

## 3.0 Public Access and Recreation

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### 3.1 Shoreline and Bluff Top Access

#### **Coastal Act policies related to shoreline and bluff top access that are relevant to Newport Beach include the following:**

**30210.** In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

**30211.** Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

**30212.** (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

**30214.** (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

#### **3.1.1 Shoreline Access**

In terms of implementing the Coastal Act, there are two basic types of public access: vertical access, or access to the shoreline, and lateral access, or access along the shoreline. Newport Beach has developed an extensive system of access to ocean beaches and the bay (see Coastal Access Map). Virtually all of the Pacific Ocean shoreline beaches are public and the bay is accessible via public beaches, parks, shoreline trails, walkways and boardwalks. The City will continue to require all new development, causing or contributing to adverse public access impacts, to provide easements or dedications in areas where public access is inadequate.

## **Pacific Ocean Beaches**

**West Newport/Balboa Peninsula.** West Newport and the Balboa Peninsula have over 5 miles of wide, sandy beaches. Vertical access to these beaches is provided by 89 street ends, which occur every 200 to 500 feet. The Oceanfront Boardwalk runs along the beach for approximately 3 miles from 36<sup>th</sup> Street in West Newport to F Street on the Peninsula. This multi-use concrete walkway is 12 to 22 foot wide and is popular with pedestrians, bicyclists, and skaters.



Oceanfront Boardwalk at 15<sup>th</sup> Street

**Corona del Mar.** City-operated Corona del Mar State Beach (Big Corona) is a half mile-long sandy beach located southerly of the Newport Harbor entrance. Vertical access to this beach is provided by an access road near the intersection of Ocean Boulevard and Jasmine Avenue and by walkways at Lookout Point and Inspiration Point view parks on Ocean Boulevard.

Little Corona Beach is a small sandy cove with rocky intertidal platform reefs. The Newport Beach Marine Conservation Area is offshore. Vertical access is provided by a walkway at Poppy Avenue (Glen Drive). The Newport Beach Marine Conservation Area contains natural habitats and the provision of additional public access on Little Corona Beach must be consistent with the protection of these resources.



Big Corona

## Lower Newport Bay/Harbor



Las Arenas Beach

West Newport/Balboa Peninsula. The Lower Bay shoreline of West Newport and the Balboa Peninsula consist of relatively narrow sandy beaches and bulkheads. There are 89 street ends that provide vertical access to Lower Newport Bay, including The Rhine, Newport Island, Rialto, and Rivo Alto channels. Most street ends provide a small beach and shore moorings. Larger public beaches are located at Las Arenas Beach (16<sup>th</sup> -19<sup>th</sup> Street), 10<sup>th</sup> Street Beach, Montero Beach (Island Avenue to Medina Way), and N Street Beach. Small public beaches

are also located at Channel Place Park and Newport Island Park. There is also a 0.65-mile bayfront walkway that extends from Main Street in Balboa Village to 7<sup>th</sup> Street.

Waterfront commercial areas also provide vertical and lateral access to Lower Newport Bay. Commercial developments in Lido Village, Cannery Village, McFadden Square, and Balboa Village and on the Lido Peninsula provide public access easements to and along the waterfront. In most cases, these easements have been integrated into the project's design, such as restaurants with outdoor waterfront dining areas and boarding areas for charter and excursion vessels.

New development will present additional opportunities to extend and enhance waterfront access in these areas. Particular attention should be given to extending the *Lido Marina Village* boardwalk across all of the waterfront commercial properties in Lido Village and to provide a continuous waterfront walkway along the Rhine Channel to connect the Cannery Village and McFadden Square waterfront commercial areas with Las Arenas Beach at 19<sup>th</sup> Street. A connection from Lido Village to Mariner's Mile should also be provided, if feasible.



*Lido Marina Village* boardwalk



Mariner's Mile. The Mariner's Mile is a commercial area with a shoreline consisting of bulkheads. Commercial and institutional developments in Mariner's Mile provide public access easements to and along the waterfront. Although the easements are fragmented, with new development, there is an opportunity to provide a continuous waterfront walkway from the Coast Highway/Newport Boulevard Bridge to the *Balboa Bay Club*.



Mariner's Mile

Bayside. The Bayside area shoreline consists mainly of bulkheads, with a few small beaches. Beacon Bay Beach (Lot I) is accessible from Beacon Bay Drive via walkways at the Cape Cove, Shelter Cove, and Reef Cove Street ends. Bayside Drive County Beach is accessible from Bayside Drive via the Orange County Harbor Patrol facility. Lateral access to Promontory Bay is provided by a walkway along Bayside Drive and a public access easement along the bulkhead adjacent to *Newport Marina Apartments*. This public access easement connects to a quarter mile walkway on a floating dock in the Balboa Island Channel. Lateral access is also provided around the Balboa Yacht Basin.



Pirate's Cove

Corona del Mar. Corona del Mar's bayside shoreline is at the harbor entrance and is characterized by high coastal bluffs with a few small sandy coves. China Cove is accessible from Cove Street and Shell Street. Rocky Point (Pirate's Cove) is accessible by a trail at Lookout Point on Ocean Boulevard and Corona del Mar State Beach. There is also a small pocket park in an unnamed street end off of the 2300 block of Bayside Drive that provides access to Carnation Cove.

Lido Isle. On Lido Isle, vertical access to the Lower Bay is provided by walkways within 13 street end easements. These street ends are leased to Lido Isle Association with the condition that the association maintain and operate all walkways in a manner that allows for open public access. There are also public beaches at Via Genoa (Parcel B) and at Via Trieste (Parcel C).

Balboa Island. All of Balboa Island's beaches are public. There are 33 street ends

that provide vertical access and the Bay Front Boardwalk that circles the island enhances lateral access. There are also 4 street ends that provide access to the Grand Canal.

### **Upper Newport Bay**

The Upper Newport Bay is coastal wetlands bordered by 40 to 100-foot high bluffs. Most of the Upper Newport Bay area is in the Upper Newport Bay Marine Park. Due to the steep coastal bluffs and high number of sensitive environmental resources within the marine park, access is more restricted than other coastal areas. Still, ample public access is available.



Upper Newport Bay Marine Park

The 752-acre Upper Newport Bay Marine Park preserves one of the largest coastal wetlands in Southern California. In addition to protecting its diverse habitats, the marine park provides canoe, kayak, and walking tours. Shellmaker Island in the marine park serves as a staging area for tours of the Upper Newport Bay. Shellmaker Island is only open to the public when programs and tours are scheduled and is accessible from Back Bay Drive. The marine park is also accessible from University Drive and Back Bay Drive.



