded Cultural Arts Grants to the following: Balboa Island Improvement Association, Baroque Music Festival, Chuck Jones Center for Creativity, Kontrapunktus, Laguna Playhouse, Newport Elementary School Foundation, Philharmonic Society of Orange County, and the Pacific Symphony. |

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| 29.3 | Support Community Environmental and Recreation Initiatives | <p>Ongoing</p> <p>The City supports any private groups' efforts to acquire property to improve access to the anticipated development of the Orange Coast River Park. The City has also supported the Banning Ranch Conservancy's efforts to acquire the Banning Ranch property to preserve it as open space; however, no agreement to acquire the site was forthcoming. In July 2012, the City approved the Newport Banning Ranch Planned Community Development Plan for development of the 401-acre site with 1,375 residential dwelling units, a 75-room resort inn and ancillary resort uses, and 75,000 square feet of commercial uses. On September 7, 2016, the California Coastal Commission denied a coastal development permit for the project. On December 12, 2017, the City Council adopted Ordinance No. 2017-17, which repealed all approvals for the Newport Banning Ranch project. The absence of an approved project does not preclude the City from pursuing annexation of the Banning Ranch property with the Local Agency Formation Commission (LAFCO).</p> |
| 30.1 | Maintain Annual Budgets for City Services and Improvements | <p>Ongoing</p> <p>Annual budgets are maintained and reviewed by the City Council annually. A Capital Improvement Plan (CIP) is included in the annual budget approved by City Council each year. In June 2019, the City Council approved the budget and CIP for the Fiscal Year 2019-20.</p> |
| 30.2 | Administer Impact and User Fees (<i>Development Impact Fees, Park Dedication and In-Lieu Fees, and Tideland Revenue Fees</i>) | <p>Ongoing</p> <ol style="list-style-type: none"> 1. Development impact fees including fair share traffic fees are assessed for each development project. The completion of updating the Fair Share Traffic Fee has been put on hold (see Program 7.2). 2. Park dedication fees are assessed on a project-by-project basis pursuant to the Subdivision Code. The Park dedication fee which was updated in 2007, is required to keep current with property appreciation, and said fair market value per acre shall be reviewed and adjusted, if necessary, at least every three years. 3. Piers: <ul style="list-style-type: none"> • Residential Piers: Rates are reviewed and adjusted annually by Consumer Price Index (CPI). • Commercial Piers: Commercial rates are fully phased in and will be adjusted annually by CPI. 4. Moorings: <ul style="list-style-type: none"> • Rates – Annual mooring rates are updated to be based on the CPI. Rates will be assessed in January of each year. • Regulations - On January 22, 2019, City Council updated rates for mooring sub-permittees, along with updating other fees associated with the Harbor Department. |

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| 31.1 | Consider the Establishment of Community Facilities and Special Assessment Districts | <p><i>Ongoing</i></p> <p>As an alternative to building a new community center, the City has leased programming space on 16th Street in Newport Beach and is providing a variety of recreational and fitness classes for the community. It offers a dynamic program schedule with classes for all age groups and features a gymnastics center, dance, and fitness studio with professional-grade sprung floor, classroom space for enrichment programs and a participant lobby. City staff has been evaluating the potential need to establish a Community Facilities District for the Airport Area to potentially support additional public safety equipment and personnel.</p> |

APPENDIX B.

Government Code Section 65400 requires that each city, including charter cities, prepare an annual progress report (APR) on the status of the Housing Element of its General Plan. The State Department of Housing and Community Development provides mandatory forms (Excel spreadsheets) and definitions to meet State law reporting requirements. The forms include six large tables (Tables A through F). The complete Table D is provided below but the forms are too large to copy for this report and are available online at the following link: www.newportbeachca.gov/APR.

TABLE D - 2019 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS PURSUANT TO GOVERNMENT CODE SECTION 65583

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| 1.1.1 | Improve housing quality and prevent deterioration of existing neighborhoods by strictly enforcing building code regulations and abating code violations and nuisances. | <p>Ongoing</p> <p>The building inspectors and code enforcement officers continually enforce code regulations, abatement violations, and nuisances. A quarterly report on code enforcement activities is available and kept on file at the City. The City Council awarded funding for the Senior Home Assistance Repair Program. (See Program 1.1.2 for details.)</p> |
| 1.1.2 | Investigate the use of federal funds and local funds, including Community Development Block Grants (CDBG) and the Affordable Housing Fund, to provide technical and/or financial assistance, if necessary, to existing lower- and moderate-income, owner-occupants of residential properties through low-interest loans or emergency grants to rehabilitate and encourage the preservation of existing housing stock. | <p>Ongoing</p> <p>On April 29, 2015, the City published Request For Proposal (RFP) No. 15-55 for use of the City's Affordable Housing Fund toward affordable housing development or programming. Three projects received approval of the funding from City Council on November 24, 2015. The Seaview Lutheran Project and The Cove Veterans Housing were completed in 2018. The following provides an update on the third project which is ongoing:</p> <p>Senior Home Assistance Repair Program - An agreement with Habitat for Humanity Orange County (Habitat OC) granted up to \$600,000 for critical home repair for low-income seniors. In 2019, we worked on two projects and expended a total of \$30,682. Projects included home weatherization, roof repair and accessibility modifications. The total we have used in the program to date is \$243,466 for a total of 11 projects.</p> |

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| 1.1.3 | <p>Require replacement of housing demolished within the Coastal Zone when housing is or has been occupied by very low-, low-, and moderate-income households within the preceding 12 months. The City shall prohibit demolition unless a determination of consistency with Government Code Section 65590 has been made. The specific provisions implementing replacement unit requirements are contained in Chapter 20.34 of the Municipal Code.</p> | <p>Ongoing</p> <p>On October 29, 2019, the Community Development Director determined that Newport Beach Municipal Code (NBMC) Chapters 20.34 and 21.34 (Conversion of Demolition of Affordable Housing) are no longer required. These chapters of the NBMC implement the Mello Act (Government Code Sections 65590 - 65590.1 Low- and Moderate-Income Housing Within the Coastal Zone). The regulations require the replacement of housing units lost within the coastal zone that are occupied by low- and moderate-income households under certain circumstances when feasible. Both the NBMC and the Mello Act provide when there is less than 50 acres in aggregate, of privately owned, vacant land available for residential use within the City's coastal zone, and 3 miles therefrom, the replacement requirement is not required.</p> <p>The Planning Division completed a land use inventory to determine if 50 aggregate acres of privately owned, vacant land is available for residential use within the City's coastal zone and within 3 miles inland of the coastal zone. The inventory conducted in October 2019, found less than 50 qualifying acres.</p> |
| 1.1.4 | <p>The City will continue to implement the Residential Building Records (RBR) program to reduce and prevent violations of building and zoning ordinances by providing a report to the all parties involved in a transaction of sale of residential properties, and providing an opportunity to inspect properties to identify potentially hazardous conditions, resources permitting. The report provides information as to permitted and illegal uses/construction, and verification that buildings meet zoning and building requirements, including life safety requirements.</p> | <p>Ongoing</p> <p>This City report allows the City to verify that its residential buildings meet zoning and building code requirements, life safety requirements as set forth by the City's Municipal Code, and fulfill the State's requirement that all homes have both smoke detectors and seismic strapping of water heaters (California Health and Safety Code, Section 19211). In 2019, there were 1,405 RBRs processed.</p> |

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| 2.1.1 | Maintain rental opportunities by restricting conversions of rental units to condominiums in a development containing 15 or more units unless the vacancy rate in Newport Beach for rental housing is an average of 5 percent or higher for four (4) consecutive quarters, and unless the property owner complies with condominium conversion regulations contained in Chapter 19.64 of the Newport Beach Municipal Code. | <p>Ongoing</p> <p>A vacancy rate survey is completed upon receiving an application for the conversion of 15 or more rental units to condominiums. No projects of 15 or more units were submitted in 2019.</p> |
| 2.1.2 | Take all feasible actions, through use of development agreements, expedited development review, and expedited processing of grading, building and other development permits, to ensure expedient construction and occupancy for projects approved with lower- and moderate-income housing requirements. | <p>Ongoing</p> <p>Pending applications that include affordable housing will be expedited.</p> |
| 2.1.3 | Participate with the County of Orange in the issuance of tax-exempt mortgage revenue bonds to facilitate and assist in financing, development and construction of housing affordable to low and moderate-income households. | <p>Ongoing</p> <p>The issuance of tax-exempt mortgage revenue bonds is project driven, and the developer typically applies for the bonds. No applications were received.</p> |
| 2.1.4 | Conduct an annual compliance-monitoring program for units required to be occupied by very low-, low-, and moderate-income households. | <p>Ongoing</p> <p>Annual compliance monitoring has been conducted for 2019 and the report for the City's income- and rent-restricted units by LDM Associates (consultant) found all units in compliance.</p> |

