

## Chapter 21.10 – Purpose and Applicability of the Implementation Plan

Revisions		
Section	Change	Description
21.10.030.C	ADDED	Added subsection C (Relationship to General Plan) to address potential conflicts with CLUP and General Plan polices; implements Policy 2.1.1-1

CLUP Polices Implemented	
Coastal Land Use Plan Policy	Section
2.1.1-1 The land use categories in Table 2.1.1-1 establish the type, density and intensity of land uses within the coastal zone. If there is a conflict between the development limits of the Land Use Element and the Coastal Land Use Plan, the provision that is most protective of coastal resources shall take precedence. However, in no case, shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances.	21.10.030.C
2.1.9-1. Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations.	21.10.030
2.2.4-1. Designate the Banning Ranch property as an area of deferred certification until such time as the future land uses for the property are resolved and policies are adopted to address the future of the oil and gas operations and the protection of the coastal resources on the property.	21.10.040
2.9.3-4. Periodically review and update off-street parking requirements to ensure that new development provides off-street parking sufficient to serve approved uses.	21.10.065
2.3.2-3. Cooperate with the County of Orange to continue to provide a variety of visitor-serving and recreational uses at the Newport Dunes, including recreational vehicle park and campground areas as a means of providing alternative and lower cost overnight accommodations.	21.10.075
2.6-2. Continue to monitor the federal government's offshore oil leasing programs to insure the City and its citizens are fully aware of all proposed offshore activities, which could adversely affect the coastal environment, including participation in the Local Government Coordination Program or other similar programs.	21.10.075
2.9.2-2. Continue to cooperate with state, federal, county and local agencies to coordinate bikeways and trails throughout the region.	21.10.075
3.1.1-6. Continue to cooperate with the State Department of Parks and Recreation, the State Department of Fish and Game, the State Coastal Conservancy, Orange County, and private organizations to protect, expand and enhance public access to and along the shoreline and to beaches, coastal parks, and trails.	21.10.075
3.1.1-10. Cooperate with state agencies in planning and implementing the Newport Beach segment of the California Coastal Trail.	21.10.075
3.1.2-3. Continue to cooperate with the State Department of Parks and Recreation, the State Department of Fish and Game, the State Coastal Conservancy, Orange County, and private organizations to protect, expand and enhance public access to and along coastal bluffs.	21.10.075
3.2.1-4. Continue to cooperate with the State Department of Parks and Recreation, the State Department of Fish and Game, and Orange County to protect, expand and enhance opportunities for recreational activities at County and State beaches and parks.	21.10.075
3.2.2-5. Continue to cooperate with the State Department of Parks and Recreation, the State Department of Fish and Game, Orange County, and private organizations to protect, expand and enhance support facilities and services at County and State beaches and parks.	21.10.075

<b>CLUP Polices Implemented</b>	
4.1.2-4. Continue to cooperate with the state and federal resource protection agencies and private organizations to protect marine resources.	21.10.075
4.1.3-4. Continue to work within the Newport Bay Watershed Executive Committee structure to address sedimentation, nutrient loading, and bacteria and toxins from runoff. The Committee includes representatives from the cities of Costa Mesa, Huntington Beach, Irvine, Lake Forest, Newport Beach, Orange, Santa Ana, and Tustin, in addition to the Irvine Ranch Water District, the California Regional Water Quality Control Board (Santa Ana Region), the California Department of Fish and Game, the U.S. Army Corps of Engineers, the County of Orange, and the Irvine Company. The Watershed Executive Committee, in implementing four separate "total maximum daily loads" for Newport Bay, has developed and is implementing plans to control sediment, nutrients, bacteria, and toxic materials in the Bay's watershed.	21.10.075
4.1.3-5. Coordinate with the California Department of Fish and Game and the County of Orange in developing a management plan for the Upper Newport Bay Marine Park and the Upper Newport Bay Nature Preserve.	21.10.075
4.1.3-7. Coordinate with County and State resource agencies to monitor ecological conditions within the Newport Beach Marine Conservation Area and to implement management programs to protect this marine conservation area. Maintain public use of the refuges to the extent it is consistent with the preservation of intertidal and subtidal resources.	21.10.075
4.2.3-8. Continue to cooperate with the U.S. Army Corps of Engineers in their maintenance and delineation of federal navigational channels at Newport Harbor in the interest in providing navigation and safety.	21.10.075
4.2.5-2. Continue to cooperate with the County of Orange, the U.S. Army Corps of Engineers, and resource agencies to establish eelgrass restoration sites.	21.10.075
4.2.5-4. Cooperate with the National Marine Fisheries Service to incorporate a provision into the Southern California Eelgrass Mitigation Policy that would allow exemptions to mitigation requirements for harbor maintenance projects for provided the eelgrass acreage baseline is maintained.	21.10.075
4.2.5-5. Cooperate with the U.S. Army Corps of Engineers, the Coastal Commission, and the Santa Ana Regional Water Quality Control Board to incorporate the eelgrass acreage baseline exemption provision into the City's Regional General Permit and into any individual property owner's dredging or dock construction permit that qualifies under future applications.	21.10.075
4.2.5-6. Perform periodic surveys of the distribution of eelgrass in Newport Bay in cooperation with the National Marine Fisheries Services to insure that the eelgrass baseline is maintained.	21.10.075
4.2.5-7. Cooperate with resource agencies to conduct a comprehensive evaluation of biological, recreational, commercial and aquatic resources of Newport Harbor and to develop a Harbor Area Management Plan (HAMP) that will maintain all of the intended beneficial uses of the harbor.	21.10.075
4.6-8. Coordinate with the California Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and other resource management agencies, as applicable, in the review of development applications in order to ensure that impacts to ESHA and marine resources, including rare, threatened, or endangered species, are avoided or minimized such that ESHA is not significantly degraded, habitat values are not significantly disrupted, and the biological productivity and quality of coastal waters is preserved.	21.10.075