Back Bay Drive

The Upper Newport Bay Nature Preserve is located on the bluffs on the north and northwest sides of the Upper Newport Bay Marine Park. This 140-acre regional park provides hiking, bike, equestrian trails to and along the marine park. The Upper Newport Bay Nature Preserve is accessible from University Drive and Bayview Way.

Access to and along the Upper Newport Bay is also provided by Back Bay Drive, a 3.5-mile multi-model road that runs along the base of the bluff on the easterly side of the bay. Back Bay Drive begins at Jamboree Road and ends at East Bluff Drive, where it connects with a trail that continues west of Jamboree Road and along San Diego Creek into central Orange County. The Lookout at the corner of Back Bay Drive and East Bluff Drive serves

as a staging area for tours of the bay.

On the west side of the bay, access is provided via North Star Beach. North Star Beach has a sandy beach and is the site of the Newport Aquatics Center, a public recreation and launching facility. North Star Beach is accessible from White Cliffs Drive, off of Polaris Drive. The area north of the Newport Aquatics Center contains natural habitats and the provision of additional public access in this area must be consistent with the protection of these resources.

On the east side of the bay, access is provided by Big Canyon Nature Park. Big Canyon Nature Park is a passive open space area that provides hiking trails from Jamboree Road to the Upper Newport Bay Marine Park. The mouth of Big Canyon contains natural habitats and the provision of additional public access must be consistent with the protection of these resources.

### **Semeniuk Slough**

Semeniuk Slough, also referred to as the Oxbow Loop, is a coastal salt marsh. The slough is accessible via 9 street ends in Newport Shores and the Newport Shores View Park. The provision of public access must be consistent with the protection of the adjacent natural resources.

#### **Policies:**

- 3.1.1-1.** Protect, and where feasible, expand and enhance public access to and along the shoreline and to beaches, coastal waters, tidelands, coastal parks, and trails.
- 3.1.1-2.** Protect and enhance all existing public street ends providing public access to the shoreline, beaches, coastal parks, and trails.
- 3.1.1-3.** Develop and implement a uniform coastal access signing program to assist the public in locating, recognizing, and utilizing public access trails. Where appropriate, include information advising the public of environmentally sensitive habitats, safety hazards, and to respect adjacent private property.



Boardwalk through coastal sage scrub habitat

- 3.1.1-4.** Identify and remove all unauthorized structures, including signs and fences, which inhibit public access.
- 3.1.1-5.** Allow public access improvements in environmentally sensitive habitat areas (ESHA) when sited, designed, and maintained in a manner to avoid or minimize impacts to the ESHA.
- 3.1.1-6.** Continue to cooperate with the State Department of Parks and Recreation, the State Department of Fish and Game, the State Coastal Conservancy, Orange County, and private organizations to protect, expand and enhance public access to and along the shoreline and to beaches, coastal parks, and trails.
- 3.1.1-7.** Continue to protect the public's right of access to the sea where acquired through historic use or legislative authorization. Where substantial evidence of prescriptive rights exists, actively pursue public acquisition or require access easements as a condition for new development.
- 3.1.1-8.** Where there is substantial evidence that prescriptive rights of access to the beach exist on a parcel, development on that parcel must be designed, or conditions must be imposed, to avoid interference with the prescriptive rights that may exist or to provide alternative, equivalent access.
- 3.1.1-9.** Protect, expand, and enhance a system of public coastal access that achieves the following:
- Maximizes public access to and along the shoreline;
  - Includes pedestrian, hiking, bicycle, and equestrian trails;
  - Provides connections to beaches, parks, and recreational facilities;
  - Provides connections with trail systems of adjacent jurisdictions;
  - Provides access to coastal view corridors;
  - Facilitates alternative modes of transportation;
  - Minimizes alterations to natural landforms;
  - Protects environmentally sensitive habitat areas;



- Does not violate private property rights.

**3.1.1-10.** Cooperate with state agencies in planning and implementing the Newport Beach segment of the California Coastal Trail.

**3.1.1-11.** Require new development to minimize impacts to public access to and along the shoreline.

**3.1.1-12.** Implement building design and siting regulations to protect public access through setback and other property development regulations of the Zoning Code that control building placement.



Walkway and bikeway along Promontory Bay

**3.1.1-13.** Require a direct dedication or an Offer to Dedicate (OTD) an easement for lateral public access for all new shorefront development causing or contributing to adverse public access impacts. Such dedication or easement shall extend from the limits of public ownership (e.g. mean high tide line) landward to a fixed point seaward of the primary extent of development (e.g. intersection of sand with toe or top of revetment, vertical face of seawall, dripline of deck, or toe of bluff).

**3.1.1-14.** Require a direct dedication or an Offer to Dedicate (OTD) an easement for vertical access in all new development projects causing or contributing to adverse public access impacts, unless adequate access is available nearby. Vertical accessways shall be a sufficient size to accommodate two-way pedestrian passage and landscape buffer and should be sited along the border or side property line of the project site or away from existing or proposed development to the maximum feasible extent.

**3.1.1-15.** Encourage the acceptance, improvement and opening of OTDs to the public by the City, a public agency, a private association, or other appropriate entity.

**3.1.1-16.** Require all direct dedications or OTDs for public access to be made to a public agency or other appropriate entity that will operate the accessway on behalf of the public. Require accessways to be opened to the public



once an appropriate entity accepts responsibility for maintenance and liability.

**3.1.1-17.** Require new development in waterfront commercial areas to provide public access easements to and along the waterfront. Where appropriate, integrate public access easements into the project designs, such as restaurants with outdoor waterfront dining areas and boarding areas for charter and excursion vessels.

**3.1.1-18.** Require new development on ocean-fronting, residentially zoned properties located between the Santa Ana River Jetties and the Newport Harbor West Jetty to conform to the setback requirements of the Zoning Code in effect as of October 13, 2005 to prevent impacts to public access.



15<sup>th</sup> Street Beach

**3.1.1-19.** Develop and implement a long-range plan for public trails and walkways to access all appropriate commercial areas of the harbor.

**3.1.1-20.** Extend the *Lido Marina Village* boardwalk across all of the waterfront commercial properties in Lido Village.

**3.1.1-21.** Provide a continuous waterfront walkway along the Rhine Channel connecting Cannery Village and McFadden Square waterfront commercial areas with Las Arenas Beach at 19<sup>th</sup> Street.