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| 2.1.5 | Provide entitlement assistance, expedited entitlement processing, and waive application processing fees for developments in which 5 percent of units are affordable to extremely low-income households. To be eligible for a fee waiver, the units shall be subject to an affordability covenant for a minimum duration of 30 years. The affordable units provided shall be granted a waiver of park in-lieu fees (if applicable) and traffic fairshare fees. | <p>Ongoing</p> <p>No eligible projects were processed in 2019.</p> |
| 2.1.6 | Affordable housing developments providing units affordable to extremely low-income households shall be given the highest priority for use of Affordable Housing Fund monies. | <p>Ongoing</p> <p>See status of Program 1.1.2.</p> |
| 2.2.1 | Maintain a brochure of incentives offered by the City for the development of affordable housing including fee waivers, expedited processing, density bonuses, and other incentives. Provide a copy of this brochure at the Planning Counter, the website and also provide a copy to potential developers. | <p>Ongoing</p> <p>A brochure is maintained and provided on the City website and in the public lobby.</p> |
| 2.2.2 | The City shall provide more assistance for projects that provide a higher number of affordable units or a greater level of affordability. At least 15 percent of units shall be affordable when assistance is provided from Community Development Block Grant (CDBG) funds or the City's Affordable Housing Fund. | <p>Ongoing</p> <p>This program was considered in evaluating the proposals for the RFP and choosing the projects described in Program 1.1.2.</p> |

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| 2.2.3 | For new developments proposed in the Coastal Zone areas of the City, the City shall follow Government Code Section 65590 and Title 20. | <p>Ongoing</p> <p>See status of Program 1.1.3.</p> |
| 2.2.4 | All required affordable units shall have restrictions to maintain their affordability for a minimum of 30 years. | <p>Ongoing</p> <p>Staff continues to include this affordability restriction as a standard condition on all affordable housing projects, unless an otherwise longer affordability covenant is agreed upon. On February 21, 2019, the 350-unit Newport Crossings Mixed-Use Project was approved, which includes 78 units affordable to low-income households. Fifty-two units were restricted for a term of 55 years in compliance with density bonus law and the remaining 26 non-density bonus units were restricted for a term of 30 years.</p> |
| 2.2.5 | Advise and educate existing landowners and prospective developers of affordable housing development opportunities available within the Banning Ranch, Airport Area, Newport Mesa, Newport Center, Mariners' Mile, West Newport Highway, and Balboa Peninsula areas. | <p>Ongoing</p> <p>A brochure has been created and distributed that outlines development incentives and entitlement assistance available in the City. The brochure is maintained at the public counter in Bay C at the Civic Center and on the City website.</p> |
| 2.2.6 | Participate in other programs that assist production of housing. | <p>Ongoing</p> <p>City staff attends Orange County Housing Authority (OCHA) Cities Advisory Committee meetings to keep up-to-date with programs that assist in the production of housing.</p> |
| 2.2.7 | New developments that provide housing for lower-income households that help meet regional needs shall have priority for the provision of available and future resources or services, including water and sewer supply and services. | <p>Ongoing</p> <p>In 2017, the Newport Crossings Mixed-Use project, a 350-dwelling unit mixed-use development, was submitted within the Airport Area under the Residential Overlay of the Newport Place Planned Community. The proposed project includes 78 dwelling units affordable to low-income households. The Environmental Impact Report (EIR) was certified and the project was approved by the Planning Commission on February 21, 2019. The EIR concluded that adequate water and sewer capacity exist to support the development.</p> |

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| 2.2.8 | Implement Chapter 20.32 (Density Bonus) of the Zoning Code and educate interested developers about the benefits of density bonuses and related incentives for the development of housing that is affordable to very low-, low-, and moderate-income households and senior citizens. | <p>Ongoing</p> <p>Implemented as projects are submitted. Density bonus information and incentives are included in an informational brochure available to the public.</p> <p>In 2017, the Newport Crossings Mixed-Use project, a 350-dwelling unit mixed-use development, was submitted within the Airport Area under the Residential Overlay of the Newport Place Planned Community. In exchange for providing 78 units affordable to low-income households, the developer has requested a density bonus of 91 units (35% bonus), an incentive to allow for flexibility with unit mix, and a development waiver of building height. The Environmental Impact Report (EIR) was certified and the project was approved by the Planning Commission on February 21, 2019.</p> <p>In December 2019, an application was submitted for a new mixed-use development located at 2510 West Coast Highway that includes the development of 36 dwelling units, three of which would be restricted for very low-income households. In exchange for providing the very low-income units, the developer has requested a density bonus of nine units (35% bonus) and development waiver of building height. The project is anticipated to be reviewed by the Planning Commission in 2020.</p> |

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| 2.3.1 | Study housing impacts of proposed major commercial/industrial projects during the development review process. Prior to project approval, a housing impact assessment shall be developed by the City with the active involvement of the developer. Such assessment shall indicate the magnitude of jobs to be created by the project, where housing opportunities are expected to be available, and what measures (public and private) are requisite, if any, to ensure an adequate supply of housing for the projected labor force of the project and for any restrictions on development due to the “Charter Section 423” initiative. | <p>Ongoing</p> <p>In conjunction with the environmental review required under the California Environmental Quality Act (CEQA), potential impacts to population, housing, and employment is reviewed and analyzed. Recent development trends have consisted of redevelopment of commercial and industrial sites for residential development or mixed-use, which has created new housing opportunities in the City. No major commercial/industrial projects were submitted in 2019.</p> |
| 3.1.1 | Provide a streamlined “fast-track” development review process for proposed affordable housing developments. | <p>Ongoing</p> <p>The City will prioritize the development review process for all affordable housing projects.</p> |
| 3.1.2 | When a residential developer agrees to construct housing for persons and families of very low, low, and moderate income above mandated requirements, the City shall either (1) grant a density bonus as required by state law, or (2) provide other incentives of equivalent financial value. | <p>Ongoing</p> <p>The City considers density bonuses and other incentives on a project-by-project basis. Chapter 20.32 (Density Bonus) is included in the Zoning Code and is implemented as projects are submitted.</p> <p>As mentioned in Program 2.2.8, the approved Newport Crossings Mixed-Use project includes 78 units affordable to low-income households, and the developer has requested a density bonus of 91 units (35% bonus), an incentive to allow for flexibility with unit mix, and a development waiver of building height.</p> |

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| 3.1.3 | Develop a pre-approved list of incentives and qualifications for such incentives to promote the development of affordable housing. Such incentives include the waiver of application and development fees or modification to development standards (e.g., setbacks, lot coverage, etc.). | <p>Ongoing</p> <p>Waivers and incentives are considered by the Planning Commission and City Council on a project-by-project basis. Staff received information from the Department of Housing and Community Development (HCD) on examples of pre-approved incentive programs from the City of Los Angeles and the City of Anaheim. Staff will continue research with HCD to develop pre-approved incentives.</p> <p>As mentioned in Program 2.2.8, the Newport Crossings Mixed-Use project includes 78 units affordable to low-income households, and the developer has requested a density bonus of 91 units (35%), an incentive to allow for flexibility with unit mix, and a development waiver of building height.</p> |
| 3.2.1 | When requested by property owners, the City shall approve rezoning of developed or vacant property from nonresidential to residential uses when appropriate. These rezoned properties shall be added to the list of sites for residential development. | <p>Ongoing</p> <p>The City continually monitors requests for zone changes of vacant and developed properties from nonresidential to residential and approves when determined to be compatible and feasible. When approved, these sites are mapped for residential uses on both the Zoning District Map and General Plan Land Use Map.</p> <p>In 2019, the Newport Airport Village Project was actively under review. The request consists of rezoning nonresidential property to mixed-use land uses, including up to 329 residential units plus an allowance for density bonus units.</p> |

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| 3.2.2 | <p>Recognizing that General Plan Policy LU6.15.6 may result in a potential constraint to the development of affordable housing in the Airport Area, the City shall maintain an exception to the minimum 10-acre site requirement for projects that include a minimum of 30 percent of the units affordable to lower-income households. It is recognized that allowing a smaller scale development within an established commercial and industrial area may result in land use compatibility problems and result in a residential development that does not provide sufficient amenities (i.e. parks) and/or necessary improvements (i.e. pedestrian walkways). Therefore, it is imperative that the exception includes provisions for adequate amenities, design considerations for the future integration into a larger residential village, and a requirement to ensure collaboration with future developers in the area.</p> | <p>Ongoing</p> <p>The Residential Overlay of the Newport Place Planned Community implements this program by providing an exception to the 10-acre site requirement for residential development projects in the Airport Area that include a minimum of 30 percent of the units affordable to lower income households.</p> <p>In 2019, the Newport Crossings Mixed-Use project, a 350 dwelling unit mixed-use development was approved within the Airport Area under the Residential Overlay. In exchange for providing 78 units affordable to low-income households, the project is eligible for the 10-acre site requirement, a 91-unit density bonus, and development incentives and waivers. The application included a Site Development Review to ensure that the sufficient amenities and neighborhood integration improvements are provided. The project provides extensive on-site recreational amenities, including separate pool, entertainment, and lounge courtyards with eating, seating, and barbeque space; a rooftop terrace; a fifth-level view deck; a club room for entertainment and gatherings; and a fitness facility. In addition, a 0.5-acre public park is proposed to be constructed and dedicated to the City, and a public plaza is located in front of the retail shops facing the main corner of the project at Corinthian Way and Martingale Way.</p> |

