

1.0 Introduction

1.1 Purpose

This document establishes the Coastal Land Use Plan of the Local Coastal Program of the City of Newport Beach, prepared in accordance with the California Coastal Act of 1976. The Coastal Land Use Plan sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City of Newport Beach and its sphere of influence, with the exception of Newport Coast and Banning Ranch. The physical boundaries of the area to which the Coastal Land Use Plan applies are shown on the Coastal Land Use Map, included as Map 1. Newport Coast is governed by the previously certified and currently effective Newport Coast segment of the Orange County Local Coastal Program. Banning Ranch is a Deferred Certification Area (DCA) due to unresolved issues relating to land use, public access and the protection of coastal resources (see Section 2.2.4).

1.2 Organization

The Coastal Act contains coastal resources planning and management policies that address public access, recreation, marine environment, land resources, development, and industrial development. The Coastal Land Use Plan addresses these topics under the following chapters:

Land Use and Development. This chapter includes policies for topics in Sections 30007, 30212.5, 30213, 30221-30223, 30235-30236, 30250, 30252-30253, 30255, 30260, 30262, 30600, 30610.5 of the Coastal Act.

Public Access and Recreation. This chapter includes policies for topics in Sections 30210-30214, 30220-30224, 30234, 30234.5, 30244, and 30252 of the Coastal Act.

Coastal Resource Protection. This chapter includes policies for topics covered in Sections 30230-30233, 30240, 30244, and 30251 of the Coastal Act.

Each chapter is divided into sections and subsections. Each section or subsection begins with the identification of the Coastal Act sections that are relevant to Newport Beach, followed by a narrative of the local setting and policy direction adopted by the City to address the requirements of the Coastal Act and a listing of specific policies.

1.3 General Policies

The following policies shall be applied to achieve the goals and objectives of the Coastal Act in applying the policies of this Coastal Land Use Plan:

1. The policies of Chapter 3 of the Coastal Act (PRC Sections 30200 - 30265.5) shall be the guiding policies of the Coastal Land Use Plan.
2. Where there are conflicts between the policies set forth in this Coastal Land Use Plan and those set forth in any element of the City's General Plan, zoning, or any other ordinance, the policies of the Coastal Land Use Plan 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.
3. In the event of any ambiguities or silence in this Coastal Land Use Plan not resolved by (1) or (2) above, or by other provisions of the City's LCP, the Chapter 3 policies of the Coastal Act shall guide interpretation of this Coastal Land Use Plan.
4. This Coastal Land Use Plan is not intended, and shall not be construed, as authorizing the Coastal Commission or City to exercise its power to grant or deny a permit in a manner that will take or damage private property for public use, without the payment of just compensation therefor. This Section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.
5. No provision of the Coastal Land Use Plan or the Coastal Act is a limitation on any of the following:
 - A. On the power of the City to declare, prohibit, and abate nuisances.
 - B. Except as otherwise limited by state law, on the power of the City to adopt and enforce additional regulations, not in conflict with the Coastal Land Use Plan or the Coastal Act, imposing further conditions, restrictions, or limitations with respect to any land or water use or other activity which might adversely affect the resources of the coastal zone.

1.4 The Coastal Act

In 1972, the United States Congress passed the Coastal Zone Management Act (Title 16 U.S.C. 1451-1464). The CZMA declared a national policy "to preserve, protect, develop, and where possible, to restore or enhance, the resources of the

Nation's coastal zone for this and succeeding generations.” The CZMA sought to encourage and assist States to develop and implement management programs for the use of coastal land and water resources, “giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development.”

The Coastal Zone Conservation Act (Proposition 20) was approved by a 55.2 percent vote in 1972. It prohibited development 1,000 yards inland from California's mean high tide without a permit from a regional or state coastal commission. It created a temporary California Coastal Zone Conservation Commission and six regional commissions to develop a statewide plan for coastal protection. The California Coastal Plan was submitted to the Legislature in 1975 and led to the passage of the California Coastal Act in 1976.

The Coastal Act established the permanent California Coastal Commission. The Coastal Commission's mandate is to protect and enhance the resources of the coastal zone mapped by the Legislature. Coastal Commission membership is composed of twelve voting members, appointed equally by the Governor, the Senate Rules Committee, and the Speaker of the Assembly. Half of the voting commissioners are locally elected officials and half are representatives of the public at large. The Coastal Commission also has four ex officio (non-voting) members representing the Resources Agency, the Business, Transportation and Housing Agency, the Trade and Commerce Agency and the State Lands Commission.