**3.1.1-22.** Provide a walkway connecting the Lido Village area with Mariner's Mile, if feasible.

**3.1.1-23.** Provide a continuous walkway along the Mariner's Mile waterfront from the Coast Highway/Newport Boulevard Bridge to the *Balboa Bay Club*.

**3.1.1-24.** Encourage the creation of new public vertical accessways where feasible, including Corona del Mar and other areas of limited public accessibility.

**3.1.1-25.** Where marine sales and service equipment and operations present

security or public safety concerns, waterfront access detours may be necessary in some areas in order to maintain facilities and services essential to the operation of the harbor.

**3.1.1-26.** Consistent with the policies above, provide maximum public access from the nearest public roadway to the shoreline and along the shoreline with new development except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources or (2) adequate access exists nearby.

**3.1.1-27.** Implement public access policies in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- Topographic and geologic site characteristics;
- Capacity of the site to sustain use and at what level of intensity;
- Fragility of natural resource areas;
- Proximity to residential uses;
- Public safety services, including lifeguards, fire, and police access;
- Support facilities, including parking and restrooms;
- Management and maintenance of the access;
- The need to balance constitutional rights of individual property owners and the public's constitutional rights of access.

**3.1.1-28.** Encourage the creation of waterfront public spaces and beaches, with adjacent water access and docking facilities that serves as the identity and activity “centers” of Newport Harbor for special events of community/regional interest.



Balboa Pier

### 3.1.2. Bluff Top Access

In addition to direct access to and along the shoreline, Newport Beach has worked to preserve a number of prominent bluff top locations for public viewing of the shoreline (see Coastal Access and Recreation Map).



Castaways View Park

West Newport. The Sunset View Park provides an ocean view trail along the bluff top above the lower campus of Hoag Hospital. This park is accessible from Superior Avenue. The planned extension of this park to Superior Avenue will provide a connection to a bluff top trail in a park planned on the undeveloped CalTrans West property. Connections to future bluff top trails and parks developed in conjunction with future development in the Banning Ranch property present the opportunity for a continuous bluff top trail through West Newport.



Lookout Point

Newport Heights/Cliff Haven. Cliff Drive Park, Ensign Park, and Kings Road Park are located on the bluff top above Mariner's Mile and Coast Highway. These parks provide views of the Lower Bay and the Pacific Ocean. Cliff Drive Park and Ensign Park are accessible from Cliff Drive. Kings Road Park is accessible from Kings Road.

Corona del Mar. A half-mile linear view park that provides spectacular views of the harbor entrance and Pacific Ocean is located along the bluff top above Corona del Mar State Beach. The park begins at Lookout Point above Pirate's Cove and runs along Ocean Boulevard to Inspiration Point at the end of Orchid Avenue.

Upper Newport Bay. Castaways Park is a 17.4-acre view park. Castaways Park has bike and hiking trails and overlooks that provide panoramic views of the Newport Bay and the Pacific Ocean. Castaways Park is accessible from Dover Drive and Polaris Drive. Castaways Park contains natural habitats, which are separated and protected from public recreation and viewing areas.



Bluff habitat protected at Castaways Park

Westcliff Park, Galaxy Park, and Bayview Park are bluff top parks that provide views of the Upper Newport Bay. Westcliff Park is accessible from Polaris Drive. Galaxy Park is accessible from Galaxy Drive. Bayview Park is accessible from Mesa Drive.

The Upper Newport Bay Nature Preserve is a 140-acre regional park that surrounds the Upper Newport Bay Marine Park. The park provides hiking, bike, and equestrian trails and is accessible from Irvine Avenue, University Drive and Bayview Way.

Newporter Knoll is a 12-acre passive open space area located on the bluff above Shellmaker Island. The 4-acre Newporter North View Park is adjacent and provides a bluff top trail and overlook. The Newporter North View Park is accessible from San Joaquin Hills Road. Both areas contain natural habitats and the provision of additional public access must be consistent with the protection these resources.

A 10.74-acre passive open space and view park is planned for the bluff above the Newport Dunes. The Upper Bayview Landing park site is located at the northwest corner of the intersection of Coast Highway and Jamboree Road. This park will provide views of the bay and serve as a staging area for bicyclists and pedestrians.

### **Policies:**

- 3.1.2-1.** Protect, and where feasible, expand and enhance public access to and along coastal bluffs.
- 3.1.2-2.** Site, design, and maintain public access improvements in a manner to avoid or minimize impacts to coastal bluffs (see Section 4.4.3).
- 3.1.2-3.** Continue to cooperate with the State Department of Parks and Recreation, the State Department of Fish and Game, the State Coastal Conservancy,



Orange County, and private organizations to protect, expand and enhance public access to and along coastal bluffs.

### 3.1.3 Beach Encroachments

On June 11, 1991, the Coastal Commission approved the Oceanfront Encroachment Policy (Amendment No. 23), which established a policy and mitigation program relating to private improvements within the Oceanfront public right-of-way. The City Council finalized this policy with the adoption of Resolution No. 91-80 on July 11, 1991. This policy established conditions and restrictions on the nature and extent of these improvements and a mitigation program involving the reconstruction of 33 unimproved street ends between 36th



West Newport street end

Street and Summit Street to provide additional parking and improved public access. In 2002, the final five street ends were reconstructed. Pursuant to the mitigation program, a minimum of 85 percent of the encroachment fees will be used for the construction and maintenance of improvements which directly benefit the beach-going public such as parking spaces, restrooms, vertical or lateral walkways along the beach and similar projects.

#### Policies:

- 3.1.3-1. Continue to maintain and improve the Oceanfront public right-of-way for public access purposes.
- 3.1.3-2. Continue to restrict the nature and extent of improvements that may be installed over public rights of way on the oceanside of beachfront residences and to preserve the City's right to utilize oceanfront street easements for public projects.
- 3.1.3-3. Limit the maximum oceanward extent of encroachments to the following encroachment zones:
  - A. Santa Ana River to 52nd Street. A maximum of 15 feet oceanward of the rear (ocean facing) property line within the oceanward prolongation of the side property lines.

- B. 52nd Street to 36th Street. A maximum of 10 feet oceanward of the rear (ocean facing) property line within the oceanward prolongation of the side property lines.
- C. 36th Street to E Street. Between A Street and a point 250 feet southeast of E Street, up to the inland edge of the Oceanfront Boardwalk (7 to 8 feet oceanward of the rear property line) and within an oceanward prolongation of the side property lines.
- D. E Street to Channel Road. No encroachments are permitted from a point 250 feet southeast of E Street to Channel Road, with the exception of landscaping trees existing prior to October 22, 1991 and groundcover.