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| 3.2.3 | <p>The City will encourage and facilitate residential and mixed-use development on vacant and underdeveloped sites listed in Appendix H3 by providing technical assistance to interested developers with site identification and entitlement processing. The City will support developers funding applications from other agencies and programs. The City will post the Sites Analysis and Inventory on the City's webpage and marketing materials for residential and mixed-use opportunity sites, and will equally encourage and market the sites for both for-sale development and rental development. To encourage the development of affordable housing within residential and mixed-use developments, the City shall educate developers of the benefits of density bonuses and related incentives, identify potential funding opportunities, offer expedited entitlement processing, and offer fee waivers and/or deferrals.</p> | <p>Ongoing</p> <p>Appendix H3 is the Sites Analysis and Inventory which identifies sites that can be developed for housing within the planning period and that are sufficient to provide for the City's share of the regional housing need allocation to provide realistic opportunities for the provision of housing to all income segments within the community. Appendix H3 can be found in the Housing Element available at the Planning Division or online at http://www.newportbeachca.gov/index.aspx?page=2087</p> <p>The City has completed the following:</p> <ol style="list-style-type: none"> 1. A user-friendly Sites Analysis and Inventory is on the City's website. 2. A brochure is available on the website and in the public lobby that promotes the incentives and opportunities for affordable housing projects, which includes information of the City's Sites Analysis and Inventory. 3. A layer and note have been added in the City's Geographic Information System (GIS) to identify sites within the inventory to assist staff in providing information to interested developers. <p>The City will encourage density bonus and offer incentives to interested developers.</p> <p>Effective January 1, 2020, State law (Assembly Bill 1486, Statutes of 2019) requires a listing of sites owned by the City, that are included in the sites inventory, and that have been sold, leased, or otherwise disposed of in the prior year. The list shall include the entity to whom each site was transferred and their intended use. The City does not own any of the sites listed in the current housing opportunity sites; therefore, no listing of sites is provided.</p> |

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| 3.2.4 | <p>The City will monitor and evaluate the development of vacant and underdeveloped parcels on an annual basis, and report the success of strategies to encourage residential development in its Annual Progress Reports required pursuant to Government Code 65400. If identified strategies are not successful in generating development interest, the City will respond to market conditions and will revise or add additional incentives.</p> | <p>Ongoing</p> <p>In 2019, construction began the development of the Plaza Corona del Mar project, six detached residential condominiums units on an identified vacant site in Corona del Mar.</p> <p>The City also has significant projects on sites identified as underutilized:</p> <ul style="list-style-type: none"> • Uptown Newport was approved in February 2013, for the construction of up to 1,244 residential units, 11,500 square feet of retail commercial, and 2.05 acres of park space. The Uptown Newport Planned Community requires densities between 30 du/acre and 50 du/acre, consistent with the densities of the General Plan, and allows additional density opportunities with a density bonus. Construction of the first phase of the project (462 apartment units, including 91 affordable units) was under construction in 2019 and 227 of these units were completed and finalized in 2019. • The Newport Crossings Mixed-Use project is located on a site identified as underutilized. The project was submitted in 2017 and was under review in 2018. The project includes the development of 350 residential apartment units, including 78 units affordable to low-income households. The Environmental Impact Report (EIR) was certified and the project was approved by the Planning Commission on February 21, 2019. • In December 2019, an application was submitted for a new mixed-use development located at 2510 West Coast Highway that includes the development of 36 dwelling units, three of which would be restricted for very low-income households. In exchange for providing the very low-income units, the developer has requested a density bonus of nine units (35% bonus) and development waiver of building height. The project is anticipated to be reviewed by the Planning Commission in 2020. |

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| 4.1.1 | Annually contact owners of affordable units for those developments listed in Table H12 as part of the City's annual monitoring of affordable housing agreements to obtain information regarding their plans for continuing affordability on their properties, inform them of financial resources available, and to encourage the extension of the affordability agreements for the developments listed in Table H12 beyond the years noted. | <p>Ongoing</p> <p>Staff maintains an updated contact list for affordable units in conjunction with the 2014-2021 Housing Element. LDM Associates (consultant) included this information that was sent to the owners as a part of the annual monitoring. During the RFP process for the expenditure of the affordable housing funds, the City and LDM Associates reached out to the owners of the existing affordable housing units within the City and there was no interest to extend the existing affordable housing covenants except from Seaview Lutheran (see Program 1.1.2 for details).</p> |
| 4.1.2 | The City shall maintain registration as a Qualified Preservation Entity with HCD to ensure that the City will receive notices from all owners intending to opt out of their Section 8 contracts and/or prepay their HUD insured mortgages. Upon receiving notice that a property owner of an existing affordable housing development intends to convert the units to a market-rate development, the City shall consult with the property owners and potential preservation organizations regarding the potential use of Community Development Block Grant (CDBG) funds and/or Affordable Housing Fund monies to maintain affordable housing opportunities in those developments listed in Table H12 or assist in the non-profit acquisition of the units to ensure long-term affordability. | <p>Ongoing</p> <p>The City of Newport Beach is registered as a Qualified Preservation Entity with HCD as of 2012. When notification is received, City staff will evaluate the potential use of monies to preserve the affordable units.</p> |

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| 4.1.3 | Continue to maintain information on the City's website and prepare written communication for tenants and other interested parties about Orange County Housing Authority Section 8 opportunities to assist tenants and prospective tenants to acquire additional understanding of housing law and related policy issues. | <p>Ongoing</p> <p>Pamphlets informing prospective tenants and landlords about the Orange County Housing Authority (OCHA) Section 8 program have been made available in the public lobby and information is posted on the City website.</p> |
| 4.1.4 | Investigate availability of federal, state, and local programs and pursue these programs, if found feasible, for the preservation of existing lower-income housing, especially for preservation of lower-income housing that may convert to market rates during the next 10 years. In addition, continually promote the availability of monies from the Affordable Housing Fund as a funding source for the preservation and rehabilitation of lower-income housing. A list of these programs, including sources and funding amounts, will be identified as part of this program and maintained on an ongoing basis. | <p>Ongoing</p> <p>The City attends OCHA meetings and has continued to investigate available programs and evaluate the feasibility of participating in such programs.</p> |

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| 4.1.5 | <p>The City shall inform and educate owners of affordable units of the State Preservation Notice Law (Government Code Section 65863.10-13), if applicable. Pursuant to the law, owners of government-assisted projects cannot terminate subsidy contract, prepay a federally-assisted mortgage, or discontinue use restrictions without first providing an exclusive Notice of Opportunity to Submit an Offer to Purchase. Owners proposing to sell or otherwise dispose of a property at any time during the 5 years prior to the expiration of restrictions must provide this Notice at least 12 months in advance unless such sale or disposition would result in preserving the restrictions. The intent of the law is to give tenants sufficient time to understand and prepare for potential rent increases, as well as to provide local governments and potential preservation buyers with an opportunity to develop a plan to preserve the property. This plan typically consists of convincing the owner to either (a) retain the rental restrictions in exchange for additional financial incentives or (b) sell to a preservation buyer at fair market value.</p> | <p>Ongoing</p> <p>Staff and consultant LDM Associates (“LDM”) were able to coordinate meetings and phone calls with property owners of existing units subject to affordable housing covenants or agreements. The owners were not interested in extending the existing affordable housing covenants.</p> <p>Newport Harbor I at 1538 Placentia Avenue is in the process of terminating. Their six-month notice was flagged by HCD and discussions are continuing between LDM staff, the owner’s representative and HCD.</p> |
| 4.1.6 | <p>In accordance with Government Code Section 65863.7, require a relocation impact report as a prerequisite for the closure or conversion of an existing mobile home park.</p> | <p>Ongoing</p> <p>Zoning Code Section 20.28.020 ensures compliance with the Government Code Section. No relocation impact reports were proposed in 2019.</p> |

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| 4.1.7 | <p>Participate as a member of the Orange County Housing Authority Advisory Committee and work in cooperation with the Orange County Housing Authority to provide Section 8 Rental Housing Assistance to residents of the community. The City will, in cooperation with the Housing Authority, recommend and request use of modified fair-market rent limits to increase the number of housing units within the City that will be eligible to participate in the Section 8 program. The Newport Beach Planning Division will prepare and implement a publicity program to educate and encourage landlords within the City to rent their units to Section 8 Certificate holders, and to make very low-income households aware of availability of the Section 8 Rental Housing Assistance Program.</p> | <p>Ongoing</p> <p>Staff attends the quarterly meetings of the OCHA Cities Advisory Committee.</p> <p>Staff continually works in cooperation with the County to provide Section 8 rental housing assistance to residents.</p> <p>A link to the Orange County Housing Authority website has been placed on the City website to provide information on the Section 8 program.</p> <p>City staff worked closely with OCHA staff to facilitate the award of the Veterans Affairs Supportive Housing (VASH) Vouchers to the Newport Shores project (see Program 4.1.4).</p> |
| 4.2.1 | <p>Implement and enforce the Water Efficient Landscape Ordinance and Landscape and Irrigation Design Standards in compliance with AB 1881 (2006). The ordinance establishes standards for planning, designing, installing, and maintaining and managing water-efficient landscapes in new construction and rehabilitated projects.</p> | <p>Ongoing</p> <p>All new development projects are reviewed for compliance with the City's Water Efficient Landscape Ordinance.</p> |