Coastal Act Goals for the Coastal Zone

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

Public Resources Code Section 30001.5

The Legislature found that “to achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement.” Therefore, implementation of Coastal Act policies is accomplished primarily through the preparation of a Local Coastal Program (LCP), reviewed and approved by the Coastal Commission. An LCP typically consists of a land use plan and an implementation plan. The land use plan indicates the kinds, location, and intensity of

land uses, the applicable resource protection and development policies, and, where necessary, a listing of implementing actions. The implementation plan consists of the zoning ordinances, zoning district maps, and other legal instruments necessary to implement the land use plan. Any amendments to the certified LCP will require review and approval by the Coastal Commission prior to becoming effective.

After certification of an LCP, coastal development permit authority is delegated to the appropriate local government. The Coastal Commission retains original permit jurisdiction over certain specified lands, such as submerged lands, tidelands, and public trust lands, and has appellate authority over development approved by local government in specified geographic areas and for major public works projects and major energy facilities. In authorizing coastal development permits, the local government must make the finding that the development conforms to the certified LCP. Furthermore, after certification of the LCP, City actions on applications for Coastal Act authority to conduct certain types of development and development within certain geographic areas are appealable, to the Coastal Commission.

1.5 The City of Newport Beach

History

In order to fully understand the relationship between the Coastal Land Use Plan and the community, it is necessary to understand the community and the historical events that have influenced it. The history of Newport Beach begins with the bay. It is the story of how natural forces shaped the land and coast and how people responded to these changes.

It is believed that Newport Bay formed about 300,000 years ago when a precursor of the Santa Ana River flowed into the northern end of the bay and carved a deep canyon. Rising sea levels submerged the bay until about 15,000 to 25,000 years ago. When the bay reemerged, the Santa Ana River, as it did throughout its history, had shifted across the coastal plain and now flowed into the ocean at Alamitos Bay.



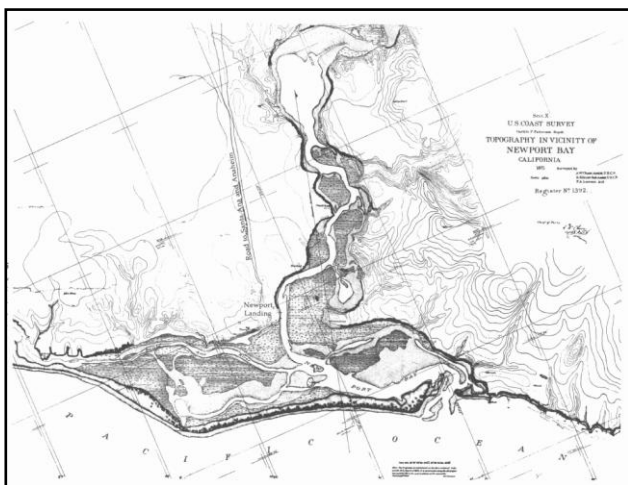
Tongva millingstone

10,000 to 12,000 years ago, aboriginal hunters and gatherers were first drawn to this area by the rich bounty of the bay and ocean. These original inhabitants supplemented their diet with a variety of meat from marine resources, including shellfish, fish, and birds and probably ventured out into the ocean in rafts to fish for

Sheepshead, Blacksmith, and Giant Kelpfish. The most recent native people were the Tongva (Gabrielinos) and the Acjachemem (Juanenos), who lived in small villages around the bay until the beginning of the Mission period in the 1770's.

During the Mission period, the hills above the bay were part of a vast open cattle range of the Mission San Juan Capistrano. Early Spanish names for the bay were *Bolsa de Quigara* (bay with high banks) or *Bolsa de Gengara*, in reference to a nearby Indian village. After Mexico gained independence from Spain in 1831, the mission lands were broken up and redistributed through land grants. In 1837, the bay became a part of Rancho San Joaquin under the ownership of Jose Andres Sepulveda. Floods and droughts caused Sepulveda to sell the ranch in 1864 and it eventually became a part of the expansive Irvine Ranch.

The bay at that time was open to the ocean and part of a large estuary that stretched from Huntington Beach to Corona del Mar. In 1825, unusually heavy floods again shifted the mouth of the Santa Ana River to the southeast of the Huntington Beach mesa. Sand carried by the river began to form a peninsula. Over the next thirty years, the peninsula made steady progress in a southeasterly direction. By 1857, the eastern tip had reached to approximately where Bay Island is today. Floods during the winter of 1861-62 extended the peninsula to the present harbor entrance. This barrier beach forced the Santa Ana River to flow parallel to the coast. The accretion of silt made the bay shallower and spread marsh vegetation.