**3.1.3-4.** Limit encroachments within encroachment zones as follows:

- A. Prohibit any structural, electrical, plumbing or other improvements that require issuance of a building permit.
- B. Prohibit pressurized irrigation lines and valves.
- C. Prohibit any object that exceeds 36 inches in height, with the exception of landscaping.
- D. Prohibit any encroachments that impact public access, recreation, views and/or coastal resources.
- E. Require landscaping to be designed and maintained to avoid impacts to public access and views.
- F. Restrict landscaping in dune habitat areas to native vegetation.

**3.1.3-5.** Require annual renewal of encroachment permits and a fee.

**3.1.3-6.** Require encroachment permits to specify that the property owner waives and gives up any right to contest the validity of the oceanfront street easement, and that the encroachment permit is revocable, without cause, if the City proposes to construct public improvements within that zone.

**3.1.3-7.** Require encroachment permits to specify that the construction of any seawall, revetment or other erosion control devices, if necessary, shall occur within, or as close as feasible to, private property.

**3.1.3-8.** Incorporate into the implementation plan regulations specifying the types of improvements permitted within encroachment zones, a prohibition on improvements that could impair or restrict public access or views, procedures for the encroachment permit applications, City administration of the policy, and other appropriate provisions.

**3.1.3-9.** As mitigation for any impact on beach access resulting from the encroachments:

A. Maintain 33 street ends between 36th Street and Summit to provide an average of 2 parking spaces per street, and additional spaces where feasible.



West Newport street end improvements

B. Meter West Newport street end parking spaces in the same manner as the West Newport Park in order to encourage public use of the spaces.

C. Maintain a hard surface walkway perpendicular to Seashore Drive at Orange Avenue. The walkway shall extend oceanward a sufficient distance to allow a view of the surfline by an individual seated in a wheelchair. At least one handicapped parking space shall be designated at the Orange Avenue street end and at least one other handicapped parking space at one other West Newport street end.

D. Require a minimum of 85 percent of the fees generated by encroachments will be used for the construction and maintenance of improvements which directly benefit the beach-going public such as parking spaces, restrooms, vertical or lateral walkways along the beach and similar projects.

### 3.1.4 Bay/Harbor Encroachments

Shore connected structures, such as piers, floats, and bulkheads have long been permitted in the bay and harbor. Newport Beach, in conjunction with Federal, State, and County agencies, has established a set of Harbor Lines to define bayward limits for various types of structures. Harbor Lines and other regulations were originally established to insure navigable channels and safe harbor operations and to minimize conflicts with adjacent properties. However, such regulations are increasingly used as a means of protecting public views and public access.



Residential piers

#### **Policies:**

- 3.1.4-1.** Continue to regulate the construction of bay and harbor structures within established Bulkhead Lines, Pierhead Lines, and Project Lines.
- 3.1.4-2.** When applicable, continue to require evidence of approval from the County of Orange, Coastal Commission, U.S. Army Corps of Engineers, and other resource management agencies, prior to issuing permits.
- 3.1.4-3.** Design and site piers, including remodels of and additions to existing piers so as not to obstruct public lateral access and to minimize impacts to coastal views and coastal resources.
- 3.1.4-4.** In residential areas, limit structures bayward of the bulkhead line to piers and floats. Limit appurtenances and storage areas to those related to vessel launching and berthing.
- 3.1.4-5.** Encourage the joint ownership of piers at the prolongation of common lot lines as a means of reducing the number of piers along the shoreline.
- 3.1.4-6.** Continue to prohibit private piers at street ends.
- 3.1.4-7.** Design and site bulkheads to protect the character of the existing shoreline profiles and avoid encroachment onto public tidelands.



- 3.1.4-8.** Limit bulkhead expansion or encroachment into coastal waters to the minimum extent necessary to repair, maintain, or replace an existing bulkhead and do not allow the backfill to create new usable residential land areas.

### **3.1.5 Private/Gated Communities**

Throughout Southern California, access to the shoreline is restricted to the public due to private residential communities. Exclusive gated communities in some cases totally circumvent public access to the shoreline. Such communities present a major issue in terms of protecting, expanding, and enhancing coastal access.

Most of the shoreline in Newport Beach is publicly owned and accessible. However, there are a few private residential communities that impede public access to and along the shoreline. These communities are Balboa Coves, Bay Island, Bayshores, Bayside Place, Collins Island, De Anza Bayside Village, Linda Isle, and Harbor Island. Some of these communities are on small private islands. They do not impede access to public beaches, coastal parks, trails, or coastal bluffs; however, they do block public access to and along their immediate shoreline. Balboa Coves, Bayside Place, Bayshores and De Anza Bayside Village are on the mainland, but are situated so as not to block public access other than to their immediate shoreline. In all of these areas, the shoreline consists mainly of bulkheads with a few small and isolated sandy beaches.



De Anza Bayside Village

Balboa Coves. Balboa Coves is a 68-lot single-family gated community located on the Newport Island Channel southwest of the Newport Boulevard/Coast Highway Bridge. The community is accessible from Coast Highway via Balboa Coves, a private street. The shoreline is on the south side of the community and consists of a series of manmade coves with narrow sandy beaches.

Bay Island. First developed around 1904, Bay Island is a 25-unit (currently developed with 24 units, including one caretaker's unit) single family cooperative on a private island in the Newport Channel. A gated pedestrian bridge at the end of Island Avenue connects Bay Island with the Balboa Peninsula. Motor vehicles are prohibited on the island. Off-street parking for residents is provided at a 48-space parking structure located at 501 West Bay Avenue. The shoreline consists mainly of

bulkheads, with the exception of the east side of the island, which has a relatively wide sandy beach.

Bayshores. Developed in 1941, Bayshores is a 258-lot single-family gated community located on the Lido Channel southwest of the Coast Highway/Newport Bay Bridge. The 39-unit Anchorage Apartments is also located within the community. The community is accessible from Coast Highway via Bay Shores Drive, a private street. The shoreline is on the south and east sides of the community and consists of bulkheads and two small sandy beaches.

Bayside Place. Bayside Place is a 7-lot single-family gated community located off of the 2300 block of Bayside Drive. The community is accessible from Bayside Drive via Bayside Place, a private street. The shoreline (Carnation Cove) consists of bulkheads and rocky beaches. Public access to the shoreline is available at an adjacent street end pocket park.