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| 4.2.2 | Affordable housing developments that receive City assistance from Community Development Block Grant (CDBG) funds or from the City's Affordable Housing Fund shall be required, to the extent feasible, include installation of energy efficient appliances and devices, and water conserving fixtures that will contribute to reduced housing costs for future occupants of the units. | <p>Ongoing</p> <p>As part of the SHARP program energy efficiency is a priority with upgraded sinks, water heaters, weather-proof windows and new water efficient toilets.</p> |
| 4.2.3 | Investigate the feasibility and benefits of using a portion of its CDBG or other local funds for the establishment and implementation of an energy conserving home improvements program for lower-income homeowners. | <p>Ongoing</p> <p>Continuously monitor requests for assistance and Code Enforcement quarterly reports to determine need.</p> |
| 4.2.4 | Maintain a process for LEED certified staff members to provide development assistance to project proponents seeking LEED certification, which will in turn increase the LEED points granted to projects. | <p>Ongoing</p> <p>In 2019, the City staff included one Leadership in Energy and Environmental Design (LEED) accredited staff member who was available to provide technical assistance when requested.</p> |
| 4.2.5 | To encourage voluntary green building action, the City shall maintain a green recognition program that may include public recognition of LEED certified buildings (or equivalent certification), payment of a display advertisement in the local newspaper recognizing the achievements of a project, or developing a City plaque that will be granted to exceptional developments. | <p>Ongoing</p> <p>Staff will work on construction of a new webpage that will provide recognition to LEED certified buildings by displaying their project with pictures and their name or other information they would want advertised. An informational flyer is also being drafted to encourage green building that will advertise the new webpage and will be provided in the public lobby.</p> |

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| 5.1.1 | Apply for United States Department of Urban Development Community Development Block Grant funds and allocate a portion of such funds to sub-recipients who provide shelter and other services for the homeless. | <p>Ongoing</p> <p>Through the approved Action Plans for Fiscal Year 2019-20, the City allocated funding to the following organizations to preserve the supply of emergency and transitional housing: Families Forward and Fair Housing Foundation.</p> |
| 5.1.2 | Cooperate with the Orange County Housing Authority to pursue establishment of a Senior/Disabled or Limited Income Repair Loan and Grant Program to underwrite all or part of the cost of necessary housing modifications and repairs. Cooperation with the Orange County Housing Authority will include continuing City of Newport Beach participation in the Orange County Continuum of Care and continuing to provide CDBG funding. | <p>Ongoing</p> <p>The City refers low-income residents to Orange County for rehabilitation of mobile homes, to Neighborhood Housing for first time buyer programs, and to Rebuilding Together for handyman service for low-income and senior households.</p> <p>The City Council awarded Affordable Housing Funds for an agreement with Habitat for Humanity Orange County (Habitat OC) granting up to \$600,000 to establish a critical home repair program for low-income seniors (Senior Home Assistance Repair Program). It is estimated that approximately 30 repair projects will be completed at various locations throughout the City. To date, there have been 11 projects, including nine already completed. There is money remaining in this program and applications are currently being accepted (see Program 1.1.2).</p> |
| 5.1.3 | Permit, where appropriate, development of senior accessory dwelling “granny” units in single-family areas of the City. The City will promote and facilitate the development of senior accessory dwelling units by providing brochures and/or informational materials at the building permit counter, online, and other appropriate locations detailing the benefits and the process for obtaining approval. | <p>Ongoing</p> <p>In 2017 and 2018, the City amended its regulations to permit the development of Accessory Dwelling Units (ADUs) in single-family residential zoning districts to conform with changes in State Law. In 2019, there were two ADUs submitted, three ADUs permitted, two ADUs under construction, and one ADU finalized.</p> |

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| 5.1.4 | Work with the City of Santa Ana to provide recommendations for the allocation of HUD Housing Opportunities for Persons with AIDS (HOPWA) funds within Orange County. | <p>Ongoing</p> <p>The management of the HOPWA funds transferred from Santa Ana to Anaheim in 2016. As a result, City staff will stay up-to-date on services provided with HOPWA funds and Ryan White Program funds through the HIV Planning Council meeting agendas. If needed, City staff will attend the related budget allocation meetings which are usually held in August or September of each year.</p> |
| 5.1.5 | Maintain a list of “Public and Private Resources Available for Housing and Community Development Activities.” | <p>Ongoing</p> <p>City maintains a list of resources that are available for housing and community development activities. A list of resources and links are provided on the City’s website.</p> |
| 5.1.6 | Encourage the development of day care centers as a component of new affordable housing developments, and grant additional incentives in conjunction with a density bonus per the Chapter 20.32. | <p>Ongoing</p> <p>No projects were submitted that included the establishment of a day care center.</p> |

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| 5.1.7 | Encourage senior citizen independence through the promotion of housing services related to in-home care, meal programs, and counseling, and maintain a senior center that affords seniors opportunities to live healthy, active, and productive lives in the City. | <p>Complete</p> <p>The City provided \$25,000 in CDBG funds to Age Well Senior Services home-delivered meals program. The mobile meals program provides home-delivered meals to individuals who are homebound due to age, illness, or disability. The City also operates the OASIS Senior Center. Services include:</p> <ul style="list-style-type: none"> • A multi-purpose center owned and operated by the City of Newport Beach in partnership with the Friends of OASIS nonprofit dedicated to meeting needs of senior citizens and their families. • Classes in art, health & fitness, music & dance, foreign languages, technology, enrichment, and much more. • A state-of-the-art fitness center for those ages 50 and older which provides a safe, comfortable, senior-friendly exercise environment for the active older adult including access to hire a personal trainer for individualized programs. Separate membership required to join. • Regularly scheduled low-cost special events and socials such as luncheons, concerts, barbecues, a talent show and volunteer recognition. • Travel department coordination of day and overnight trips. • Curb-to-curb transportation program for residents of Newport Beach ages 60 and older who are no longer driving to use for medical appointments, grocery shopping, banking, and to attend OASIS classes (fee required). • Social services information and referral for seniors and their families dealing with a need for caregiver services, housing, transportation, work resources, legal matters, and more. Informational and supportive counseling is available to seniors and their family members on an individual basis. • Various health resources and screenings for seniors, including flu shots, blood pressure, memory screenings, hearing screenings, and health insurance counseling services. • Regularly scheduled support group meetings at the Center to help senior citizens and their families cope with stress, illness, life transitions, and crises. • Lunch program for active and homebound senior citizens ages 60 and older that is funded by the federal government through the <i>Older American Act</i>. A donation is requested for meals, which are provided by Age Well Senior Services. |
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| PROGRAM | | STATUS |
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| 5.1.8 | The City shall work with the Regional Center of Orange County (RCOC) to implement an outreach program informing families within the City of housing and services available for persons with developmental disabilities. Information will be made available on the City's website. The City shall also offer expedited permit processing and fee waivers and/or deferrals to developers of projects designed for persons with physical and developmental disabilities. | <p>Ongoing</p> <p>Information was added to the City website under Housing Assistance regarding resources through the RCOC which began implementation of an outreach program. The City remains in contact with RCOC on implementing outreach programs as they are developed. The City works with the housing consultant at the RCOC. When projects are submitted, they will be offered expedited permit processing and the possibility of fee waivers.</p> |
| 6.1.1 | Contract with an appropriate fair housing service agency for the provision of fair housing services for Newport Beach residents. The City will also work with the fair housing service agency to assist with the periodic update of the Analysis of Impediments to Fair Housing document required by HUD. The City will continue to provide public outreach and educational workshops, and distribute pamphlets containing information related to fair housing. | <p>Ongoing</p> <p>The City contracted with the Fair Housing Foundation to provide these services. The Fair Housing Foundation provided the following trainings, seminars, and outreach activities in the City in 2019:</p> <ul style="list-style-type: none"> • Two Community Booths – 9/28/19 and 10/19/19 • Two Tenant Rights Workshops – 5/5/19 • Two Landlord Workshops – 2/14/19 and 11/20/19 • Two Management Trainings – 3/6/19 and 6/18/19 <p>Pamphlets containing information on Fair Housing and Dispute Resolution Services are available at the public counter.</p> |
| 7.1.1 | As part of its annual General Plan Review, the City shall report on the status of all housing programs. The portion of the Annual Report discussing Housing Programs is to be distributed to the California Department of Housing and Community Development in accordance with California state law. | <p>Ongoing</p> <p>This annual Housing Element Report will be submitted to HCD.</p> |

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M E M O R A N D U M

To: Jenna Tourje, Kearns and West
From: Vivian Kahn and Andrew Hill
Re: Review of New Legal Requirements for General Plans and Implications for the Newport Beach Listen and Learn Process
Date: November 11, 2019

Dear Jenna:

This memo identifies new legal requirements for General Plans that have come into effect since the Newport Beach General Plan was adopted in 2006 and discusses implications and considerations for the Listen and Learn process, preceding a future General Plan Update. The new legal requirements generally fall under the following topics: transportation, housing, safety, and environmental justice.

