



CHAPTER 10 Natural Resources Element



# NATURAL

## *Protecting Newport Beach's*

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### Introduction

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The primary objective of the Natural Resources Element is to provide direction regarding the conservation, development, and utilization of natural resources. It identifies Newport Beach's natural resources and policies for their preservation, development, and wise use. This element addresses: water supply (as a resource) and water quality (includes bay and ocean quality, and potable drinking water), air quality, terrestrial and marine biological resources, open space, archaeological and paleontological resources, mineral resources, visual resources, and energy.

A commitment to sustainable development through the efficient use and conservation of natural resources is important to meet the needs of current and future residents of Newport Beach. Commitment to conservation secures ongoing availability of finite resources such as an ample supply of safe water, diversity of biological resources, and available energy resources. This assurance contributes substantially to the physical and psychological health and well-being of the community and strengthens the vitality of the local and regional economic base.

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## Context

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### WATER SUPPLY

Water supply is an important resource that needs to be used efficiently. Water service within Newport Beach is provided by the City, Irvine Ranch Water District (IRWD), and Mesa Consolidated Water District (Mesa). Generally, Newport Beach provides water service to approximately 13.5 square miles of the City; IRWD serves approximately nine square miles; and Mesa serves less than one square mile.

Domestic water for the City is supplied by both groundwater and imported surface water. Currently, about 64 percent of the water supplied to both the City and Mesa's service area is from groundwater from the Orange County Groundwater Basin (administered by the Orange County Water District or

# RESOURCES ELEMENT

## *Environmental Quality*

OCWD), and the remaining 36 percent of water supply is provided by the Metropolitan Water District (MWD), which delivers surface water imported from the Colorado River and State Water Project. This ratio can change year to year based on the OCWD's administration of the Basin's supply. Approximately 35 percent of IRWD's current water supply is purchased from MWD, with the remaining 65 percent coming from groundwater.

The future supply projection assumes that the City will continue to produce groundwater and purchase local water from MWD, which is projected to meet 100 percent of the City's imported water needs until the year 2030. Beyond that, improvements associated with the State Water Project supply, additional local projects, conservation, and additional water transfers would be needed to adequately provide surface water to the City. The Groundwater Replenishment System (GRS), a joint venture by OCWD and the Orange County Sanitation District (OCSD), will help reduce Orange County and Newport Beach's reliance on imported surface water by taking treated wastewater and injecting it into the groundwater basin. GRS will be online by 2007, and will produce approximately 70,000 acre feet of water per year. OCWD projects that there would be sufficient groundwater supplies to meet any future demand requirements in Newport Beach. IRWD's treated and clear groundwater supplies are also expected to be a significant source of potable water supply in the future. MWD water will be required for supplemental supply as well as peak and emergency conditions.

In an effort to effectively manage water resources, the City's service area participates in regional water management programs that assist in the development of resource mixes that balance water supply sources and meet future local and regional water requirements. In addition, all service providers focus on demand management efforts that promote efficient water use and effective management of imported and local water supplies through a variety of water conservation programs.

The City also began purchasing recycled water from OCWD and IRWD in 1999, and has identified and approached all cost-effective end users in the City that could potentially use recycled water, and uses a combination of incentives to encourage recycling. The City has maximized opportunities for end users of recycled water and could only increase users if a neighboring water agency provided the reclaimed water to the City. Both Mesa and IRWD encourage water recycling as well. Currently, reclaimed water makes up 20 percent of IRWD’s total water supply.

## WATER QUALITY

Newport Beach’s greatest resources are its coastline and bay. Urban runoff from the surrounding watershed impacts not only the biological diversity and functionality of Newport Bay and the surrounding coastal waters, but also its water quality. This runoff includes various pollutants, such as fecal materials from pets, oil and grease, fertilizers, and other urban-based pollutants. The City also has traditionally been concerned regarding these issues and has embarked on a number of programs to improve its quality.

### **Total Maximum Daily Loads (TMDLs)**—

Newport Bay receives urban runoff from the Newport Bay watershed, and is designated as “water quality-limited” for four impairments under the federal *Clean Water Act’s* Section 303(d). Being “water quality-limited” means that a water body is “not reasonably expected to attain or maintain water quality standards” without additional regulation. The law requires that US EPA develop TMDLs for each



*China Cove Beach, Corona del Mar*

impaired water body in the nation, which specifies the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards. A TMDL may also include a plan for bringing an impaired water body back within standards. TMDLs have been developed for the following substances in Newport Beach: sediment, nutrients, fecal coliform, and toxic pollutants.

**National Pollution Discharge Elimination System (NPDES)**—Additionally, Newport Beach operates a municipal separate storm sewer system (MS4) permit under the NPDES. MS4 permits require an aggressive water quality ordinance, specific municipal practices, and the use of best management practices (BMPs) in many development-related activities to further reduce the amount of contaminants in urban runoff. MS4 permits also require local agencies to cooperatively develop a public education campaign to inform people about what they can do to protect water quality.

**Sanitary Sewer Overflows**—Newport Beach owns and operates a wastewater collection system that collects residential and commercial wastewater and transports it for treatment to the Orange County Sanitation District. Portions of the City receive wastewater service from IRWD. Residences and businesses hook up private lateral lines to the City’s collection lines. Private and public lines and the City’s pump stations have the potential to cause sanitary sewer overflows (SSOs), which may lead to several beach closures in and around Newport Beach each year. Most SSOs in the area are caused by line blockages from grease and root clogs, or maintenance failures of plumbing associated with pump

stations. The City regulates the disposal of grease and other insoluble waste, and follows a defined Sewer System Master Plan to replace or reline older wastewater lines and upgrade pump stations.

## AIR QUALITY

Newport Beach is located within the South Coast Air Basin (Basin), named so because its geographical formation is that of a basin, with the surrounding mountains trapping the air and its pollutants in the valleys or basins below. Due to the typical daily wind pattern, much of the Basin is flushed of high levels of air pollutants on most spring and early summer days. From late summer through the winter months, the flushing is less pronounced because of lighter wind speeds.

Mobile sources account for the majority of the air pollutant emissions within the Basin. Both the Federal and state governments have established ambient air quality standards for outdoor concentrations of various pollutants in order to protect public health. The South Coast Air Quality Management District (SCAQMD) is responsible for bringing air quality within the Basin into conformity with the national and state standards.

In an effort to monitor the various concentrations of air pollutants throughout the Basin, the SCAQMD has divided the region into 27 source receptor areas (SRAs). Newport Beach is located within SRA 18, which encompasses the North Coastal Orange County area. The air pollutants for which national and state standards have been promulgated and which are most relevant to air quality planning and regulation include ozone, carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), and sulfur dioxide (SO<sub>2</sub>). As of 2003, SRA 18 did not exceed state or national standards for any criteria pollutant monitored.

Toxic air contaminants are also a concern in the air basins, but are different than the “criteria” pollutants listed above in that ambient air quality standards have not been established for them, largely because there are hundreds of air toxics and their effects on health tend to be local rather than regional. These contaminants include chemical substances that may be emitted from a variety of common sources including gasoline stations, motor vehicles, dry cleaners, painting and industrial operations, etc.

Land use patterns and density of development affect the amount of air pollutants that are generated by communities. Newport Beach is a low-density community, where the distance between uses is greater than in high-density communities. As a result, there are fewer public transportation routes and vehicles, and an increase in the number of motor vehicle trips and associated air pollutant emissions. Newport Beach is also a jobs-rich City, which increases the potential for emissions to be generated as employees or residents have to commute long distances to and from their homes and work.