Collins Island. Created in 1906, Collins Island is a 7-lot single-family community on a private island in the Balboa Island Channel. A gated bridge at the end of Park Avenue connects Collins Island with Balboa Island. The shoreline consists of bulkheads.

De Anza Bayside Village. De Anza Bayside Village is a 343-space mobile home park located on the Upper Newport Bay adjacent to the Newport Dunes. The community is accessible to Bayside Drive via Bayside Way, a private street. The shoreline is on the north side of the community and consists of bulkheads and a small sandy beach at the community center. The community includes the undeveloped De Anza/Bayside Marsh Peninsula.

Harbor Island. Developed in 1926, Harbor Island is a 35-lot single-family community on a private island located between Linda Isle and Collins Island. A gated bridge connects Harbor Island to the mainland at the end of Harbor Island Road. The shoreline consists mainly of bulkheads. The State, through the adoption of Chapter 715, Statutes of 1984, found that tidelands surrounding Harbor Island are generally inaccessible to the public and not suitable for public trust uses (see Section 2.5.2).



Harbor Island

Linda Isle. Created in 1933 and developed in the 1960s, Linda Isle is a 107-lot single-family community on a private island southwest of the Coast Highway Bridge. A gated bridge connects Linda Isle to the mainland at Bayside Drive. The shoreline consists of bulkheads and a small sandy beach.

All of these communities are long established. New development is generally of a type and scale that does not have a direct adverse impact on existing public access. Such new development generally consists of additions or demolition and subsequent reconstruction of existing structures. Requiring public access under such circumstances would not present a reasonable relationship between the exaction and a project and would be disproportionate to the impact. However, new development resulting in significant increases in land use density or intensity would have the potential to have a direct adverse impact on public access. Similarly, new development that limits or eliminates private recreational facilities within such communities could place additional demand on public recreational facilities, including beaches. Under such circumstances, public access mitigation in a manner consistent with the public access policies of the Coastal Land Use Plan would be required.

**Policies:**

- 3.1.5-1.** Prohibit new development that incorporate gates, guardhouses, barriers or other structures designed to regulate or restrict access where they would inhibit public access to and along the shoreline and to beaches, coastal parks, trails, or coastal bluffs.
- 3.1.5-2.** Prohibit new private streets, or the conversion of public streets to private streets, where such a conversion would inhibit public access to and along the shoreline and to beaches, coastal parks, trails, or coastal bluffs.
- 3.1.5-3.** Require public access consistent with public access policies for any new development in private/gated communities causing or contributing to adverse public access impacts.

### 3.1.6 Preferential Parking Districts



Newport Island

In Newport Beach, there is only one preferential parking district in the coastal zone. It was established for Newport Island in 1981 due to impacts associated with vehicle parking on streets and alleys by nonresidents for extended periods of time. The establishment of the Newport Island preferential parking district was determined not to adversely impact coastal access and recreation due to the island's isolated location, lack of beaches and swimming areas, and narrow streets.

The establishment of additional preferential parking districts may be necessary where no other practical or feasible alternative exists to protect the public health, safety, and general welfare. Under such circumstances, if there is a direct impact to coastal access or recreation, preferential permit parking fees could be established to fund mitigation programs.

#### **Policies:**

- 3.1.6-1.** Prohibit the establishment of new preferential parking districts in the coastal zone except where such restrictions would not have a direct impact to coastal access, including the ability to use public parking.
- 3.1.6-2.** Require a coastal development permit to establish new, or modify existing, preferential parking districts.
- 3.1.6-3.** Use preferential parking permit fees to fund programs to mitigate impacts to coastal access.
- 3.1.6-4.** Where appropriate, establish a graduated preferential parking permit fee schedule where progressively higher fees are required for each permit for households with multiple permits.
- 3.1.6-5.** Limit the number of preferential parking permits issued per household to reduce potential adverse impacts to public access.



### 3.1.7 Temporary Events



22<sup>nd</sup> Street Beach

Newport Beach's coastal areas have long been the venue for temporary events, including film production, surfing contests, volleyball tournaments, runs, races, concerts, boat shows, and other such competitions, exhibitions, and events. Also, a number of view parks have become popular locations for large private gatherings. The nature and frequency of such events has raised concerns relating to their impact to coastal resources, public access, and on adjacent residential areas, during these events.

Newport Beach regulates temporary events by requiring special event permits. It is City policy that athletic contests using City streets are not permitted during the summer (June 15 - September 15). Surfing contests are not permitted during the Memorial Day weekend or during the summer. There are also limits on the number of such events that can be conducted each year and a minimum number of weeks between each surfing contest. However, exceptions can be granted.

Inspiration Point and Lookout Point have become popular locations for weddings and other events. Peninsula Park is also a popular location for weddings, as well as company picnics and other private gatherings. Excessive reservations for the use of these parks has seriously limited public access. Furthermore, the use of these parks by caterers, party rental companies, professional party, event, or wedding planners for private parties presented the appearance of commercialization of public parks. This prompted the establishment of a policy placing restrictions on reservations from the Memorial Day weekend to the Labor Day weekend. The number of attendees or participants at any one time is also restricted.

#### **Policies:**

- 3.1.7-1.** Continue to require special event permits for temporary events and continue to require applications to provide details on event characteristics, including duration (including set up/assembly and break down/dismantle start and completion times), event hours, per day estimated attendance, parking arrangements, traffic control, noise control, waste removal, insurance, equipment to be used, food

service, entertainment, sponsorships, and advertising and marketing plans.

**3.1.7-2.** Condition special event permits for temporary uses in the coastal zone to minimize impacts to public access, recreation and coastal resources.

**3.1.7-3.** Continue to limit the number and frequency of temporary events in the coastal zone held from the Memorial Day weekend to Labor Day.

**3.1.7-4.** Require a coastal development permit for temporary events held in the coastal zone that meet all of the following criteria:

1. Held between the Memorial Day weekend and Labor Day;
2. Occupy any portion of a public sandy beach area; and
3. Involve a charge for general public admission where no fee is currently charged for use of the same area.

A coastal development permit shall also be required for temporary events that do not meet all of these criteria, but have the potential to result in significant adverse impacts to public access, recreation and/or coastal resources.