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### Sections:

21.10.010	Title
21.10.020	Purpose
21.10.030	Authority, Relationship to the Coastal Land Use Plan
21.10.040	Applicability of Implementation Plan
21.10.050	Responsibility for Administration
21.10.065	Periodic Review and Update

### 21.10.010 – Title

This title shall be known as the “City of Newport Beach Local Coastal Program Implementation Plan” and referred to as the “Implementation Plan”

### 21.10.020 – Purpose

The purposes of the Implementation Plan are to:

- A. Implement the Local Coastal Program and the California Coastal Act of 1976;
- B. Protect, maintain, enhance and restore the overall quality of the Coastal Zone and its natural and artificial resources;
- C. Assure orderly, balanced use and conservation of resources within the Coastal Zone taking into account social and economic needs;
- D. Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principals and constitutionally protected rights of private property owners;
- E. Assure priority for coastal-dependent and coastal-related development over other types of development in the Coastal Zone; and
- F. Encourage state and local cooperation in planning and development of mutually beneficial uses in the Coastal Zone.

### 21.10.030 – Authority, Relationship to Coastal Land Use Plan

- A. **Authority.** This Implementation Plan is adopted pursuant to the authority contained in Section 65850 et seq. of the California Government Code, Division 20 of the Public Resources Code (California Coastal Act), and Title 14, Division 5.5 of the California Code of Regulations (California Coastal Commission Regulations).

- B. **Relationship to Coastal Land Use Plan.** This Implementation Plan is the primary tool used by the City to carry out the goals, objectives, and policies of the Coastal Land Use Plan. It is intended that all provisions of this Implementation Plan be consistent with the Coastal Land Use Plan and that any development, land use, or subdivision approved in compliance with these regulations will also be consistent with the Coastal Land Use Plan.
- C. **Relationship to General Plan.** Should a conflict exist between the development limits of the Land Use Element of the General Plan and the Coastal Land Use Plan, the provision that is most protective of coastal resources shall take precedence. However, in no case, shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances.

#### **21.10.040 – Applicability of Implementation Plan**

The regulations of this Implementation Plan shall apply to all land and water in the Coastal Zone within the City of Newport Beach, hereafter referred to as the “City,” and its sphere of influence, with the exception of Newport Coast and deferred certification areas established by the Coastal Land Use Plan. The Newport Coast segment is governed by the Newport Coast Local Coastal Program and is subject only to the administrative regulations relating to the review of coastal development permits.

#### **21.10.050 – Responsibility for Administration**

- A. **Responsible Authority.** This Implementation Plan shall be administered by: Newport Beach City Council, hereafter referred to as the “Council”; the Planning Commission, hereafter referred to as the “Commission”; the Community Development Director, hereafter referred to as the “Director”; the Zoning Administrator; and the Community Development Department hereafter referred to as the “Department,” and any other City official or body as specifically identified.
- B. **Exercise of Discretion.** In the event that a provision of this Implementation Plan or a condition of approval allows the review authority to exercise judgment in the application of a specific development standard or condition of approval, the review shall include an analysis as to whether:
  - 1. The proposed project complies with all applicable provisions of this Implementation Plan;
  - 2. The exercise of authority will act to ensure the compatibility of the proposed project with its site and surrounding properties;
  - 3. The manner in which authority is exercised will result in a more practical application of the provisions of this Implementation Plan given specific characteristics of the site and its surroundings; and
  - 4. The decision is consistent with the Coastal Land Use Plan.

### **21.10.065 – Periodic Review and Update**

The Coastal Land Use Plan and the land use, development, and administrative regulations of this Implementation Plan shall be periodically reviewed and updated to insure that the Local Coastal Program is being effectively implemented in conformity with the policies of the Coastal Act. This review shall be conducted in conjunction with the Coastal Commission's periodic review of the Local Coastal Program required by Coastal Act Section 30519.5.

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