The City’s Municipal Code does address air quality by establishing a special fund to receive revenue distributed by the SCAQMD. The SCAQMD imposes an additional vehicle registration fee, of which the City is eligible to receive a portion, to implement mobile source air pollution reduction programs.

## Aircraft Pollution

Aircraft operations at the John Wayne Airport (JWA) contribute air pollutants that affect residents and visitors of Newport Beach. Specifically, aircraft engines emit water vapor, carbon dioxide, small amounts of nitrogen oxides (NO<sub>x</sub>), hydrocarbons, carbon monoxide, sulfur gases, and soot and metal particles formed by the high temperature combustion of jet fuel during flight. NO<sub>x</sub> emissions are a

precursor to the formation of ground-level ozone, also known as smog. Ozone affects human pulmonary and respiratory health. Also, NO<sub>x</sub> reacts in the atmosphere to form secondary particulate matter (PM<sub>2.5</sub>), which also causes detrimental health effects. In addition, NO<sub>x</sub>, ozone, and PM adversely affect the environment in various ways including visibility impairment, crop damage, and acid rain.

Aircraft engine emissions prescribed by the International Civil Aviation Organization (ICAO) were adopted by the Environmental Protection Agency (EPA) for the United States in 1997. The City of Newport Beach does not have any specific regulations governing aircraft engine emissions.

## BIOLOGICAL RESOURCES

A variety of diverse, valuable, and sensitive biological resources occur within the City of Newport Beach. The terrestrial and marine resources that are present in the City are described below.

### Terrestrial Resources

Many plant habitats can be found in Newport Beach that includes scrub, chaparral, grassland, and riparian habitats. Additionally, Newport Beach contains vernal pools, seeps, and wet meadows. Other plant habitats present in Newport Beach include annual grasslands, ruderal areas that are generally a result of disturbances caused by humans, and ornamental landscaping that consist of introduced trees, shrubs, flowers, and turf grass.

#### *Sensitive Terrestrial Species*

The California Department of Fish and Game (CDFG) California Natural Diversity Database (CNDDDB) and the California Native Plant Society's Electronic Inventory of Rare and Endangered Vascular Plants of California identifies occurrences of federal- or state-listed or proposed endangered or threatened species, federal Species of Concern, species categorized as federal Species of Concern, California Species of Concern, or otherwise sensitive species or habitat that may occur within or in the immediate vicinity of Newport Beach. These species are protected under state and federal regulations. The databases indicate that there are three listed plant species that occur or have the potential to occur within the City of Newport Beach: San Fernando Valley spineflower, salt marsh bird's beak, and Crownbeard.

Eleven listed wildlife species occur or have the potential to occur within the City of Newport Beach: San Diego fairy shrimp, Tidewater goby, California black rail, light-footed clapper rail, western snowy plover, California least tern, southwestern willow flycatcher, coastal California gnatcatcher, least Bell's vireo, Belding's savannah sparrow, and pacific pocket mouse.

In addition, other sensitive species include 27 sensitive wildlife species and 24 sensitive plant species that occur or potentially occur within the Newport Beach area.



*Tide pools*

## Marine Resources

The marine resources of the City and surrounding ocean waters are very diverse. They include plants and animals of marshes and wetlands living in Upper Newport Bay, the developed channels, beaches, and hardscape of Lower Newport Bay (Newport Harbor), and the intertidal and subtidal landforms (sandy beaches, rocky intertidal, sandy subtidal, and subtidal reefs) along the coast of Newport Beach between the Santa Ana River and the boundary between the City and Laguna Beach. Many of these areas

are considered wetland habitat by the state of California and federal wetland definitions are protected by a no-net loss wetlands policy.

### *Sensitive Marine Species*

Several species of marine mammals are present in the waters near the shore along the Newport coastline. All marine mammals are protected by the Marine

### *Mammal Protection Act*

Protected marine mammals that are most likely to appear in the City are: California sea lion, Harbor seal, California gray whale, Killer whale, Common dolphin, Pacific white sided dolphin, and Dall’s porpoise.



*Sea Lions can be found along the Newport Beach coastline*

Eelgrass (*Zostera marina*), a flowering, marine vascular plant, is considered a sensitive marine resource due to its nursery function for invertebrates and fishes, and because it is considered critical foraging habitat for the federal- and state-listed California least tern. Eelgrass is protected by the Southern California Eelgrass Mitigation Policy, which requires impacts to this species be avoided, minimized or compensated.

Other sensitive marine resources (shown in Figure NR1) include eelgrass restoration areas, Giant kelp, California Grunion, and California halibut.

## Environmental Study Areas

Undeveloped areas supporting natural habitats that may be capable of supporting sensitive biological resources within the City are also referred to as Environmental Study Areas (ESAs) by the Local Coastal Plan. An ESA may support species and habitats that are sensitive and rare within the region or may function as a migration corridor for wildlife. The portions of the ESAs within the Coastal Zone

that contain sensitive or rare species are referred to as Environmentally Sensitive Habitat Areas (ESHAs), as defined by the *California Coastal Act*. ESHAs are areas in which “plant or animal life or their habitats are either rare or are especially valuable because of their special nature or role in an ecosystem that could easily be disturbed or degraded by human activities and developments.” The *California Coastal Act* requires that ESHAs be protected against any significant disruption of habitat values. Only uses dependent on those resources are allowed within ESHAs and adjacent development must be sited and designed to prevent impacts that would significantly degrade the ESHA and must be compatible with the continuance of the ESHA.

There are 28 identified ESAs within the City of Newport Beach, as shown in Figure NR2: (1) Semeniuk Slough, (2) North Star Beach, (3) West Bay, (4) Upper Newport Bay State Marine Park (formerly Ecological Reserve), (5) De Anza Bayside Marsh Peninsula, (6) San Diego Creek, (7) East Bluff Remnant, (8) Mouth of Big Canyon, (9) Newporter North, (10) Buck Gully, (11) Morning Canyon, (12) Newport Beach Marine Life Refuge, (13) Castaways, (14) Banning Ranch, (15) Newport Coast Open Space, (16) Los Trancos, Pelican Hill, (17) Ridge Park, (18) Irvine Coast Marine Life Refuge, (19) Newport Harbor Entrance Channel, (20) Bonita Canyon Creek Watershed, (21) San Joaquin Reservoir, (22) Arroyo Park, (23) Coyote Canyon, (24) MacArthur and Bison, (25) MacArthur and San Miguel, (26) MacArthur and San Joaquin Hills, (27) Spyglass Hill, (28) and Non-Coastal Buck Gully. Many of these sites contain one or more sensitive plant communities, and many species of wildlife. Some



*Morning Canyon Environmental Study Area*

of the ESAs also contain endangered species of plants and animals. Most of these ESAs are protected as parks, conservation areas, nature preserves, and other open space areas. However, each of these ESAs is subjected to various threats from the surrounding urban environment that include degraded water quality, traffic, noise, public access, development encroachment, erosion and sedimentation, dredging or filling, stormwater runoff, invasive species, and feral animals.

## Newport Harbor

Newport Harbor is home to valuable habitat such as eelgrass and mudflats that support a wide range of species, and also provides the public with recreational boating opportunities. There is a need to protect the biological habitat, and continue to serve the needs of the recreational boating community by ensuring compatibility between these uses of Newport Harbor. The City believes the best way to meet this objective is to develop a comprehensive plan for the management of the Harbor, with the support and cooperation of the County of Orange, US National Fish and Wildlife Service, National Marine Fisheries Service, US Army Corps of Engineers, California Coastal Commission, Regional Water Quality Control Board, recreational boating community, environmental community, and public.