Peninsula Park

### 3.1.8 Temporary Closures



Independence Day crowds in West Newport

For many years, large crowds have been drawn to the streets of West Newport during the Independence Day holiday. The party atmosphere that pervades the area attracts these crowds. Large parties are held at many of the rental homes in the area, which often extend into the front yards and balconies, and even onto rooftops. The large crowds, the consumption of alcohol and the

interaction between partygoers and the crowds in the streets has

resulted in an average of over 170 arrests and over 1,350 citations each year. The potential for a serious outbreak of violence exists throughout the daylight hours and increases dramatically in the evening. This environment dissuades visitors and residents from enjoying the beach or bay during Independence Day.

The City has tried to reduce illegal drinking and minimize the potential for violence by significantly increasing the number of police and temporarily closing certain streets to pedestrians and visitors. The street closures do not restrict access to the beach but do function to fragment the crowds and reduce the number of people parading along Seashore Drive – an area where most arrests are made. The street closures are temporary – typically lasting less than twenty-four hours.

#### **Policies:**

- 3.1.8-1.** Pursuant to the Section 21101 of the Vehicle Code, the City may adopt rules and regulations regarding the temporary closing of portions of any street for celebrations, parades, local special events, and other purposes when necessary for public safety.
- 3.1.8-2.** The City may temporarily close certain streets in West Newport for a period of no more than twenty-four hours during the Independence Day holiday when, in the opinion of the Police Chief or his designee, the closure is necessary to protect the public safety. In no event shall any street closure prevent or interfere with the public's access to the beach or bay.

## 3.2 Recreation and Support Facilities

### **Coastal Act policies related to recreation and support facilities that are relevant to Newport Beach include the following:**

**30212.5.** Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

**30213.** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

**30220.** Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

**30221.** Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

**30222.** The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

**30223.** Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

**30252.** The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

### 3.2.1 Recreational Opportunities

Throughout its history, Newport Beach has been a major recreational center. There are over 8 miles of sandy beaches that provide opportunities for sunbathing, volleyball, swimming, surfing, windsurfing and other recreational activities. Beach attendance averages 9.4 million people annually. Newport Bay and Harbor are used for a wide variety of recreational activities, including boating, diving, excursions, fishing, kayaking, paddle boarding, parasailing, rowing, sailing, swimming, and windsurfing.

The City provides approximately 180 acres of public parks in the coastal zone (see Coastal Access and Recreation Map). These parks provide areas and facilities for a variety of recreational activities. The City also provides two recreational piers. The 800-foot Newport Pier is located at the end of Newport Boulevard (McFadden Place) in McFadden Square.



Beach near Balboa Pier



The 950-foot Balboa Pier is located at the end of Main Street in Balboa Village. The City also provides ten public docks in the harbor, which can be used for boat launching and fishing. The City and County also co-own the Newport Aquatic Center. Located on Northstar Beach, the Newport Aquatic Center provides an opportunity for the public and members to kayak and canoe in Upper Newport Bay as well as advanced training facilities for world-class athletes.

The County and the State also operate recreational areas in Newport Beach. The County's 100-acre Newport Dunes Aquatic Park provides opportunities for camping, boating, canoeing, kayaking, swimming and other water and beach activities. The 752-acre Upper Newport Bay Marine Park and 140-acre Upper Newport Bay Nature Preserve provide opportunities for canoeing, kayaking, horseback riding, biking, and hiking.

Commercial areas adjacent to beaches and the bay play an important role in providing and enhancing recreational activities in the coastal zone. A large number of businesses provide recreational services to residents and visitors of the coastal zone. These include charter, entertainment and excursion vessels, sports equipment rentals, launching facilities, amusement facilities, and shops and restaurants.

**Policies:**

- 3.2.1-1.** Protect, and where feasible, expand and enhance recreational opportunities in the coastal zone.
- 3.2.1-2.** Continue to provide opportunities for a wide range of recreational activities at City parks and beaches.
- 3.2.1-3.** Provide adequate park and recreational facilities to accommodate the needs of new residents when allowing new development.
- 3.2.1-4.** Continue to cooperate with the State Department of Parks and Recreation, the State Department of Fish and Game, and Orange County to protect, expand and enhance opportunities for recreational activities at County and State beaches and parks.
- 3.2.1-5.** Continue to allow recreational commercial uses in commercial areas adjacent to beaches and the bay.

### 3.2.2 Support Facilities and Services

Newport Beach provides abundant coastal access and recreational opportunities. However, it is equally important to provide adequate support facilities and services to enable the public to fully avail themselves of these opportunities. Support facilities include parking, restrooms and showers. Support services include lifeguard services and instruction and education programs. It is also important that such facilities and services be well distributed throughout the area to avoid overcrowding or overuse by the public (see Support Facilities Map).

The lack of informational signage to direct the public to support facilities can impede public access. Many of Newport Beach's smaller beaches are difficult to find and access to some coastal areas is not easily apparent due to intervening topography or development. Furthermore, coastal visitors seeking support facilities can impact residents and coastal resources. For example, coastal visitors searching for parking areas contribute to traffic congestion and noise. Visitors sometimes damage habitats and bluffs to reach coastal areas when paths or trails are not clearly identified. A comprehensive coastal access signing program will reduce these impacts and ease conflicts between property owners and coastal visitors.

#### **Parking**

**West Newport.** West Newport has over a mile and a half of wide sandy public beaches. Public parking is provided primarily by 240 spaces at West Newport Park and by on-street parking in the residential neighborhoods, including an average of two on-street parking spaces at beach street-ends between 36<sup>th</sup> Street and Summit Street.



Parking lot in West Newport Park

**Balboa Peninsula.** The Balboa Peninsula has over three miles of wide public beaches and several smaller bay beaches. There are over 7,400 public parking spaces, over half of which are on-street. The rest are in municipal lots, including 400 spaces in the McFadden Place/Newport Pier lots and 650 spaces in the Balboa Pier lot.

**Balboa Island.** Balboa Island has approximately 8 acres of public beaches around the island. Public parking is provided exclusively by on-street spaces.

Corona del Mar. Corona del Mar has the Corona del Mar State Beach and Little Corona, China Cove, and Rocky Point beaches. Public parking is provided primarily by the 540-space parking lot at the Corona del Mar State Beach and on-street parking on Ocean Boulevard.

Upper Newport Bay. Public parking for the Upper Newport Bay area is provided at various recreation areas around the bay. The North Star Beach facility provides an 80-space parking lot. The Upper Newport Bay Nature Preserve provides a parking area with approximately 103 spaces and on-street parking is also available on University Drive and Bayview Way. The parking for The Lookout at the corner of Back Bay Drive and Eastbluff Drive is provided on-street at Eastbluff Drive. The Newport Dunes Aquatic Park provides 784 day use parking spaces; approximately 70 spaces are planned at the Back Bay Science Center at Shellmaker Island.

