

CITY OF NEWPORT BEACH
CITY COUNCIL STAFF REPORT

Agenda Item No. _____
January 27, 2009

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: City Manager's Office
Dave Kiff, Assistant City Manager
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SUBJECT: Policy Direction regarding the OCTA/Measure M Habitat Conservation Site Inventory

ISSUE:

What properties should the City ask to be placed on the Orange County Transportation Authority's (OCTA) Measure M *Habitat Conservation Site Inventory*?

RECOMMENDATION:

Authorize the City Manager to ask OCTA to add the following sites in Newport Beach to its Habitat Conservation Site Inventory:

- The Banning Ranch (purchase and/or habitat improvement);
- The Beach and Bay Mobile Home Park, if available for sale and if legally closed (purchase and/or habitat improvement);
- Upper Buck Gully (habitat improvement site); and
- Properties in Lower Buck Gully that are held by private property owners (purchase or habitat improvement).

DISCUSSION:

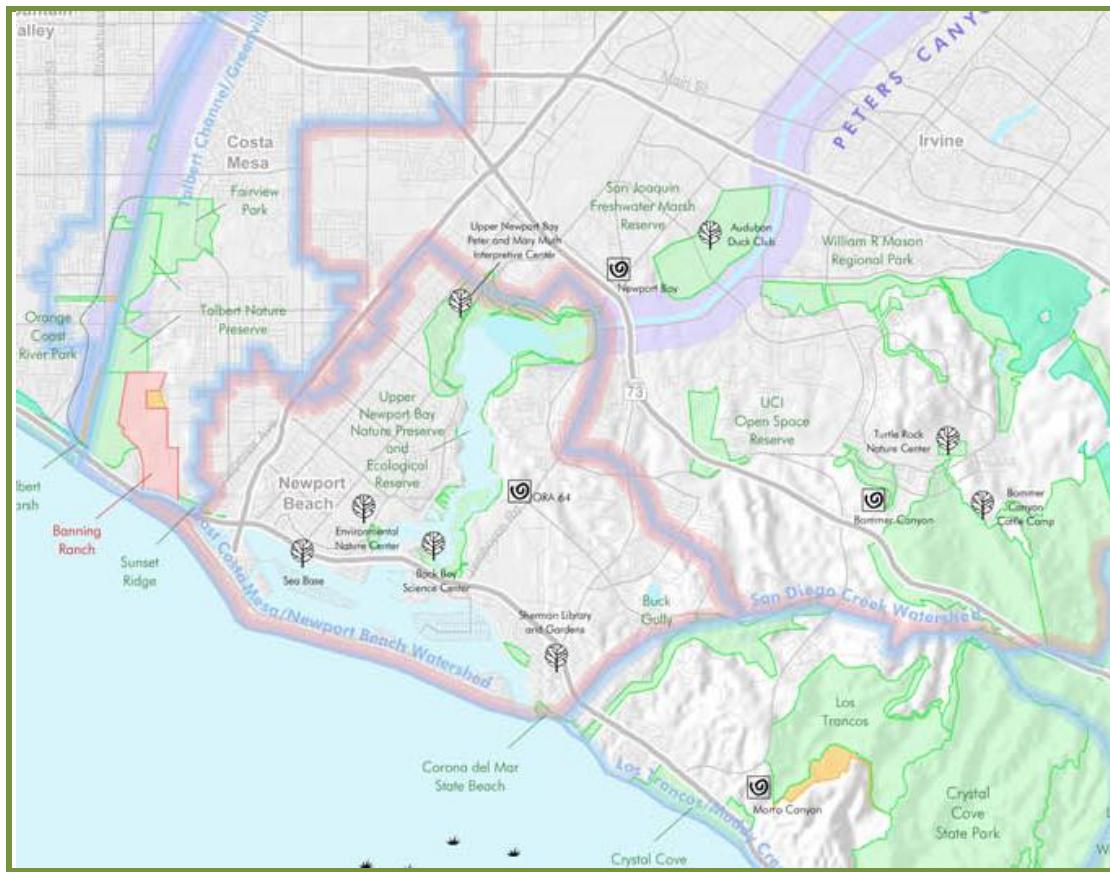
In December 2008, OCTA sent letters to more than 700 businesses, organizations, and stakeholders in the region, stating that OCTA seeks to build an inventory of potential habitat conservation sites that may be eligible for future funding through OCTA's freeway mitigation and resource protection program, which is part of the Renewed Measure M sales and use tax.

The Renewed Measure M Environmental Oversight Committee (EOC) has been tasked with building this inventory. The EOC was appointed by the OCTA Board of Directors in October 2007 to make recommendations to the Board on the allocation of environmental freeway mitigation funds and monitor the implementation of a master agreement between OCTA and state and federal resource agencies. The master agreement will provide higher-value environmental benefits such as habitat protection, wildlife corridors and landscape level resource preservation in exchange for streamlined project approvals and greater certainty in the delivery of the freeway program as a whole.

As the program is being developed, the EOC is assessing mitigation opportunities and creating an inventory of potential conservation sites for acquisition or restoration. The baseline for the

inventory is formed by the Green Vision Map, a comprehensive listing of potential conservation opportunities in Orange County developed by a consortium of non-governmental environmental groups, like the Friends of Harbors, Beaches, and Parks. The Green Vision Map documents public and private lands already protected and lands that are not yet protected. The unprotected properties may be sites selected to potentially purchase and/or restore under this mitigation program. Below is the portion of the Green Vision Map showing Newport Beach:

Portions of the Green Vision Map
(for the entire map, see this link: www.octa.net/greenvisionmap)



The EOC has asked the City and other entities to submit other potential conservation sites. They also seek eligible property owners and managers, conservation and community groups and local governments who may be interested in participating in the program. Interested participants are asked to enter their property information online at www.octa.net/myproperty by January 30, 2009.

A set of preliminary eligibility criteria has been developed and is shown as Attachment A. The criteria are intended to provide guidance to both the EOC and property owners and conservation organizations to help evaluate the potential resource and conservation value of properties that may be available for acquisition or restoration. At a future date, these criteria will

include a mechanism for evaluating potential properties and that evaluation will ultimately lead to the selection of eligible properties.

City staff has discussed this preliminarily, and suggests filing an official position with OCTA that properties shown below may be good candidates for the Habitat Conservation Site Inventory:

- The Banning Ranch;
- The Beach and Bay Mobile Home Park (shown below);
- Upper Buck Gully (habitat protection); and
- Portions of Lower Buck Gully (coastward of Poppy) that are now privately held.

The Beach and Bay Mobile Home Park
7204 West Coast Highway



NOTE: Placing lands on the list does not mean that a public agency would purchase the property from an unwilling property owner. Placement on the list means that the lands would be candidates for purchase using Renewed Measure M funds from willing property owners or for habitat improvement on these same lands, whether the lands stay in private hands or public hands.

Environmental Review: The City Council's approval of this Agenda Item does not require environmental review.

Public Notice: This agenda item may be noticed according to the Ralph M. Brown Act (72 hours in advance of the public meeting at which the City Council considers the item).

Funding Availability: OCTA members anticipate that Renewed Measure M funds of at least \$243.5 million is anticipated to be available to mitigate the environmental impacts of freeway improvements and another \$237 million is available under the Environmental Cleanup Program to implement street and highway related water quality improvement projects.

Submitted by:

Dave Kiff
Assistant City Manager

Attachments: A – Eligibility Criteria