TRANSPORTATION

Complete Streets Act (2008)

The Complete Streets Act of 2008 (California Government Code Section 65302(b)) requires that California communities plan for a "balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel." Communities must update the circulation element of the General Plan to comply with the law upon the next substantive revision to that element after January 1, 2011.

The 2006 General Plan was adopted before the Complete Streets Act came into effect and the term "complete streets" does not appear in the current plan; however, there are numerous policies that address core complete streets concepts. For example, Policy CE 1.1.1 calls for a diverse transportation system that provides a range of mobility options for the community; policies under Goal CE 4.1 seek to support transit use; policies under Goal 5.1 promote bicycle and pedestrian improvements; and Policy CE 6.1.2 requires project site designs that facilitate the use of public transportation and walking. Nevertheless, the General Plan Update presents an opportunity to synchronize the General Plan and the 2014 Bicycle Master Plan and to integrate complete streets concepts more fully. Emerging technologies such as electric vehicle charging infrastructure, ride hailing services, dockless scooters and bikes, and autonomous vehicles need to be considered and addressed. There is also an opportunity to explore creating a "layered network," recognizing that different streets accommodate various modes differently, depending on their function and the uses they contain. A layered network is one that considers the needs of a range of users holistically across the network and assigns different priorities among travel modes on different streets to satisfy the requirements of the Complete Streets Act. A layered

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network can include performance metrics and design standards to reflect and support those priorities.

Senate Bill 743

Senate Bill (SB) 743, passed into law in 2013, committed the State to changing the way that transportation impacts are analyzed under the California Environmental Quality Act (CEQA). Traditionally under CEQA, one of the key metrics by which transportation impacts have been evaluated is vehicle level of service (LOS), a measure used for analyzing the performance of roadway segments and intersections based on vehicle speed, density, or congestion. However, better vehicle LOS is not necessarily consistent with other environmental objectives, such as improved air quality, reduced GHG emissions, or reduced traffic noise. As such, SB 743 required the State to amend the CEQA Guidelines to provide an alternative to LOS for evaluating transportation impacts such that auto delay would no longer be considered a significant environmental impact.

Pursuant to SB 743, new CEQA Guidelines adopted by the State in December 2018 established vehicle miles travelled (VMT) as the metric to be used for evaluating traffic impacts under CEQA, effective July 1, 2020. To comply with the new CEQA Guidelines, the City of Newport Beach will be required to set new thresholds for assessing transportation impacts based on VMT, consistent with technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures issued by the Governor's Office of Planning and Research. The City has the option of using metrics detailed in the Technical Advisory on Evaluating Transportation Impacts in CEQA prepared by OPR or developing its own metrics, subject to substantial evidence. The Listen and Learn process represents an opportunity to share information about the coming change.

While VMT will replace vehicle LOS as the metric for assessing traffic impacts under CEQA, vehicle LOS is still valuable for the purpose of evaluating roadway and intersection operations and planning the network. Other measures such as delay, cross-town travel time, vehicle hours of travel, etc. all remain relevant in assessing overall system performance depending on situations, although they cannot be used for CEQA purposes. Some cities we are working with have continued to use LOS standards for their general plans. Policy CE 2.1.1 from the current General Plan establishes LOS standards for the local roadway network and the General Plan can continue to use this policy for planning purposes. The move away from LOS as a metric for evaluating environmental impacts means that LOS impacts may not be a means of extracting roadway improvements as mitigation for impacts from proposed development projects; however, the City has adopted a Fair Share Traffic Contribution Ordinance (Municipal Code Chapter 15.38) and a Traffic Phasing Ordinance (Municipal Code Chapter 15.40), which provide mechanisms for funding circulation system improvements from new development and redevelopment as needed to maintain acceptable levels of performance within the city.

Implications for Listen and Learn

Mobility will be an important focus of the General Plan Update, and Listen and Learn outreach can help set up for that work in various ways:

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- By introducing the concept of complete streets and the associated benefits for multi-modal mobility and roadway safety;
- By soliciting input on locations in Newport Beach where conflicts between roadway users need to be addressed and where prioritization between modes may need to differ;
- By soliciting input on how best to accommodate emerging transportation technologies on city streets in the future; and
- By informing the public of the move to VMT as the basic metric for evaluating transportation impacts under CEQA and the role that LOS will play in planning the transportation network.

HOUSING

The California State Legislature passed a high-profile package of 15 new housing laws in 2017 to address the urgent need for housing throughout the state. An additional 16 new laws related to housing passed in 2018 came into effect January 1, 2019, and in October 2019 the Governor signed an additional 18 bills intended to boost housing production in California. This section recaps the new housing laws most directly relevant to Listen and Learn outreach and the General Plan Update.

Senate Bill 35

Enacted in 2017, Senate Bill (SB) 35 established new provisions for streamlined processing of residential infill projects that first went into effect January 1, 2018. (A series of clarifying “clean up” amendments to SB 35 was passed as SB 765 in 2018 and went into effect January 1, 2019.) The requirements, which are codified in Government Code Section 65913.4, are intended to expedite and facilitate the construction of affordable housing, mandate a ministerial review and approval process for residential development projects that meet a variety of specific requirements. The new law applies to jurisdictions that have not made enough progress toward meeting their Regional Housing Needs Assessment (RHNA). Newport Beach is on a list of 213 California jurisdictions that have not made sufficient progress toward their Lower income RHNA (Very Low and Low-income), and are subject to the streamlining provisions for proposed multi-family developments that contain two or more residential units with at least 50 percent affordability.¹

Even though requirements of SB 35 apply to jurisdictions regardless of whether they have codified the new procedures, because the law establishes a very short time frame within which to review an application, some jurisdictions have adopted their own application forms and adapted the procedures to simplify the process. SB 35 expands the common definition of “multi-family housing

¹ California Department of Housing and Community Development, SB 35 Statewide Determination Summary, June 2019. Download at http://www.hcd.ca.gov/community-development/housing-element/docs/SB35_StatewideDeterminationSummary.pdf

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development” applying to projects with two or more units; depending on the number of housing units proposed, the jurisdiction has from 60 to 90 days to review the project to determine if it is eligible for streamlined processing. If eligible, the jurisdiction has from 90 to 180 days to make a final decision.

California Department of Housing and Community Development (HCD) Guidelines for implementing SB 35 require local agencies subject to SB 35 to provide information on the application process and identify the relevant objective planning standards used for such projects. The information provided can include reference documents and a list of information the city needs to determine if the application is consistent with objective standards such as checklists, maps, diagrams, flow charts, or other formats.²

Eligible projects are exempt from environmental review under CEQA and the process does not allow public hearings; however, SB 35 does allow for “design review or public oversight” to occur if a locality so chooses. This process may be conducted by the Planning Commission or equivalent board or commission responsible for review and approval of development projects, or the City Council. However, the review process must be objective and strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards that were in effect before the application was submitted. This process may not in any way “inhibit, chill, or preclude the ministerial approval” allowed by SB 35 (Section 65913.4(c)(1)).

When determining consistency with objective zoning, subdivision, or design review standards, the local government can only use those standards that meet the definition specified in the Government Code. This means standards may not involve any personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. “Objective design review standards” must be published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and which are broadly applicable to development within the jurisdiction. For example, design review standards that require subjective decision-making, such as consistency with “neighborhood character”, cannot be applied as an objective standard unless “neighborhood character” is defined in such a manner that is non-discretionary.

Objective design review could include use of specific materials or styles, such as Spanish-style tile roofs or roof pitches with a slope of 1:5. Architectural design requirements such as “craftsman style architecture” could be used so long as the elements of “craftsman style architecture” are clearly defined (e.g., “porches with thick round or square columns and low-pitched roofs with wide eaves”), ideally with illustrations.