### **Recreation and Convenience Facilities**

Newport Beach provides a number of recreational facilities to enhance the enjoyment of the beaches, bay, and coastal parks. At the beaches, between 65 and 75 beach volleyball courts are typically provided and play courts and/or sports fields are provided at West Newport Park, Channel Place Park, Newport Island Park, 38<sup>th</sup> Street Park, Las Arenas Park, Newport Elementary School, and at the Balboa Island Community Center. Turf areas and/or playground equipment are also provided at most coastal parks. The County's Newport Dunes Aquatic Park also provides recreational facilities.



Picnic tables near Newport Pier

Newport Beach provides a number of facilities for the convenience of residents and coastal visitors. At the beaches, picnic facilities are provided at West Newport Park, the Newport Pier area, 15<sup>th</sup> Street Beach, the Balboa Pier area, West Jetty Park, Las Arenas Park, and Corona del Mar State Beach. Barbecues are provided at Channel Place Park, Newport Island Park, Veteran's Memorial Park, Peninsula Park, and Corona del Mar State Beach. In addition, approximately 70 fire rings are provided in the Balboa Pier area and Corona del Mar State Beach.



Restroom and shower facilities at Balboa Pier

facilities are also provided at the County's Upper Newport Bay Nature Preserve, and at the Newport Dunes Aquatic Park.

Beach restrooms are provided at Newport Pier, 15<sup>th</sup> Street Beach, Balboa Pier, Balboa Village, Las Arenas, Corona del Mar State Beach, and Little Corona Beach. On Balboa Island, restrooms are provided at the ferry landing, the community center, and at the fire station on Marine Avenue. Restroom facilities are also provided at most active coastal parks. Most beach restroom facilities include showers. Additionally, freestanding showers are provided at Newport Pier and 15<sup>th</sup> Street Beach. Restroom and/or shower

### **Services and Programs**

Newport Beach is regarded as having one of the finest lifeguard services in the world. In 2003, Newport Beach provides 16 fulltime lifeguards and 180 seasonal lifeguards operating out of up to 40 lifeguard towers. The lifeguard fleet consists of 13 trucks and 3 rescue boats. Newport Beach lifeguards average 4,100 rescues, 83,000 preventative actions, 3,400 medical aid calls, and 570 lost person calls each year.

The Junior Lifeguard Program continues to be the most popular program during the summer months, drawing about 1,200 participants each year. It has provided invaluable training in water safety practices and rescue techniques to over 20,000 youths since its inception in 1983, and is a prime source for identifying future lifeguards.

Newport Beach offers "beach camps" for children in the summer months, allowing children from all communities to enjoy a week at the beach. Also countless day camps visit the beaches for their field trips. Newport Beach also provides instruction in a number of coastal recreation activities, including volleyball, surfing, and sailing. In 2003, Newport Beach has a fleet of 14 Sabots and 3 Lidos, which are used to teach over 200 children a year to sail. Newport Beach also conducts volleyball and



Junior Lifeguard training

surfing tournaments.

### **Educational and Interpretative Facilities**

The City, County, and private organizations provide several coastal-related educational and interpretative facilities and programs.

Located in the Upper Newport Bay Nature Preserve, the Muth Interpretative Center is a 10,000 square foot educational facility, which provides exhibits and programs on the ecology of the Upper Newport Bay. The Back Bay Science Center planned for Shellmaker Island will include exhibits for water quality education and research programs and ecological interpretive stations.

Located on a replica of a Delta paddlewheeler, the Newport Harbor Nautical Museum Marine provides exhibits and programs on the nautical heritage of Newport Harbor, Southern California and the Pacific Region.



Tide pool excursion at Little Corona

The Little Corona tide pools in the Newport Beach Marine Conservation Area receives thousands of visitors each year. The Little Corona tide pools are managed by the Newport Beach's Tidepool Ranger program. Tidepool Rangers are trained volunteers who educate and interact with visitors to the tide pools. Tidepool Rangers inform visitors of the rules and regulations of the Marine Conservation Area and protect tide pool resources.

The great number and variety of support facilities and services reflects Newport Beach's commitment to protecting and enhancing public coastal access and recreational opportunities. However, changes in demographics and recreational interests have and will continue to alter the public's demand for support facilities and services. Therefore, it is important that Newport Beach continue to have the ability to respond to these changes while continuing to provide comparable facilities and levels of service.



**Policies:**

- 3.2.2-1.** Continue to protect public coastal access recreational opportunities through the provision of adequate support facilities and services.
- 3.2.2-2.** Distribute support facilities and services in coastal areas to avoid overcrowding and overuse by the public.
- 3.2.2-3.** Maintain the ability to distribute, remove and relocate support facilities and services in coastal areas in response to changes in demographics and recreational interests while continuing to provide comparable facilities and levels of service.
- 3.2.2-4.** Develop parking management programs for coastal zone areas to minimize parking use conflicts between commercial uses, residential uses, and coastal zone visitors during peak summer months.
- 3.2.2-5.** Continue to cooperate with the State Department of Parks and Recreation, the State Department of Fish and Game, Orange County, and private organizations to protect, expand and enhance support facilities and services at County and State beaches and parks.
- 3.2.2-6.** As part of a uniform coastal access signing program, provide information to direct the public to parking areas, restrooms, and other support facilities.



Newport Pier Park

### 3.2.3 Access for Persons with Disabilities

People with disabilities that limit their mobility require special improvements in order to be afforded access to coastal resources. Newport Beach is working to ensure that persons with disabilities have access to coastal areas through the retrofitting of existing public facilities or the construction of new facilities.

West Newport/Balboa Peninsula. With relatively level terrain, West Newport and the Balboa Peninsula provide a good point of coastal access for people with disabilities. Parking spaces for the disabled are provided at West Newport Park, the Newport Pier, and the Balboa Pier. Accessible restrooms are also provided at these locations. The Oceanfront Boardwalk provides a smooth level pathway along the beach for almost the entire length of the peninsula. Newport Pier and Balboa Pier are also accessible and have smooth concrete decks.