**Figure NR1 Biological Resources**

Pg 1—11x17 color

Pg 2—11x17 color

**Figure NR2 Environmental Study Areas**

Pg 1—11x17 color

Pg 2—11x17 color

## Upper Newport Bay

The City Council has consistently supported the concept of developing, in cooperation with CDFG and the County of Orange, a facility on Shellmaker Island that would serve as a center for water quality and ecosystem education as well as water quality testing and research. The proposed facility, Back Bay Science Center (BBSC), includes a County-operated water quality lab, facilities for CDFG personnel involved in the management of the Upper Newport Bay State Marine Park (formerly Ecological Reserve), space and exhibits for estuarine, ecosystem and water quality education and research programs, a wetland demonstration marsh and ecological interpretive stations. The City has taken the lead role in the planning, design and construction of the Back Bay Science Center using Oil Spill Settlement Proceeds designated for that purpose. The City, CDFG, County, and UCI have entered into a cooperative agreement that identifies the maintenance and operational responsibilities of the parties involved.

The Upper Newport Bay State Marine Park (formerly Ecological Reserve), one of few remaining estuaries in Southern California, is home to nearly 200 species of birds, including several endangered species, as well as numerous species of mammals, fish, and plants. It is an important stopover for migrating birds on the Pacific Flyway and up to 30,000 birds can be seen here on any day during the winter months. The Upper Newport Bay State Marine Park (formerly Ecological Reserve) is contiguous to 140 acres of County owned uplands on the north and northwest that was, in 2000, designated as the Upper Newport Bay Nature Preserve, which includes an educational facility known as the Muth Center. The State Marine Park and Nature Preserve are shown in Figure NR1.

The Upper Newport Bay State Marine Park (formerly Ecological Reserve) is an extremely valuable natural resource that must be carefully managed to (a) protect and enhance the habitat of the endangered species; (b) protect and enhance the various ecologies within and adjacent to the State Marine Park; (c) ensure that the public's access to and use of the State Marine Park does not adversely impact the flora or fauna; (d) maximize the public's understanding and awareness of the resource and recreational value of the State Marine Park; and (e) promote direct community involvement in resource protection and enhancement.

## Natural Communities Conservation Plan (NCCP)

In July of 1996, the City became a signatory agency in the Orange County Central-Coastal NCCP Subregional Plan. The plan covers nearly 38,000 acres in coastal southern California and is a collaboration of federal and state resource agencies, local governments, special districts, and private property owners. The NCCP uses a multi-species habitat conservation approach rather than a species specific approach resulting in the preservation of some of the most valuable native habitats while freeing other properties for development. As a signatory agency, the City is responsible for enforcing mitigation measures and other policies identified in the NCCP/Habitat Conservation Plan Implementation Agreement for properties located within the City Limit that are part of the NCCP Subregional Plan.

## OPEN SPACE RESOURCES

Open space may be defined as areas generally free from development or developed with low intensity uses. Open space is generally non-urban in character and may have utility for the following: park and

recreation purposes; conservation of land, water, or other natural resources; or for historic or scenic purposes. Most of the City's open space resources are located along the coast and in the eastern half of the City. Newport Beach's open space resources consist of undeveloped areas such as the Environmental Study Areas as described above, the Newport Bay, and Newport Harbor. Other resources include the City's many undeveloped canyons and hillsides located primarily in the Newport Coast area. The beaches, parks, and the Crystal Cove State Park also represent some other open space resources. Some of these resources are not preserved as parks or dedicated open spaces; however, local, state, and federal regulations help protect, preserve, and restore lands containing hillsides, sensitive biological resources, coastal beaches, and sensitive coastal bluffs.



*Upper Newport Bay is an important open space resource for the City*

## **Circulation and Improvement and Open Space Agreement (CIOSA)**

Some of the City's open space areas consist of dedicated lands through CIOSA. This agreement is between the City of Newport Beach and The Irvine Company, and has allowed building entitlements for The Irvine Company in exchange for payments of required proposed projects, an interest free loan, and land for open space and potential senior housing sites for the City. The amount of open space land dedication was substantially more than what would have been required under the City's Park Dedication Ordinance.

Six sites have been dedicated under CIOSA in Newport Beach, and include: Back Bay View Park, Newport Center Park (formerly Newport Village), Freeway Reservation, Upper Castaways, Harbor Cove, and Newporter Knoll Grant Deeds. Another site, located at Jamboree Road and MacArthur Boulevard will also be dedicated as open space upon issuance of a Certificate of Occupancy for the final CIOSA project.

## ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

Fossils in the central Santa Ana Mountains represent the oldest formations in Orange County at 145 to 175 million years old. Changes in geological land formations over time, brought upon by tectonic activity, have resulted in a mix of aquatic and terrestrial fossils underlying the City. The Miocene-age rock units (26 million years ago [mya] to 7 mya), particularly in the Newport Coast area, are considered to be of high-order paleontological significance (6 to 9 on a scale of 1 to 10).

Other deposits found in the Newport Beach area include a variety of marine mammals, sea birds, mollusks, and a variety of vertebrate animals typically associated with the Ice Age (2.5 mya to 15,000 years ago). Local paleontological sites, particularly near the Castaways, have yielded fossils of Ice Age horses, elephants, bison, antelopes, and dire wolves. Also, a number of localities in the portions of the Vaqueros formation that underlie the Newport Coast area have yielded a variety of invertebrate and vertebrate fossils, and are also considered to be of high-order paleontological significance. Other areas with significant fossils and known paleontological deposits include the Banning Ranch area, which contains at least fourteen documented sites of high significance, and Fossil Canyon, in the North Bluffs area, which is considered a unique paleontological locality.

Newport Beach also contains many significant archaeological sites. The Upper Newport Bay area has yielded some evidence for the earliest human occupation of Orange County and date to about 9,500 years before present. Over fifty sites have been documented in the Newport Beach area, including the Newport Coast area and Banning Ranch, many yielding substantial information regarding the prehistory of the City and County, and have included human burials. At least two and possibly three distinct cultural groups inhabited the area, including the Tongva and Acjachemem tribes, although the boundaries of their tribal territories are unclear.

## MINERAL RESOURCES

Historically, drilling for oil in this part of Orange County began as early as 1904, and oil production became the primary mineral extraction activity in and around the City. Two separate production and reserve areas exist within the City's Sphere of Influence: Newport Oil Field, which lies under the Pacific Ocean but has land-based tanks and extraction pumps just outside the municipal boundary in west Newport and West Newport Oil Field, which is located in the Banning Ranch area. The Newport Oil Field is estimated to have oil reserves of approximately 35 million barrels (Mbbbl) and produces approximately 39.2 thousand cubic feet of gas per year. The West Newport oil field produces approximately 16.8 thousand cubic feet of gas per year with a daily production per oil well of approximately 4 bbl/d and a yearly production of approximately 107 thousand bbl/d.