1875 survey map of Newport Bay

In the late 1860's, the bay was used as a landing to load hides, tallow, hay and other goods for export. In September 1870, Captain Samuel S. Dunnells' steamer *Vaquero* ventured into the bay to offload a cargo of lumber and shingles. Captain Dunnells soon established "Newport Landing" by constructing a small wharf and warehouse near the west end of the present Coast Highway/Newport Bay Bridge. James McFadden and his younger brother Robert acquired the landing in 1875 and for the next nineteen years operated a thriving commercial trade

and shipping business. However, the bay was not yet a true harbor and sand bars and a treacherous bay entrance caused the McFadden Brothers to move the shipping business to the oceanfront by constructing a large pier on the sand spit that would become the Balboa Peninsula. The site was ideal because a submarine canyon (Newport Submarine Canyon), carved along with Newport Bay by the ancient Santa Ana River, provided calm waters close to the shore. McFadden Wharf was

completed in 1888 and was connected by rail to Santa Ana in 1891. For the next eight years, the McFadden Wharf area was a booming commercial and shipping center and a company town began to grow. However, in 1899, the Federal Government allocated funds for major improvements to a new harbor at San Pedro, which would become Southern California's major seaport. The McFadden Wharf and railroad was sold to the Southern Pacific Railroad that same year, signaling the end of Newport Bay as a commercial shipping center.

In 1902, James McFadden sold his Newport townsite and about half of the Peninsula to William S. Collins, who saw Newport Bay's resort and recreation potential. Collins took on Henry E. Huntington as a partner in the Newport Beach Company. Huntington had acquired the Pacific Electric railway system and used it to promote new communities outside of Los Angeles. In 1905, the Pacific Electric "Red Cars" were extended to Newport and then to Balboa the following year. Also in 1906, Collins began dredging a channel on the north side of the bay and deposited the sand and silt on tidelands that would become Balboa Island. Between 1902 and 1907, many of Newport Beaches' waterfront communities were subdivided, including West Newport, East Newport, Bay Island, Balboa, and Balboa Island. This established the grid system of small lots and narrow streets and alleys that still exists today in these areas.

In 1906, the City of Newport Beach, consisting of West Newport and Balboa Peninsula, incorporated. In 1916, most of Balboa Island was annexed, followed by Newport Heights in 1917, Corona del Mar in 1924, and the balance of Balboa Island in 1927. In 1923, the dredging and filling of mud flats that would become Lido Island began. At this time, Newport Beach was still a beach town, with most of the homes being constructed as beach cottages and second homes used for vacations. However, public safety concerns would move Newport Beach to embark on a series of projects to protect and improve the harbor and ultimately lead to the next stage in the City's development.



Newport Beach circa 1910

At that time, the channels in the bay were narrow, shallow, and tortuous. Two massive floods in December 1914 and January 1916 filled the harbor and beaches with silt and debris. This and an increasing number of drownings at the harbor entrance prompted Newport Beach voters to approve funds to build the west jetty. In 1919, Orange County voted for funds to extend the jetty and build a dam to divert the Santa Ana River from the bay and flow directly into the ocean west of the City. The harbor improvements turned a small colony of fishermen into a major industry. In

the 1920's the sport fishing and commercial fishing would become the major source of income in Newport Beach. In 1921, the first of four commercial fish canneries was built on the Rhine Channel. The boatyard industry also began to flourish.

The great increase in the number of commercial and recreational boats in the 1920s led to calls for further harbor improvements. Also, the consensus gradually changed from development of a commercial harbor to a recreational harbor. In 1928, Newport Beach voters approved funds for work on the west and east jetties. In 1933, a federal grant and matching funds from an Orange County bond measure provided funds to extend the jetties and dredge the entire Lower Newport Bay. On May 23, 1936, Newport Harbor was dedicated. The completion of the harbor improvements increased recreational and commercial boating activity. The South Coast Shipyard produced all types of pleasure craft. With the United States entry into World War II, the boatyards quickly shifted to the wartime production. South Coast and the new Lido Shipyard produced minesweepers, sub chasers, and other military vessels. By the end of the war, the summer beach resort town had become a city of 10,000 people.

