
Chapter 21.10 – Purpose and Applicability of the Implementation Plan

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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.