The concentration of active wells lies within the West Newport and Newport production areas. As of 2002, there were approximately 65 wells (plus four injection wells) producing oil and natural gas in the Newport production area, 3 methane gas collection/recovery systems designed to reduce noxious odor on the Hoag Hospital Campus and Pacific Coast Highway in the Newport production area, and 65 oil wells in the West Newport area (out of 862 total wells). Of the 65 wells in the West Newport area, 15 are directionally drilled (not counting the one injection well) to extract oil from the offshore Newport oil field and are operated by the City, 48 are operated by West Newport Oil Company (29 of

which are not currently used for production but have not been abandoned (classified as “shut in”), and 2 by South Coast Oil.

Thirty-three abandoned oil wells are located in numerous sites throughout the City, concentrated along the northwest boundary. Additionally, other than oil and gas resources, there is no active mining within the Newport Beach area. Mineral Resource Zones (MRZ) within the City are either classified as containing no significant mineral deposits (MRZ-1), or the significance of mineral deposits has not been determined (MRZ-3).

Section 1401 of the City’s Charter does not allow new drilling, or production or refining of oil, gas, or other hydrocarbon substances within the City. However, the Section does not prohibit these activities within any area annexed to the City after the effective date of the Charter if these activities were already in operation. The City’s Charter and Municipal Codes do allow for slant drilling activities for oil, gas, tar, and other hydrocarbon substances within a designated area of Newport Beach.

## VISUAL RESOURCES

Visual resources are an important component of the quality of life of any geographic area. The City of Newport Beach is located in a unique and dynamic physical setting and enjoys views of the rolling green hills of Crystal Cove State Park to the east, and spectacular ocean views to the southwest, including those of the open waters of the ocean and bay, sandy beaches, rocky shores, wetlands, canyons, and coastal bluffs. From higher elevations within the City, views to the north include the rolling hills of the San Joaquin Corridor, and in the distance, the Santa Ana Mountains.



*The West Bay Environmental Study Area contributes to the visual resources of Newport Beach*

The West Bay Environmental Study Area contributes to the visual resources of Newport Beach. Specifically, the City’s habitat areas and open spaces are among the contributing visual resources, including the Semeniuk Slough, North Star Beach, West Bay, Upper Newport Bay State Marine Park (formerly Ecological Reserve) and DeAnza/Bayside Marsh Peninsula, and San Diego Creek. Coastal views are also provided from a number of streets and highways and, due to the grid street pattern in West Newport, Balboa Peninsula, Balboa Island, and Corona del Mar, many north-south tending streets provide view corridors to the ocean and bay.

Coastal canyons and gullies in the eastern portion of the City known as the Newport Coast/Ridge area, typify the topographic landforms that render significant views of the City, including Buck Gully, Morning Canyon, Los Trancos, Muddy Canyon, and Pelican Hill. The City’s coastal bluffs along the shoreline, facing the wetlands, and surrounding Upper Newport Bay are also important scenic resources. Other valuable resources include the City’s more than 441 acres of parkland and passive open space, including the Crystal Cove State Park, and State Route 1, which is identified as Eligible for State Scenic Highway designation.

The City has historically been sensitive to the need to protect and provide access to these scenic resources and has developed a system of public parks, piers, trails, and viewing areas. The City’s development standards, including bulk and height limits in the area around the bay, have helped preserve scenic views and regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach. Located throughout Newport Beach, the City’s many small “view parks” are intentionally designed to take advantage of significant views. In addition, the City provides policies in the Municipal Code and Local Coastal Plan that protect public views, which is defined as views from public vantage points. As for the City’s coastal and other bluffs, while many have been preserved as parkland and other open space, most have been subdivided and developed over the years, including Newport Heights, Cliff Haven, Irvine Terrace, and Corona Del Mar.

## ENERGY CONSERVATION

**Natural Gas.** Southern California Gas Company (SCG) provides natural gas service for the City. Natural gas is a “fossil fuel” and is a non-renewable resource. Most of the major natural gas transmission pipelines within the City are owned and operated by SCG. SCG has the capacity and resources to deliver gas except in certain situations that are noted in state law. As development occurs, SCG will continue to extend its service to accommodate development and supply the necessary gas lines.

**Electricity.** Electricity is provided on an as-needed basis to customers within existing structures in the City. Southern California Edison Company (SCE) is the distribution provider for electricity in Newport Beach. Currently, SCE has no immediate plans for expansion of infrastructure, as most of the City is built out. However, every year SCE expands and improves existing facilities according to demand.

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## Goals and Policies

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### Water Supply

#### Goal

##### NR 1

Minimized water consumption through conservation methods and other techniques.

#### Policies

##### NR 1.1 Water Conservation in New Development

Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water-efficient landscaping and irrigation in conjunction with new construction projects.  
*(Imp 2.1, 7.1, 17.1)*

**NR 1.2 Use of Water Conserving Devices**

Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities. *(Imp 6.1, 7.1, 17.1)*

**NR 1.3 Tiered Water Rates**

Explore the appropriateness of implementing tiered water rates. *(Imp 17.1)*

**NR 1.4 Alternative Conservation Measures**

Explore implementation of alternative conservation measures and technology as they become available. *(Imp 7.1, 17.1, 18.1)*

**NR 1.5 Education**

Establish educational programs on water conservation. *(Imp 17.1, 29.1)*

**NR 1.6 Services for Lower Income Households**

New developments which 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. (HE 2.2.8) *(Imp 17.1)*

**Goal**

**NR 2**

Expanded use of alternative water sources to provide adequate water supplies for present uses and future growth.

**Policies**

**NR 2.1 Recycled Water Use**

Increase the use of recycled water in the City by continuing to provide financial incentives, staff assistance, and training opportunities for customers, and expand recycled water infrastructure and programs, when feasible. *(Imp 17.1)*

**NR 2.2 Advanced Water Treatment Processes**

Use alternative water sources for the City's water supply by implementing advanced water treatment processes such as brackish groundwater and seawater desalination programs, when feasible. *(Imp 17.1)*

## Water Quality

### Goal

#### NR 3

Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands. (Goal HB 8)

### Policies

#### NR 3.1 Chemical Uses Impacting Water Quality

Support regulations limiting or banning the use insecticides, fertilizers, and other chemicals which are shown to be detrimental to water quality. (Policy HB 8.1) *(Imp 6.1, 17.1)*

#### NR 3.2 Water Pollution Prevention

Promote pollution prevention and elimination methods that minimize the introduction of pollutants into natural water bodies. (Policy HB 8.2) *(Imp 6.1, 8.1, 17.1, 18.1, 19.1)*

#### NR 3.3 Ground Water Contamination

Suspend activities and implement appropriate health and safety procedures in the event that previously unknown groundwater contamination is encountered during construction. Where site contamination is identified, implement an appropriate remediation strategy that is approved by the City and the state agency with appropriate jurisdiction. (Policy HB 8.3) *(Imp 6.1)*

#### NR 3.4 Storm Drain Sewer System Permit

Require all development to comply with the regulations under the City's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System. (Policy HB 8.4) *(Imp 8.1, 19.1)*

#### NR 3.5 Natural Water Bodies

Require that development does not degrade natural water bodies. (Policy HB 8.5) *(Imp 6.1, 19.1)*

#### NR 3.6 Watershed Runoff Quality Control

Represent Newport Beach by participating in watershed-based runoff reduction, water quality control, and other planning efforts with the California Regional Water Quality Control Board (RWQCB), the County of Orange, and upstream cities. Promote regulation of upstream dischargers (cities, Orange County, residential and commercial uses) in the San Diego Creek and Santa Ana/Delhi Channel watersheds. (Policy HB 8.6) *(Imp 14.3, 14.16)*