Further, AB 1485 (Wicks), which is among the bills the Governor signed in October, has resulted in additional amendments to Government Code Section 65913.4 (which codified SB 35) that are

² California Department of Housing and Community Development, Streamlined Ministerial Approval Process (Chapter 366, Statutes of 2017) Guidelines, November 29, 2018. Download at <http://www.hcd.ca.gov/policy-research/docs/SB-35-Guidelines-final.pdf>

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intended to address some issues that have been identified since the streamlining provisions were originally enacted. These changes:

- Require that underground space such as garages and basements shall not be considered part of the square footage of the development;
- Provide that if other state or local programs require the dedication of affordable housing units or fees, the requirements of those program shall be treated separately or additively and not additionally applied to a housing development project in addition to those already required under SB 35 (i.e. no stacking);
- Provide that a development shall be deemed consistent with objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with such objective planning standard;
- Allow a permit for a project with fewer than 50 percent affordable units to remain valid for three years or if litigation is filed challenging the approval, from the date of any final judgement upholding the approval, and shall remain valid so long as vertical construction is in progress;
- Require any permits subsequent to the streamlined, ministerial approval, such as demolition, grading, and building permits or, if required, final map, to be issued if the application substantially complies with the development as it was approved, as specified. Upon receipt of the application, the local government shall process subsequent permits without unreasonable delay and shall apply the same procedures and requirements on all projects; and
- Declare that SB 35 projects are eligible for protections under the Housing Accountability Act (HAA).

Under the provisions of Government Code Section 65913.4 (as amended), proponents of projects that meet the requirements of the statute may apply for ministerial processing when proposed multi-family developments satisfy objective development standards established by the community in which the development is proposed. Design review may still be conducted but is limited to an assessment of whether the project complies with objectives standards enacted prior to application and must be completed within 180 days (for projects of more than 150 units). Objective standards are those which “involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion.” Such requirements must be available and “knowable” by both the applicant or project proponent and public officials and staff before the application is submitted. SB 35 also places limitation on the expiration of approvals pursuant to this process; limits the authority of local government to impose parking standards on development approved pursuant to the process; and requires that local governments report annually to the State on housing production.

Development and design standards are typically specified in the Zoning Code or in a Specific Plan that the jurisdiction adopts as a regulatory plan, rather than in the General Plan, but both the Zoning Code and any Specific Plan must be consistent with the General Plan. In light of the requirements of SB 35 and HAA, the Newport Beach General Plan needs to identify critical elements that contribute to desired character of the community that the Zoning Code can then regulate. Plan policies should also be written to provide a strong and clear basis for the regulations the City adopts to implement them.

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Policy LU 5.1.9 from the current General Plan identifies the following aspects as important for high-quality multi-family residential development and provides guidance for development projects: architectural treatment of facades; ground floor treatments; roof design; parking; and open spaces and amenities. Municipal Code Chapter 20.18 (Table 2-3) provides standards for lot dimensions, lot coverage, setbacks, and building heights. Section 20.48.180 provides further residential development standards related to third floors and open volume area, while other sections of the Code govern bluffs, fencing, landscaping, lighting, parking, and satellite antennas. Chapter 20.56 provides standards for specific Planned Community Districts in the city. Collectively, these provisions from the Zoning Code are the objective standards that would apply in the case that a proposed development with 50 percent or more affordability applied for ministerial review under SB 35.

The City may wish to add or amplify existing standards to further define the desired character by establishing more detailed design and development standards for multi-family development especially for the Mixed-Use Zoning Districts, where it is likely much of the residential development will occur. For example, General Plan Policy LU 5.1.9 identifies roof modulation as an important design element, but the Code currently has objective standards related only to roof height, not modulation. In areas where the City has not established standards or where the standards it has adopted are inconsistent with the General Plan, the General Plan policies will be the only development and use requirements with which developers need to comply (Government Code Section 65913.4 (a) (5) (A) and (B)). Based on Section 20.14.020, it appears that the zoning for areas of Newport Beach designated MU-H Mixed-Use in the General Plan defaults to the existing standards for the MU-MM, -DW and CV/15th Street districts. These standards cover density, lot dimensions, setbacks, height but do not address any other design features, such as architectural treatment of facades, that are of concern to the City.

Senate Bill 167, Assembly Bill 678, Assembly Bill 1515 and SB 330 (Skinner)

Collectively, the first three laws, which became effective in January 2018, along with SB 330, signed by the Governor in October 2019, strengthened the Housing Accountability Act (HAA), that was originally enacted in 1982 to limit the ability of local jurisdictions to deny or make infeasible qualifying housing projects. The HAA, which is codified as Government Code Section 65589.5, severely restricts cities and counties from denying or imposing conditions on residential projects that would require a reduction in density of a development that complies with “objective” general plan, zoning, and subdivision standards without making specified findings that the project would have a “specific adverse impact” on public health or safety. Findings must be based on a “preponderance” of the evidence in the record, which is a stricter standard than the “substantial” evidence that the law previously required.

If, in the City’s estimation, a proposed project does not comply with objective general plan, zoning, and subdivision standards and criteria (including design review criteria) the City must provide a list of inconsistencies within 30-60 days of application being deemed complete. If City fails to provide this list within the specified time limit, the project is “deemed consistent.” Under SB 330, “objective” means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official. Furthermore, this section cannot be used to disapprove or conditionally approve if the project is

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(1) proposed on a site suitable for low income (< 80 percent of annual median income) and (2) is consistent with the density specified in the Housing Element, even if the project is inconsistent with the zoning ordinance and general plan land use designation. A change to the zoning ordinance or general plan land use designation AFTER the date the application for the project was deemed complete will not be a valid basis to deny or condition approval of an eligible residential project. Also, if the City has not identified sufficient sites with the capacity to provide for a share of the jurisdiction's RHNA, the City must allow the development on any site designated in the Plan for residential uses or for commercial uses or an emergency shelter on any site zoned for industrial, commercial or multifamily residential use.

SB 330 established additional requirements, most of which will be in effect only until January 1, 2025 and others that will become effective as of that date including uniform statewide standards for what a community can require in a "preliminary application" and requiring all communities to use a standard application form developed by HCD. Even though the application requirements that will be codified in Government Code 65941.1 will expire on January 1, 2025, the list may serve as a useful basis for reviewing and, if necessary, revising the published lists of application requirements that the Section 65940 of the Permit Streamlining Act has required for a number of years.

Passed by the legislature in September 2019, and signed by the Governor, SB 330 limits the ability of cities and counties to move the goalposts for housing development projects during their application process and strengthens the protections of the Housing Accountability Act and the Permit Streamlining Act. SB 330 prohibits a jurisdiction (with some exceptions) from enacting development policies, standards, or conditions that would change current zoning and general plan designations of properties where housing is allowed in order to "lessen the intensity of housing," such as by reducing height, density or floor area ratio; requiring new or increased open space, lot size, setbacks or frontage; or limiting maximum lot coverage. Moreover, the bill stipulates that any such amendment that took effect after January 1, 2018 would be null and void as a matter of law. SB 330 also bans jurisdictions from placing a moratorium or similar restrictions on housing development, from imposing subjective design standards established after Jan. 1, 2020, and limiting or capping the number of land use approvals or permits that will be issued in the jurisdiction, unless the jurisdiction is predominantly agricultural. This provision does not apply retroactively to any caps established before January 1, 2018, such as the restrictions applicable to residential development in the Airport Area and Newport Center identified in Table H32 of the Housing Element.

SB 330 also requires cities and counties to reduce the time it takes to process housing applications with an EIR to no more than 90 days for most market-rate housing developments (from 120 days) and to 60 days (from 90 days) for affordable developments, after a project application is deemed complete. In addition, SB 330 requires communities to either approve or disapprove the application at any of the five allowed hearings. With certain defined exceptions, SB 330 prohibits communities from requiring a housing development project to comply with an ordinance, policy, or standard that not adopted and in effect when a preliminary application was submitted. a provision that exempts housing projects exempt from any ordinances, policies, and standards adopted after the applicant's submission of a "preliminary application" that meets the requirements of the Permit Streamlining Act (Section 65941) as amended by SB 330 except for:

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- A fee, charge or other exaction that results from an automatic annual adjustment based on a cost index referenced in an adopted ordinance or resolution;
- An ordinance, policy, or standard beyond those in effect when a preliminary application was submitted that is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety;
- An ordinance, policy, standard, or any other measure, beyond those in effect when a preliminary application was submitted is necessary to avoid or substantially lessen an impact of the project under the California Environmental Quality Act; or
- When housing development project has not commenced construction within two and one-half years following the date that the project received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits with a few specific exceptions.

The provisions of these laws primarily concern the procedures and parameters for approving housing, rather than planning for housing; however, with these revisions to the HAA, a mixed-use project now qualifies as long as at least two-thirds of its square footage is designated for residential use, whereas previously, the HAA made a more limited set of mixed-use projects to qualify for its protections. In addition to 100 percent residential and mixed-use projects that have two thirds or more of the total square footage devoted to residential uses, the law also applies to transitional and supportive housing and emergency housing shelters.

The new requirements underscore the importance of ensuring that City plans and regulations include carefully written provisions that establish a sound basis for “objective, quantifiable, written development standards.”