The postwar boom in Southern California led to the next stage in the City's development. The Irvine Company began to open some of its vast land holdings east of the City to residential development. During the 1950's the City annexed over 4,382 acres, more than tripling its land area. In 1960, the City had a population of 26,565 people. The 1960's saw the development of major employment, commercial, and educational centers in Orange County. The City annexed another 2,280 acres, including the Newport Dunes and the future sites of Newport Center and Fashion Island. In 1970, the City's population had reached 49,442 people.

The expansion and development of the City led to a period of introspection in the 1970's. In 1969, a citizens committee completed work on a set of community goals titled *Newport Tomorrow*, which served as the basis for the City's 1973 General Plan. *Newport Tomorrow* also served as a catalyst for a series of special studies, which resulted in new development controls.

In 1970, the Lower Newport Bay Civic District study began to analyze development around the lower bay, including height limits, the preservation of marine service facilities, public access, and view corridors. The study resulted in the adoption of the Shoreline Height Limitation Ordinance in 1972, which established new height and bulk restrictions around the bay. Height limits along Pacific Coast Highway and other commercial areas were lowered from 85 to 26 feet. Residential development standards for Corona del Mar, Balboa Island, West Newport, and the Balboa Peninsula followed in 1973 and 1974, which set stricter floor area and height limits and higher off-street parking and open space requirements.



Upper Newport Bay circa 1952

A proposed land exchange between the County of Orange and the Irvine Company cleared the way for the development of the Upper Newport Bay with residential uses and marinas in the early 1960's. Newport Beach residents began a movement to preserve the Upper Bay, first winning local government support, then at the County, then at the State. In 1973, an appellate court ruled that a proposed land exchange was unconstitutional. In 1974, a committee composed of Federal,

State, and local agencies and interested members of the community produced a plan that recommended preservation of the Upper Bay. The Upper Newport Bay Ecological Reserve (Upper Newport Bay Marine Park) was created in 1975 as result of the purchase of 527 acres of land in and around the bay from the Irvine Company and the transfer of 214 acres of tidal wetlands from the County of Orange to the State.

The City continued to expand and develop in the 1980's and 1990's, albeit at a slower pace. The City's population was 65,283 in 1980, and increased to 66,643 in 1990. Land use and development policies continued to be refined. In 1988, comprehensive amendments to Land Use and Circulation Elements of the General Plan were adopted to establish reasonable density and intensity limits, allow for modest growth, and to better correlate land uses with the circulation system. Specific plans were adopted for the older commercial districts on the Balboa Peninsula, including Cannery Village, McFadden Square, and Balboa Village. By the year 2000, the population had reached 70,032.

Coastal History Notes

- 1905 Balboa Pier and Balboa Pavilion constructed.
- 1909 Balboa Island Ferry service established.
- 1911 First yacht club established in Newport Beach.
- 1913 Frost Life Saving Corps organized.
- 1917 First commercial fish cannery opens.
- 1918 Newport to Balboa boardwalk constructed.
- 1922 Duke Kahanamoku introduces surfing at Newport.
- 1922 City purchases Newport Pier (McFadden Wharf).
- 1923 First public restrooms built at McFadden Place.
- 1923 First City lifeguard service created.
- 1934 Sea salt works dike constructed in Upper Bay.
- 1936 Fun Zone opens.
- 1948 First Newport-Ensenada Yacht Race.
- 1958 Newport Dunes opens.
- 1969 Floods breach salt works dikes, silts Upper Bay.
- 1971 Fun Zone saved from condominium development.
- 1982 Upper Newport Bay dredged to clear silt build-up.
- 1982 First LCP Land Use Plan certified.
- 2000 Upper Newport Bay Interpretative Center opens.

Newport Beach in 2004

At the beginning of the 21st Century, Newport Beach is a community of 75,662 people covering 25.4 square miles, including 2.5 square miles of bay and harbor waters. The City has over 30 miles of bay and ocean waterfront. Over 63 percent of the City is in the coastal zone.

While Newport Beach is no longer a sleepy little beach town, the bay and beach continue to play an important role in the community's character and economy. Newport Harbor is the largest small craft harbor in the United States with over 9,000 boats at 2,119 commercial slips and side ties, 1,221 bay moorings, and 1,230 piers. Beach attendance averages 9.4 million people annually.

Newport Beach continues to be a major visitor destination. In FY 2001, the City received 7.2 million visitors (people other than those who reside or work here). Over 80 percent of the City's visitors are here for purposes of leisure. The City has 16 hotel properties with 2,977 rooms and 535 seasonal housing units. However, the vast majority are day visitors.



Aerial view of the Balboa Peninsula

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