- NR 3.7 Newport Beach Water Quality Ordinance**  
Update and enforce the Newport Beach Water Quality Ordinance. (Policy HB 8.7) (*Imp 8.1*)
- NR 3.8 Permit Review Process**  
Develop and maintain a water quality checklist to be used in the permit review process to assess potential water quality impacts. (Policy HB 8.8) (*Imp 17.1*)
- NR 3.9 Water Quality Management Plan**  
Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction. (Policy HB 8.9) (*Imp 7.1*)
- NR 3.10 Best Management Practices**  
Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations. (Policy HB 8.10) (*Imp 8.1, 17.1, 18.1, 19.1*)
- NR 3.11 Site Design and Source Control**  
Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures. (Policy HB 8.11) (*Imp 7.1*)
- NR 3.12 Reduction of Infiltration**  
Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards. (Policy HB 8.12) (*Imp 6.1, 19.1*)
- NR 3.13 Natural Wetlands**  
Promote the use of natural wetlands to improve water quality. (Policy HB 8.13) (*Imp 6.1, 19.1*)
- NR 3.14 Runoff Reduction on Private Property**  
Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable. (Policy HB 8.14) (*Imp 17.1*)
- NR 3.15 Street Drainage Systems**  
Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies. (Policy HB 8.15) (*Imp 7.1*)

- NR 3.16 Siting of New Development**  
 Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits. (Policy HB 8.16) *(Imp 2.1, 6.1)*
- NR 3.17 Parking Lots and Rights-of-Way**  
 Require that parking lots and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue. (Policy HB 8.17) *(Imp 2.1)*
- NR 3.18 Water Quality Education**  
 Effectively communicate water quality education to residents and businesses, including the development of a water quality testing lab and educational exhibits at various educational facilities. (Policy HB 8.18) *(Imp 29.1)*
- NR 3.19 Natural Drainage Systems**  
 Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge. (Policy HB 8.19) *(Imp 6.1)*
- NR 3.20 Impervious Surfaces**  
 Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible. (Policy HB 8.20) *(Imp 6.1, 7.1)*
- NR 3.21 Animal Impacts on Water Quality**  
 Limit feeding animals and depositing food or fish parts in Newport Bay. (Policy HB 8.22) *(Imp 8.1, 21.1)*
- NR 3.22 Water Quality Study**  
 Retain qualified and objective water quality consultants to thoroughly review all scopes of work for any proposed water quality study: *(a)* to be conducted, sponsored or considered by the Watershed Management Committee (or any subcommittee or successor entity) in making any decision affecting water quality in Newport Beach; *(b)* related to water quality in the San Diego Creek and Santa Ana/Delhi Channel watersheds; and *(c)* that is relevant to any aspect of the establishment or enforcement of any order of the RWQCB including the Total Maximum Daily Loads (TMDL) for Upper Newport Bay. (Policy HB 7.6) *(Imp 8.1, 17.1)*

**Goal**

**NR 4**

Maintenance of water quality standards through compliance with the total maximum daily loads (TMDLs) standards.

**Policies**

**NR 4.1 Total Maximum Daily Loads**

Develop and implement the TMDLs established by the RWQCB, Santa Ana Region and guided by the Newport Bay Watershed Executive Committee (WEC). *(Imp 6.1, 17.1, 18.1, 19.1)*

**NR 4.2 Funding for Restoration and Dredging Projects**

Secure funding for the Upper Newport Bay Ecosystem Restoration Project and long-term funding for successor dredging projects for Upper and Lower Newport Bay. *(Imp 14.3, 14.7, 14.11, 14.12)*

**NR 4.3 Restore Natural Hydrologic Conditions**

Preserve, or where feasible, restore natural hydrologic conditions such that downstream erosion, natural sedimentation rates, surface flow, and groundwater recharge function near natural equilibrium states. *(Imp 6.1, 14.11, 14.3, 19.1)*

**NR 4.4 Erosion Minimization**

Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas. *(Imp 6.1)*

**Goal**

**NR 5**

**Sanitary Sewer Outflows**—Minimal adverse effects to water quality from sanitary sewer outflows.

**Policies**

**NR 5.1 City Sewer Management and Master Plans**

Implement the Sewer System Management Plan and the Sewer Master Plan. *(Imp 18.1)*

**NR 5.2 Waste Discharge Permits**

Require waste discharge permits for all food preparation facilities that produce grease. *(Imp 18.1)*

**NR 5.3 Sewer Pump Stations**

Renovate all older sewer pump stations and install new plumbing according to most recent standards. *(Imp 18.1)*

**NR 5.4 Waste Discharge Permits**

Comply with the RWQCB's Waste Discharge Requirements (WDRs) associated with the operation and maintenance of the City's sewage collection system. *(Imp 18.1)*

## Air Quality

### Goal

**NR 6**

Reduced mobile source emissions.

### Policies

**NR 6.1 Walkable Neighborhoods**

Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas. *(Imp 1.2, 2.1)*

**NR 6.2 Mixed-Use Development**

Support mixed-use development consisting of commercial or office with residential uses in accordance with the Land Use Element that increases the opportunity for residents to live in proximity to jobs, services, and entertainment. *(Imp 1.2, 2.1)*

**NR 6.3 Vehicle-Trip Reduction Measures**

Support measures to reduce vehicle-trip generation such as at-work day care facilities, and on-site automated banking machines. *(Imp 1.2, 2.1)*

**NR 6.4 Transportation Demand Management Ordinance**

Implement the Transportation Demand Management (TDM) Ordinance, which promotes and encourages the use of alternative transportation modes, and provides those facilities such as bicycle lanes that support such alternate modes. *(Imp 7.3, 16.8, 16.11)*

**NR 6.5 Local Transit Agency Collaboration**

Collaborate with local transit agencies to: develop programs and educate employers about employee rideshare and transit; establish mass transit mechanisms for the reduction of work-related and non-work-related vehicle trips; promote mass transit ridership through careful planning of routes,

headways, origins and destinations, and types of vehicles; and develop bus shelters, bicycle lanes, and other bicycle facilities. *(Imp 14.4, 14.9, 16.8, 29.1)*

**NR 6.6 Traffic Signal Synchronization**

Encourage synchronization of traffic signals throughout the City and with adjoining cities and counties to allow free flow of traffic. *(Imp 14.1, 16.7)*

**NR 6.7 City Fleet Vehicles**

Implement the program to replace existing vehicles in the City fleet with clean vehicles that are commercially available and will provide needed services. *(Imp 30.1)*

**NR 6.8 Accessible Alternative Fuel Infrastructure**

Support the development of alternative fuel infrastructure that is available and accessible to the public, and provide incentives for alternative fuel vehicles. *(Imp 14.3, 14.5)*

**NR 6.9 Education on Mobile Source Emission Reduction Techniques**

Provide education to the public on mobile source emission reduction techniques such as using alternative modes of transportation. *(Imp 29.1)*

**Goal**

**NR 7**

Reduced air pollutant emissions from stationary sources.

**Policies**

**NR 7.1 Fuel Efficient Equipment**

Support the use of fuel efficient heating equipment and other appliances. *(Imp 14.15)*

**NR 7.2 Source Emission Reduction Best Management Practices**

Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions. *(Imp 7.1)*

**NR 7.3 Incentives for Air Pollution Reduction**

Provide incentives to promote siting or to use clean air technologies and building materials (e.g., fuel cell technologies, renewable energy sources, UV coatings, hydrogen fuel). *(Imp 2.1, 6.1, 7.1)*

**NR 7.4 Use of Blowers**

Consider eliminating the use of leaf blowers by the City, and discourage their use on private property. *(Imp 8.2)*

**Goal****NR 8**

Reduced air pollutant emissions from construction activities.