Assembly Bill 1763

Assembly Bill (AB) 1763 was signed into law on October 10, 2019, providing enhanced density bonus options. A density bonus is an increase in the number of housing units allowed under a general plan and/or zoning (“base density”) to encourage the production of affordable housing. Depending on the amount and affordability of the proposed affordable housing, under State Density Bonus Law (Government Code 65915 et seq.) a project may be allowed a density bonus between 5 percent and 35 percent above the base maximum density. Under AB 1763, projects that provide 100 percent of their units dedicated for lower income households or 80 percent for lower income households and 20 percent for moderate-income, are eligible for a potential 80 percent increase in base density and these projects would also be able to receive three to four concessions, such as reduced setback and minimum square footage requirements. Further, under AB 1763, for a project that meets the affordability requirements and is also within 0.5 miles of a major transit stop, there is no maximum control on density; however, these provisions do not currently apply in Newport Beach as there is no facility in the city which meets

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the definition of major transit stop.^{3,4} While the 2006 General Plan contains policies and implementation measures that seek to enhance transit service, there are no provisions that explicitly call for increased frequency of service.

Finally, it should be noted that projects that meet the AB 1763 affordability requirements will also likely meet SB 35 affordability requirements and would therefore also be eligible for streamlining pursuant to SB 35. This underscores the importance of establishing objective standards to guide the design of qualifying high density housing and mixed use projects to ensure they are in keeping with community standards.

Assembly Bill 1397 and SB 166

The “No Net Loss” provisions in Section 65583.2 of the Housing Element law were established to make sure that housing elements identify sufficient sites to accommodate the jurisdiction’s RHNA or include programs to ensure that sites will be available throughout the planning period. Under the “No Net Loss” requirements, a city may not reduce residential density or allow development at a lower residential density unless the city makes findings supported by substantial evidence that the reduction is consistent with the general plan and there are remaining sites identified in the housing element adequate to meet the city’s outstanding RHNA. SB 166 and AB 1397, which became effective in January 2018, added to that requirement by stipulating that sites listed on the inventory must be both available and suitable for residential development. Specifically, AB 1397 requires that sites listed on the inventory have “realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for the designated income level.”

The Housing Element must calculate the realistic development capacity of sites listed on the inventory for the various income levels in view of the availability of sufficient water, sewer, and dry utilities, and must include a discussion of the methodology used to determine development potential, considering the community’s past experience with converting existing uses to higher-density residential development, the current demand for the existing use, and an analysis of existing leases or other contracts that would perpetuate the existing use or prevent redevelopment. An alternative way to show that a site or sites are appropriate to accommodate development to accommodate lower income households is to establish density requirements that meet the thresholds Section 65583.2 specifies, which is 30 units per acre for cities in a metropolitan county such as the County of Orange.

SB 166 went further by requiring cities that allow development at reduced densities now be prepared to meet remaining unmet RHNA need by income category within 180 days. If the

³ Per California Public resources Code Section 21064.3, a major transit stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

⁴ South County System Map <https://www.octa.net/ebusbook/routePdf/SouthCounty.pdf>

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remaining sites in the inventory cannot accommodate the unmet RHNA by income category, the City must be prepared to rezone other sites where residential development is allowed regardless of any growth management restriction, open space or agricultural preservation policies. This provision wouldn't automatically negate development caps such as the restrictions applicable to residential development in the Airport Area and Newport Center identified in Table H32 of the Housing Element so long as the City is unable to identify sufficient sites in other zones. However, it will require detailed project-by-project monitoring and may require that the City rezone additional land to a high-density residential use during the Housing Element planning period in order to remain in compliance. In view of the no net loss provisions, the City may elect to zone more land for higher density residential development than is strictly required to satisfy the RHNA in order to ensure that sufficient sites are available in the event that some sites are approved at reduced densities.

Government Code Section 65583.2(c) stipulates that the inventory may not include a non-vacant site identified in a prior housing element or a vacant site identified in two or more consecutive planning periods that was not approved for developing housing to meet housing need unless the site can be developed at a higher density and is subject to a program in the housing element requiring rezoning within three years of start of planning period to allow residential by right for housing in which at least 20 percent of the units are affordable to lower income households. The sites inventory included in the 2008-2014 Housing Element and the 2014-2021 Housing Element relied heavily on the use of non-vacant sites. Therefore, any lower-income non-vacant sites that were listed in the prior housing elements and also planned for use in the upcoming 2021- 2029 Housing Element will be subject to the by-right and 20 percent inclusionary requirements. The intention of this requirement is to incentivize residential development on sites previously deemed suitable for housing but that have not seen development by increasing allowable density and streamlining the approval process.

An analysis of the inventory in current Newport Beach Housing Element is beyond the scope of this memo; however, in the course of updating the Housing Element, the City will need to assess how many sites from the current inventory can be carried forward under current zoning and how many would need to be rezoned in order to be carried forward. Additionally, depending on the City's assigned RHNA for the upcoming planning period, it may be necessary to identify other potential sites for residential development that were not included in the prior Housing Element. This could be done by using data from the County Assessor to conduct an assessed value ratio analysis to identify underutilized sites that are more likely to redevelop because they offer property owners an incentive to redevelop with uses that can command a higher sales price or rent. The Housing Element will need to be adopted by October 2021, which is likely before the updated General Plan will be ready. As such a critical consideration for the Housing Element will be ensuring adequate sites available for the 2021-2029 cycle.

Assembly Bills (AB) 671, 1255, and 1486

Collectively, these three bills signed into law by the Governor on October 10 would require local government agencies to prepare a list of surplus lands under its ownership and provide that to the State for inclusion in a digitized statewide inventory of surplus governmental lands suitable for residential development. Surplus land is defined as "land owned by any local agency that is

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determined to be no longer necessary for the agency's use." Pursuant to these new laws, the Newport Beach Housing Element Update must provide a description of non-vacant sites owned by the City and details of whether there are any plans to dispose of the property during the planning period.

Assembly Bill 881, Assembly Bill 68, Senate Bill 13, and Assembly Bill 671

All four bills, signed by the Governor on October 10, are intended to facilitate production of accessory dwelling units (ADUs), or secondary housing units either attached or detached from a main house that exist on a lot with another house. The State sees these units as an innovative, affordable, effective option for adding much-needed housing in California. ADUs may be counted toward a community's RHNA.

Assembly Bill (AB) 881 removes impediments to ADU construction by restricting local jurisdictions' permitting criteria, clarifying that ADUs must receive streamlined approval if constructed in existing garages, and eliminating local agencies' ability to require owner-occupancy for five years. Assembly Bill (AB) 68 makes major changes to facilitate the development of more ADUs, further reducing barriers to ADU approval and construction. Notably, the law prohibits the imposition of limits on lot coverage, floor area ratio, open space, and minimum lot size unless they allow for at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with 4-foot side and rear setbacks to be constructed. Senate Bill (SB) 13 prohibits jurisdictions from establishing a maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than 850 square feet, and 1,000 square feet if the accessory dwelling unit contains more than one bedroom. It also creates a tiered fee structure which charges ADUs based on their size and location and addresses other barriers by lowering the application approval timeframe, creating an avenue to get unpermitted ADUs up to code, and enhancing an enforcement mechanism allowing the state to ensure that localities are following ADU statute. Assembly Bill (AB) 671 requires local governments' housing plans to encourage affordable ADU rentals and requires the state to develop a list of state grants and financial incentives for affordable ADUs.

The City of Newport Beach's current ADU regulations were adopted in February 2019 to conform to provisions enacted by the State legislature mandating a variety of requirements intended to make it easier for homeowners to construct such units. Since that time, the State has made some additional changes to the law including the revisions made by Assembly Bills 881, 68, 671, and Senate Bill 13 described above. Although cities and counties are subject to all of the State's ADU requirements regardless of whether local regulations have been updated to be consistent with the most recent changes, the City should review all existing provisions applicable to this type of housing and revise both the Zoning Code and any counter materials to ensure that City staff and property owners have access to the most current requirements. The Housing Element, which was

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adopted in September 2013, will also need to be updated to reference the most recent version of the State law and the local regulations.

Assembly Bill 2797

In the *Kalnel Gardens, LLC v. City of Los Angeles* (2016), the Second District Court of Appeal ruled that the State Density Bonus Law is subordinate to the Coastal Act. In response, Assembly Bill (AB) 2797, requires the State Density Bonus Law be harmonized with the California Coastal Act so that both statutes can be given effect within the coastal zone so as to increase affordable housing in the coastal zone while protecting coastal resources and access. Specifically, AB 2797 requires that any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which an applicant is entitled under the Density Bonus Law be permitted in a manner that is consistent with that law and the California Coastal Act of 1976.

Implications for Listen and Learn

The Southern California Association of Governments (SCAG) is currently in the process of developing the 6th cycle Regional Housing Needs Assessment (RHNA) allocation plan which will cover the planning period October 2021 through October 2029. The RHNA quantifies the need for housing within each jurisdiction in the SCAG region during the planning period and represents the amount of housing that must be planned for in a community's General Plan Housing Element according to State law. SCAG plans to release draft RHNA allocations in February 2020 and to formally adopt a RHNA allocation plan in October 2020. While the City of Newport Beach's RHNA allocation is not known at this time, based on the draft RHNA methodology currently being considered by SCAG, the City anticipates a total RHNA of approximately 2,750 units, substantially more than in the prior cycle. In this context, housing will undoubtedly be a hot topic for the General Plan Update, and as such, Listen and Learn outreach represents an important opportunity to start a conversation with the community about housing before potentially controversial RHNA numbers are released.