**Policies****NR 8.1 Management of Construction Activities to Reduce Air Pollution**

Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants. *(Imp 7.1)*

**Goal****NR 9**

Reduced air pollution emissions from aircraft ground operations at John Wayne Airport.

**Policies****NR 9.1 Efficient Airport Operations**

Work with John Wayne Airport to minimize air pollution generated by stationary and nonstationary sources. *(Imp 14.3)*

**NR 9.2 Aircraft and Equipment Emission Reduction**

Work with John Wayne Airport to encourage development and use of reduced emission ground service equipment and transit vehicles. *(Imp 14.3)*

**Biological Resources****Goal****NR 10**

Protection of sensitive and rare terrestrial and marine resources from urban development.



*Semeniuk Slough*

### **Policies**

#### **NR 10.1 Terrestrial and Marine Resource Protection**

Cooperate with the state and federal resource protection agencies and private organizations to protect terrestrial and marine resources. (*Imp 14.7, 14.11, 14.12, 14.16*)

#### **NR 10.2 Orange County Natural Communities Conservation Plan**

Comply with the policies contained within the Orange County Natural Communities Conservation Plan. (*Imp 2.1*)

#### **NR 10.3 Analysis of Environmental Study Areas**

Require a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for any development permit applications where development would occur within or contiguous to areas identified as ESAs. (*Imp 2.1, 6.1,*)

#### **NR 10.4 New Development Siting and Design**

Require that the siting and design of new development, including landscaping and public access, protect sensitive or rare resources against any significant disruption of habitat values. (*Imp 2.1*)

#### **NR 10.5 Development in Areas Containing Significant or Rare Biological Resources**

Limit uses within an area containing any significant or rare biological resources to only those uses that are dependent on such resources, except where application of such a limitation would result in a taking of private property. If application of this policy would likely constitute a taking of private property, then a non-resource-dependent use shall be allowed on the property, provided development is limited to the minimum amount necessary to avoid a taking and the development is consistent with all other applicable resource protection

policies. Public access improvements and educational, interpretative and research facilities are considered resource dependent uses. *(Imp 2.1)*

**NR 10.6 Use of Buffers**

Maintain a buffer of sufficient size around significant or rare biological resources, if present, to ensure the protection of these resources. Require the use of native vegetation and prohibit invasive plant species within these buffer areas. *(Imp 2.1)*

**NR 10.7 Exterior Lighting**

Shield and direct exterior lighting away from significant or rare biological resources to minimize impacts to wildlife. *(Imp 2.1)*

**NR 10.8 Standards for Buck Gully and Morning Canyon**

Prepare natural habitat protection regulations for Buck Gully and Morning Canyon for the purpose of providing standards to ensure both the protection of the natural habitats in these areas and of private property rights. Include standards for the placement of structures, native vegetation/fuel modification buffers, and erosion and sedimentation control structures. *(Imp 2.1, 6.1)*

**NR 10.9 Development on Banning Ranch**

Protect the sensitive and rare resources that occur on Banning Ranch. If future development is permitted, require that an assessment be prepared by a qualified biologist that delineates sensitive and rare habitat and wildlife corridors. Require that development be concentrated to protect biological resources and coastal bluffs, and structures designed to not be intrusive on the surrounding landscape. Require the restoration or mitigation of any sensitive or rare habitat areas that are affected by future development. *(Imp 2.1, 14.7, 14.11, 14.12)*

**NR 10.10 Giant Kelp Reforestation**

Support reforestation programs for giant kelp. *(Imp 14.3, 14.11, 14.12, 21.1)*

**NR 10.11 Tide Pool Exhibits**

Support the construction of tide pool exhibits away from ocean beaches to provide an educational alternative to the tide pools at Corona del Mar State Beach and Crystal Cove State Park. *(Imp 2.1, 21.1)*



*Tide pools in Corona del Mar*

## Goal

### NR 11

Protection of environmental resources in Newport Harbor while preserving and enhancing public recreational boating activities.

## Policies

### NR 11.1 Harbor Area Management Plan

Develop a Harbor Area Management Plan that will provide a comprehensive approach to the management of the resources of Newport Bay, such as protection of eelgrass and other natural resources, dredging for navigation, and continued use of private piers. (Policy HB 10.3) (*Imp 21.1*)

### NR 11.2 Joint City/County Study

Prepare and fund a joint City/County study that would (a) identify the respective services provided by the City and County in Newport Harbor, (b) determine the cost of these services, (c) identify opportunities if any, for the City and County to realign resources to provide services at reduced costs, (d) identify the sources of revenue available to defray the cost of those services, and (e) identify potential feasible methods of providing those services other than with public agency personnel such as volunteers. (Policy HB 10.1) (*Imp 21.4*)

### NR 11.3 Eelgrass Protection

Avoid impacts to eelgrass (*Zostera marina*) to the extent feasible. Mitigate losses of eelgrass in accordance with the Southern California Eelgrass Mitigation Policy. Encourage the restoration of eelgrass in Newport Harbor at appropriate sites, where feasible. (*Imp 21.1*)



*Eelgrass (Zostera marina) in Newport Beach*

**NR 11.4 Interagency Coordination on Establishing Eelgrass Restoration Sites**

Cooperate with the County of Orange, the U.S. Army Corps of Engineers, and resource agencies to establish eelgrass restoration sites. *(Imp 14.3, 14.7, 14.11, 14.13, 14.16)*

**NR 11.5 Eelgrass Mitigation**

Allow successful eelgrass restoration sites to serve as mitigation sites for City projects and as a mitigation bank from which eelgrass mitigation credits will be issued to private property owners for eelgrass removal resulting from dock and channel dredging projects. *(Imp 14.3, 14.7, 14.11, 14.12, 21.1)*

**Goal**

**NR 12**

Protection of coastal dune habitats.

**Policies**

**NR 12.1 Exotic Vegetation Removal and Native Vegetation Restoration**

Require the removal of exotic vegetation and the restoration of native vegetation in dune habitat. *(Imp 2.1)*

**NR 12.2 Dune Habitat Protection**

Design and site recreation areas to avoid impacts to dune habitat areas, and direct public access away from these resources through methods such as well-defined footpaths, boardwalks, protective fencing, and signage. *(Imp 23.1, 23.2)*



*Coastal dune habitat*

**NR 12.3 Beach Sand Removal**

Limit earthmoving of beach sand in dune habitat areas to projects necessary for the protection of coastal resources and existing development. *(Imp 6.1)*

**Goal**

**NR 13**

Protection, maintenance, and enhancement of Southern California wetlands.

**Policies**

**NR 13.1 Wetland Protection**

Recognize and protect wetlands for their commercial, recreational, water quality, and habitat value. *(Imp 1.2, 2.1, 21.1)*

**NR 13.2 Wetland Delineation**

Require a survey and analysis with the delineation of all wetland areas when the initial site survey indicates the presence or potential for wetland species or indicators. Wetland delineations will be conducted in accordance with the definitions of wetland boundaries established by California Department of Fish and Game, and/or United States Fish and Wildlife Service. *(Imp 14.7, 14.11, 14.12)*

**Goal**

**NR 14**

Maintain and enhance deep water channels and ensure they remain navigable by boats. (Goal HB 13)

**Policies**

**NR 14.1 Newport Bay Dredging**

Support and assist in the management of dredging within Newport Bay. (Policy HB 13.1) *(Imp 14.3, 14.11, 21.1)*

- NR 14.2      Interagency Coordination for Federal Navigational Channels**

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. (Policy HB 13.2) *(Imp 14.11)*
- NR 14.3      Permit Processing**

Secure blanket permits or agreements through the U.S. Army Corps of Engineers and the California Coastal Commission to expedite permit processing for residential and commercial dock owners in the Bay. (Policy HB 13.3) *(Imp 14.6, 14.11)*
- NR 14.4      Wetland or Estuary Capacity**

Require that any project that includes diking, filling or dredging of an estuary must maintain the capacity of the wetland or estuary as required by state and federal law. *(Imp 6.1, 14.11)*
- NR 14.5      New Structure Design**

Require that all structures permitted to encroach into open coastal waters, wetlands, and estuaries be sited and designed to be consistent with the natural appearance of the surrounding area. *(Imp 2.1, 6.1)*

**Goal**

**NR 15**  
 Proper disposal of dredge spoils to avoid disruption to natural habitats.

**Policies**

- NR 15.1      Dredging Projects**

Monitor dredging projects within the region to identify opportunities to reduce disposal costs and utilize dredge spoils for beach nourishment. *(Imp 10.2, 14.1, 14.16)*
- NR 15.2      Regional Sediment Management**

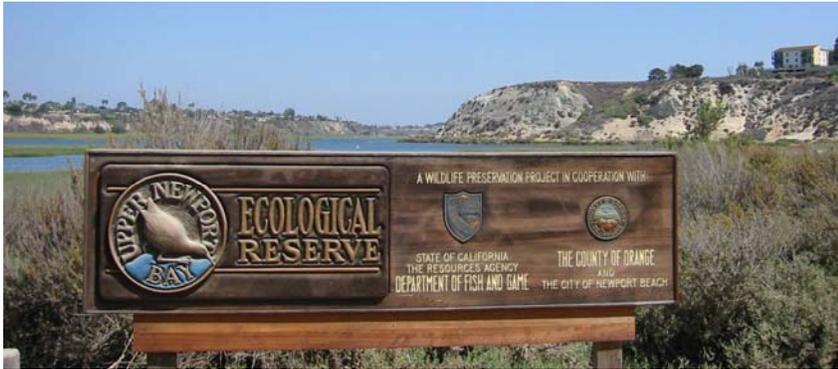
Participate in regional sediment management by maintaining records of the number of channelized streams, miles of channelization in streams, volumes of sediment extracted from stream channels and debris basins, and the grain size distribution of the extracted sediments. *(Imp 10.1, 14.11, 14.16)*
- NR 15.3      Interagency Coordination for Future Dredging Projects**

Work with appropriate agencies to secure sediment disposal site(s) for future dredging projects. *(Imp 14.31, 14.11, 14.16)*

**Goal**

**NR 16**

Protection and management of Upper Newport Bay commensurate with the standards applicable to our nation’s most valuable natural resources. (Goal HB 7)



*Upper Newport Bay Ecological Reserve*

**Policies**

- NR 16.1 Funding Support for Upper Newport Bay Ecosystem Restoration Project**  
Support and secure federal funding for Upper Newport Bay ecosystem restoration to restore the Upper Newport Bay to a more ideal ecosystem. (Policy HB 7.1) (*Imp 14.12, 14.13, 14.14*)
- NR 16.2 Big Canyon Creek Restoration Project**  
Coordinate the Big Canyon Creek Restoration Project so that its outcomes are consistent with goals for Upper Newport Bay established by Orange County and the Department of Fish and Game. (*Imp 14.3, 14.7*)
- NR 16.3 Management of Upper Newport Bay Ecological Reserve (UNBER)<sup>4</sup>**  
Support and implement cooperative management of the Upper Newport Bay Ecological Reserve by cooperating with Orange County, California Department of Fish and Game, U.S. Fish and Wildlife Service, local universities and colleges, nonprofits, and volunteer organizations to improve resource management, implement resource enhancement projects, and expand opportunities for passive public access, recreation, and education. (Policy HB 7.2) (*Imp 14.3, 14.7, 14.11, 14.16*)

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<sup>4</sup> The Upper Newport Bay Ecological Reserve’s official designation by the state of California may change to become “State Marine Park.” Until such time as that occurs, the Newport Beach community will continue to refer to UNBER as an “Ecological Reserve.”

**NR 16.4 Management of Upper Newport Bay Ecological Reserve**

Assist the County of Orange in its management of the Upper Newport Bay Nature Reserve, including the Peter and Mary Muth Center, to enhance the Reserve’s natural resources, passive public access (especially along the West Bay) and public education programs. (Policy HB 7.3) *(Imp 14.3, 23.4)*

**NR 16.5 Public Uses within Upper Newport Bay Ecological Reserve**

Maintain public use of the Upper Newport Bay Ecological Reserve to the extent such use is consistent with the preservation of sensitive resources. (Policy HB 7.4) *(Imp 2.1, 23.1)*

**NR 16.6 Water-Related Education and Research within Upper Newport Bay**

Promote facilities in and around Upper Newport Bay to adequately serve as water quality and estuarine education and research programs. (Policy HB 7.5) *(Imp 2.1, 23.1)*

**Open Space Resources**

**Goal**

**NR 17**

Maintenance and expansion of designated open space resources.



*Banning Ranch Environmental Study Area*

**Policies**

**NR 17.1 Open Space Protection**

Protect, conserve, and maintain designated open space areas that define the City’s urban form, serve as habitat for many species, and provide recreational opportunities. *(Imp 1.2, 2.1)*

**NR 17.2 Other Uses of Public Sites Designated for Open Space**

Consider conversion of public sites designated for open space to other uses only when the conversion will meet a significant need, and there are no alternative sites that could feasibly meet that need. *(Imp 1.2, 2.1)*

**NR 17.3 New Open Space Areas**

Consider opportunities to expand designated open space areas within the City. *(Imp 1.2, 2.1)*

## Archaeological and Paleontological Resources

### Goal

**NR 18**

Protection and preservation of important paleontological and archaeological resources.

### Policies

**NR 18.1 New Development**

Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA. *(Imp 7.1)*

**NR 18.2 Maintenance of Database Information**

Prepare and maintain sources of information regarding paleontological or archaeological sites and the names and addresses of responsible organizations and qualified individuals who can analyze, classify, record, and preserve paleontological and archaeological findings. *(Imp 10.1)*

**NR 18.3 Potential for New Development to Impact Resources**

Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites. *(Imp 14.16)*

**NR 18.4 Donation of Materials**

Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible. *(Imp 11.1)*

**Mineral Resources**

**Goal**

**NR 19**

Minimized impacts from oil and gas drilling activities.