Listen and Learn outreach can help set up for the Housing Element Update and the General Plan Update by:

- Informing community members about the legal requirements for the planning of housing and the levers available to the City to shape the location and character of housing (i.e., through objective standards) including criteria for identifying sites appropriate for affordable housing development;
- Engaging community members in a dialogue about demographic projections and future housing needs in Newport Beach, recognizing that new housing can help ensure that the community remains affordable to our children as they move out and start families, our parents as they get older, and the teachers, firefighters and other public servants who contribute to the quality of life of the community; the conversation should include a discussion of housing typologies suited to future demand, especially in view of new State law intended to facilitate production of affordable multi-family development and ADUs;
- Obtaining input that will help to identify areas that could be designated for additional affordable housing and help to assess the feasibility of establishing affordable housing overlay zoning;

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- Seeking input on the elements of built form that contribute most to the desired character of the community in order to guide creating of objective standards that will help achieve design that enhances the visual character and sense of place in Newport Beach.

While the Listen and Learn process presents an opportunity to gather community input that can inform the development of new citywide objective standards for multi-family and mixed use projects, it may be prudent for the City to work on a separate, expedited timeline to establish objective standards for areas where adopted standards are insufficient or are inconsistent with the General Plan, such as in the Airport Area. This would ensure that there are sufficient interim objective standards in place to guide projects that may come forward in these areas while the General Plan Update is in progress. Community input gathered as part of the Listen and Learn process and the subsequent General Plan Update could then be used to refine and/or augment the interim standards.

SAFETY

Government Code 6530 (g) (2) - Flooding

This section of the California Government Code required an update to the Safety Element of the General Plan timed with the next update to the Housing Element on or after January 1, 2009 to address new requirements related to flooding. These requirements include the identification of flood hazard areas based on available data from the Federal Emergency Management Agency (FEMA), the provision of historical data on flood events, and the establishment of goals, policies, and objectives designed to avoid or minimize risks to new development from flooding. The current General Plan includes a discussion of flooding risk in Newport Beach and a map (Figure S3) depicting flood hazard areas. Goal S 5 and associated policies address flooding risk. As part of the General Plan Update, the maps and information will need to be updated based on the latest available data and the Element will need to be synchronized with the 2016 Local Hazard Mitigation Plan (LHMP).

Government Code 6530 (g) (3) - Wildfire

This section of the California Government Code requires an update to the Safety Element of the General Plan timed with the next update to the Housing Element on or after January 1, 2014, to address new requirements related to wildfire. These requirements include the identification of fire hazard severity zones, based on data from the California Department of Forestry and Fire Protection, the provision of historical data on wildfire events, the provision of additional information about wildfire hazard areas from the US Geological Survey, and the establishment of goals, policies, and objectives designed to avoid or minimize risks to new development from wildfire. The current General Plan includes a discussion of wildfire risk in Newport Beach and a map (Figure S4) depicting wildfire hazard areas. Goal S 6 and associated policies address wildfire risk. As part of the General Plan Update, the maps and information will need to be updated based on the latest available data and the Element will need to be synchronized with the 2016 LHMP.

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Senate Bill 379

Senate Bill (SB) 379 requires all cities and counties to include climate adaptation and resiliency strategies in the safety elements of their general plans upon the next revision to the City's Local Hazard Mitigation Plan beginning January 1, 2017. The law requires that each community complete a vulnerability assessment to identify primary and secondary risks from climate change; to create a set of adaptation and resilience goals, policies and objectives address the risks identified in the vulnerability assessment; and to develop feasible implementation measures designed to carry out the goals, policies and objectives. To help with local vulnerability assessments, the California Energy Commission, in collaboration with UC Berkeley's Geospatial Innovation Facility, has developed the Cal-Adapt website, which offers a wealth of data on how climate change might affect California at the local level, including effects in Orange County and Newport Beach.

Implications for Listen and Learn

Publicly available data and information on natural hazards and the effects of climate change can be used to create maps and graphics that can help frame a discussion of issues and priorities for the community in the face of challenges that may result from climate change in the future.

ENVIRONMENTAL JUSTICE

Senate Bill 1000

Enacted into law in 2016, SB 1000 (California Code Section 65302(h)) requires that General Plans identify disadvantaged communities (DACs) within their jurisdiction and incorporate strategies to address the needs of those communities. DACs are defined by the State as areas most burdened by a combination of economic, health, and environmental factors, including poverty, high unemployment, pollution, and health conditions like asthma and heart disease. Specifically, the law requires that with the next update to two or more elements of the General Plan on or after January 1, 2018, a community with a DAC within its jurisdiction must adopt environmental justice goals, policies, and objectives into the General Plan, considering strategies to reduce pollution exposure as well as strategies to promote public facilities, food access, safe and sanitary homes, and physical activity. Further, the environmental justice goals, policies, and objectives must also promote civic engagement in the public decision-making process and prioritize improvements and programs that address the needs of DACs. The environmental justice goals, policies, and objectives may be included in a standalone element or incorporated into other elements of the General Plan.

To identify DACs, the California Environmental Protection Agency has developed a mapping tool known as CalEnviroscreen, which is the standard used by State agencies for identifying DACs and is specifically identified in State law as the minimum requirement for general plans. CalEnviroscreen considers 20 different indicators related to pollution exposure, health, and socio-economic factors to rank 8,000 census tracts statewide. Tracts that rank in the 75th percentile (i.e., the top 25 percent) are classified as DACs. CalEnviroscreen identifies census tract

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6059063604, a small portion of which is located within the City of Newport Beach, as a DAC. The principal indicators of concern contributing to the classification of this tract as a DAC relate to hazardous waste, toxic releases, groundwater contamination threats, and housing burden.

The portion of the tract classified as a DAC that is within the City of Newport Beach is located along West 16th Street and is currently developed with commercial uses. As such, there are no Newport Beach residents of this DAC; however, according to CalEnviroscreen data, issues related to water pollution and risk of toxic release also exist in other census tracts within the city. Therefore, the General Plan Update and its environmental impact report should endeavor to characterize and address the associated risks, which may be at issue in the part of the DAC within the City limit as well as in other areas of the city. Given the somewhat anomalous situation whereby only a tiny, commercial portion of the City is classified as a DAC, it is also advisable to consult with OPR regarding how best to satisfy the requirements of SB 1000 in the General Plan Update.

Assembly Bill 2616

Enacted in 2016, Assembly Bill (AB) 2616 authorizes local jurisdictions and the California Coastal Commission to consider environmental justice factors when deciding on coastal development permit applications. In response to this new law, the California Coastal Commission formally adopted an Environmental Justice Policy on March 8, 2019. The Policy identifies coastal access for disadvantaged communities as a priority and notes that the ongoing statewide housing affordability crisis "has pushed low-income Californians and communities of color further from the coast, limiting access for communities already facing disparities with respect to coastal access and may contribute to an increase in individuals experiencing homeless." Specifically, the Policy cites the intent of the Commission to "work with local governments to adopt local coastal program policies that allow for a broad range of housing types including affordable housing, ADUs, transitional/supportive housing, homeless shelters, residential density bonuses, farmworker housing, and workforce/employee housing, in a manner that protects coastal resources consistent with Chapter 3 of the Coastal Act." The Policy also seeks to address a trend in the conversion of existing visitor-serving coastal facilities to high-cost facilities and expresses the intent to adopt a strategy for increasing the number and variety of new lower-cost opportunities along the coast.

Implications for Listen and Learn

CalEnviroscreen provides a wealth of data that can be used to characterize pollution burden in Newport Beach. In conjunction with other sources of information, this data could be used to create maps and charts that convey context and inform a discussion about environmental health and related priorities for the General Plan Update.

The City of Newport Beach has approximately 30 miles of bay and ocean waterfront and about 63 percent of the City is in the Coastal Zone. The City's Local Coastal Program (LCP) was certified with an effective date of January 30, 2017, and as such the City can now issue Coastal Development Permits, subject to appeal to the California Coast Commission. Given the implications of AB 2797 discussed previously and the stated aim of the Coast Commission to promote a range of housing types on the coast, Newport Beach will need to explore options for housing in the coastal zone

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while also carefully considering the consequences of sea level rise and climate change on the vulnerability of coastal residents. Additionally, while the current General Plan does contain policies that seek to promote public access to the coast (LU 6.19.10 and HB 6.1), there may be an opportunity to explore enhancing or expanding these as part of the Listen and Learn process.

OTHER ELEMENTS

The focus of this memo is on the recent State laws and their implications for the Newport Beach General Plan. As such, the review concentrates on portions of the existing General Plan that could be affected by those laws. The laws discussed above do not have implications for other elements, but that there may be other circumstances triggering the need for updates to other elements. City staff will be well placed to identify changes required to other elements and the Listen and Learn process will uncover other matters of importance to the community that should be addressed in the General Plan Update.