*West Newport oil field operations*

**Policies**

**NR 19.1 New Extraction Activities**

Prohibit drilling for exploration work of any kind, production or refining of oil, gas, or other hydrocarbon substances as provided in the City Charter and Municipal Code. *(Imp 2.1)*

**NR 19.2 Existing Extraction Activities**

Allow existing wells to be used, if needed, for water injection systems that increase oil extraction. *(Imp 9.1, 14.16)*

**NR 19.3 New Offshore Drilling Activities and Exploration Work**

Oppose new offshore oil, gas, and other hydrocarbon drilling activities and exploration work. *(Imp 9.1, 14.16)*

**NR 19.4 New Onshore Support Facilities**

Prohibit onshore support facilities for offshore oil, gas, and other hydrocarbon drilling, but allow support facilities for new or existing slant drilling operations as permitted by the City Charter and Municipal Code. *(Imp 2.1)*

**NR 19.5 Consolidation of Existing Uses**

Encourage consolidation of existing oil, gas, and other hydrocarbon activities to decrease the number of wells within the City limits and/or their impact on the surrounding area. *(Imp 2.1)*

**NR 19.6 Slant Drilling**

Permit slant drilling in accordance with the City Charter and Municipal Code. *(Imp 8.1)*

## Visual Resources

### Goal

**NR 20**

Preservation of significant visual resources.

### Policies

**NR 20.1 Enhancement of Significant Resources**

Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3. *(Imp 2.1)*

**NR 20.2 New Development Requirements**

Require new development to restore and enhance the visual quality in visually degraded areas, where feasible, and provide view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate. *(Imp 20.3)*

**NR 20.3 Public Views**

Protect and enhance public view corridors from the following roadway segments (shown in Figure NR3), and other locations may be identified in the future:

- Avocado Avenue from San Joaquin Hills Road to Coast Highway
- Back Bay Drive
- Balboa Island Bridge
- Bayside Drive from Coast Highway to Linda Island Drive
- Bayside Drive at Promontory Bay
- Coast Highway/Santa Ana River Bridge
- Coast Highway/Newport Boulevard Bridge and Interchange
- Coast Highway from Newport Boulevard to Marino Drive (Bayshores)
- Coast Highway/Newport Bay Bridge

**Figure NR3 Coastal Views**

Pg 1—8.5x11 color

Pg 2—8.5x11 color

- Coast Highway from Jamboree Road to Bayside Drive
- Coast Highway from Pelican Point Drive to city limits
- Eastbluff Drive from Jamboree Road to Backbay Drive
- Irvine Avenue from Santiago Drive to University Drive
- Jamboree Road from Eastbluff Drive/University Drive to Bayview Way
- Jamboree Road in the vicinity of the Big Canyon Park
- Jamboree Road from Coast Highway to Bayside Drive
- Lido Isle Bridge
- MacArthur Boulevard from San Joaquin Hills Road to Coast Highway
- Marguerite Avenue from San Joaquin Hills Road to Fifth Avenue
- Newport Boulevard from Hospital Road/Westminster Avenue to Via Lido
- Newport Center Drive from Newport Center Drive E/W to Farallon Drive/Granville Drive
- Newport Coast from Pelican Hill Road North to Coast Highway
- Ocean Boulevard
- Pelican Hills Road South
- San Joaquin Hills Road from Newport Ridge Drive to Spyglass Hill Road
- San Miguel Drive from San Joaquin Hills Road to MacArthur Boulevard
- State Route 73 from Bayview Way to the easterly City limit
- Superior Avenue from Hospital Road to Coast Highway
- University Drive from Irvine Avenue to the Santa Ana—Delhi Channel
- Vista Ridge Road from Ocean Heights to Altezza Drive (*Imp 2.1, 20.3*)

**NR 20.4 Public View Corridor Landscaping**

Design and site new development, including landscaping, on the edges of public view corridors, including those down public streets, to frame, accent, and minimize impacts to public views. (*Imp 2.1*)

**NR 20.5 Public View Corridor Amenities**

Provide public trails, recreation areas, and viewing areas adjacent to public view corridors, where feasible. (*Imp 2.1, 16.11, 23.2*)

**Goal**

**NR 21**

Minimized visual impacts of signs and utilities.

**Policies**

**NR 21.1 Signs and Utility Siting and Design**

Design and site signs, utilities, and antennas to minimize visual impacts. *(Imp 2.1)*

**NR 21.2 Illegal Signs and Legal Nonconforming Signs**

Implement programs to remove illegal signs and amortize legal nonconforming signs. *(Imp 2.1, 26.1)*

**NR 21.3 Overhead Utilities**

Support programs to remove and underground overhead utilities, in new development as well as existing neighborhoods. *(Imp 2.1, 14.13)*

**Goal**

**NR 22**

Maintain the intensity of development around Newport Bay to be consistent with the unique character and visual scale of Newport Beach.

**Policies**

**NR 22.1 Regulation of Structure Mass**

Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach. *(Imp 2.1)*

**Goal**

**NR 23**

Development respects natural landforms such as coastal bluffs.

**Policies**

**NR 23.1 Maintenance of Natural Topography**

Preserve cliffs, canyons, bluffs, significant rock outcroppings, and site buildings to minimize alteration of the site's natural topography and preserve the features as a visual resource. *(Imp 2.1)*

**NR 23.2 Bluff Edge Setbacks**

Maintain approved bluff edge setbacks for the coastal bluffs within the communities of Castaways, Eastbluff, Park Newport, Newporter North (Harbor Cove), and Bayview Landing and neighborhoods from Jamboree Road to Corona del Mar, north of Bayside Drive, to ensure the preservation of scenic resources and geologic stability. *(Imp 2.1)*

- NR 23.3      Open Space Dedication or Preservation for New Planned Communities**

Require new planned communities to dedicate or preserve as open space the coastal bluff face and an area inland from the edge of the coastal bluff adequate to provide safe public access and to avoid or minimize visual impacts. *(Imp 2.1, 3.1, 4.1)*
- NR 23.4      New Development on Blufftops**

Require all new blufftop development located on a bluff subject to marine erosion to be set back based on the predominant line of development. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools. The setback shall be increased where necessary to ensure safety and stability of the development. *(Imp 2.1)*
- NR 23.5      New Accessory Structures on Blufftops**

Require new accessory structures, such as decks, patios and walkways, that do not require structural foundations to be sited at least 10 feet from the edge of bluffs subject to marine erosion. Require accessory structures to be removed or relocated landward when threatened by erosion, instability or other hazards. *(Imp 2.1)*
- NR 23.6      Canyon Development Standards**

Establish canyon development setbacks based on the predominant line of existing development for Buck Gully and Morning Canyon. Do not permit development to extend beyond the predominant line of existing development by establishing a development stringline where a line is drawn between nearest adjacent corners of existing structures on either side of the subject property. Establish development stringlines for principle structures and accessory improvements. *(Imp 2.1, 6.1)*
- NR 23.7      New Development Design and Siting**

Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources. *(Imp 2.1)*

**Energy Conservation**

**Goal**

**NR 24**  
 Increased energy efficiency in City facilities and operations and in private developments.

**Policies**

**NR 24.1 Incentives for Energy Conservation**

Develop incentives that encourage the use of energy conservation strategies by private and public developments. *(Imp 7.1)*

**NR 24.2 Energy-Efficient Design Features**

Promote energy-efficient design features. *(Imp 7.1)*

**NR 24.3 Incentives for Green Building Program Implementation**

Promote or provide incentives for “Green Building” programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy efficient design elements as appropriate to achieve “green building” status. *(Imp 7.1)*

**NR 24.4 Incentives for Provision of LEED Certified Buildings**

Provide incentives for implementing Leadership in Environmental and Energy Design (LEED) certified building such as fee waivers, bonus densities, and/or awards recognition programs. *(Imp 2.1, 7.1)*

**NR 24.5 New Methane Extraction Activities**

Allow new methane extraction activities to reduce reliance on fossil fuels. *(Imp 2.1)*