Island Avenue disabled access

Hard surface pathways are provided at 11<sup>th</sup> Street, 12<sup>th</sup> Street, Orange Street, and Island Avenue. These pathways extend oceanward to allow a view of the surfline by persons in wheelchairs. Sidewalks along the perimeter of parking lots at Newport Pier and Balboa Pier and at the Newport Elementary School playground also provide access near the surfline. Newport Beach also provides beach wheelchairs at the lifeguard headquarters at Newport Pier.

Upper Newport Bay. Castaways Park is accessible, with parking spaces and restrooms for the disabled provided at Bob Henry Park. Castaways Park has trails and overlooks that provide panoramic views of the Newport Bay and the Pacific Ocean. Parking spaces for the disabled are provided at the Newport Aquatic Center. The Newport Aquatics Center provides recreation and launching facilities.

At the Upper Newport Bay Nature Preserve, parking spaces and restrooms for the disabled are provided at the Muth Interpretative Center. The Muth Interpretative Center also hosts many wheelchair-accessible programs, including walks with local naturalists and campfire events for families.

The Newport Dunes Aquatic Park also provides access to the Upper Newport Bay. Parking spaces and restrooms for the disabled are provided and all buildings and boardwalks are accessible.

The Upper Newport Bay is also accessible via Back Bay Drive, which provides

access to and along the easterly side of the bay. Parking spaces and restrooms for the disabled are provided at the Newport Dunes Aquatic Park.

Balboa Island. Public parking is limited to on-street spaces. The Bay Front Boardwalk is accessible most of the way around the island; however, a low sea wall separates the walkway from the beaches. Accessible public restrooms are provided at the Balboa Island Fire Station on Marine Avenue and the ferry landing.

Corona del Mar. Parking spaces for the disabled are provided at Corona del Mar State Beach parking lot. A paved pathway is provided on top of the East Jetty and allows views of the harbor entrance and the ocean. Both restroom buildings are accessible. A beach wheelchair is also provided at the lifeguard facility.



Inspiration Point

Lookout Point and Inspiration Point view parks are also accessible and provide spectacular views of the harbor entrance and Pacific Ocean.

### **Policies:**

- 3.2.3-1.** Ensure that planned public facilities include provisions for adequate access for the persons with disabilities and that existing facilities are appropriately retrofitted to include such access as required by the Americans with Disabilities Act in a manner consistent with the protection of coastal resources.
- 3.2.3-2.** Continue to provide beach wheelchairs commensurate with demand.
- 3.2.3-3.** Design guardrails on piers, trails, and public viewing areas to take into consideration the views at the eye level of persons in wheelchairs.
- 3.2.3-4.** Encourage the State Department of Parks and Recreation, the State Department of Fish and Game, and Orange County to provide accessible facilities at County and State beaches and parks.

### 3.3 Vessel Launching, Berthing, and Storage

**Coastal Act policies related to vessel launching, berthing and storage that are relevant to Newport Beach include the following:**

**30224.** Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

**30234.** Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

**30234.5.** The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

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. Newport Beach recognizes the importance of protecting and enhancing services and facilities that are essential to a working harbor.

#### 3.3.1 Vessel Launching

Vessel launching refers to areas or facilities where vessels may be placed into and retrieved from the water. This could be as simple as hand-carried boat launching at a beach, or involve structures, such as ramps and docks, or equipment such as cranes, lifts, and hoists.

Newport Harbor provides a variety of locations and facilities for vessel launching. A public trailer launching facility with 7 lanes is located at the Newport Dunes Aquatic Park. Hand carried boat launching is permitted at Newport Aquatic Center at North Star Beach, the Orange County Harbor Patrol facility, and at 21 street end beaches on the Balboa Peninsula and 22 street end beaches on Balboa Island.

#### **Newport Bay/Harbor**

The terms "Newport Bay" and "Newport Harbor" are often used interchangeably. Newport Bay is an estuary consisting of the Lower Newport Bay (south of Pacific Coast Highway) and the Upper Newport Bay (north of Pacific Coast Highway). Newport Harbor generally refers to all the water area within Lower Newport Bay and within the Upper Newport Bay, exclusive of the Upper Newport Bay Marine Park.

Vessel launching facilities are provided at the Orange Coast College David A. Grant Collegiate Rowing Center and the Boy Scout Sea Base in association with their programs. Private vessel launching sites are also provided at commercial marinas and boat yards. Yacht clubs and boating associations also provide vessel launch sites for their members.

## Policies:

**3.3.1-1.** Protect, and where feasible, expand and enhance vessel-launching facilities in Newport Harbor.

**3.3.1-2.** Protect, and where feasible, expand and enhance low-cost public launching facilities, such as trailer launch ramps, boat hoists, commercial landing facilities, and organized recreational boating launch facilities.



19<sup>th</sup> Street public dock

**3.3.1-3.** Develop and implement a signage program to assist boat owners/operators and the public to locate public launching facilities.

### 3.3.2 Berthing and Storage

Berthing refers to areas or facilities intended for the storage of a vessel in water. These can involve anchorage and mooring areas, marinas, or individual slips. In addition to the simple docking or mooring of vessels by their owners, berthing can also be associated with boat rentals, vessels used in the charter boat industry, brokered vessels stored for sale, yacht and sailing clubs, and vessels staged for entry into upland shipyards.



Offshore moorings



Newport Beach provides over 1,200 bay moorings in the harbor. Approximately 450 are onshore moorings (moorings linked to the beach) and 750 are offshore moorings (moorings anchored into the Harbor floor). The County Harbor Department provides a guest mooring area offshore of the Harbor Patrol facility.

Anchorage areas are water areas outside of navigation channels designated for the temporary anchorage of vessels, using their own anchoring tackle. A free public anchorage area is provided off of Lido Isle.

Newport Harbor has 16 marinas providing over 2,100 slips. The 172-slip Balboa Yacht Basin is city-owned and operated. Guest slips are provided at the Orange County Harbor Patrol facility and at several commercial marinas.

Newport Beach also provides 5 public docks on the Balboa Peninsula and 5 public docks on Balboa Island for loading and unloading passengers, supplies, and boating gear and for similar purposes. A guest dock is also planned for the Rhine Wharf.

A large number of vessels are berthed at piers. Most of Newport Harbor's over 1,200 piers are connected to residential properties. Commercial piers are used primarily to berth charter, entertainment, and excursion vessels and vessels for sale or rent.



The Rhine Channel

Dry storage of vessels is on-land storage of vessels including vessels normally stored in open or enclosed rack structures, on trailers, on cradles, on boat stands, or by other means. Commercial dry storage facilities are provided at the Newport Dunes Aquatic Park and at some boat yards. Some yacht clubs, boating associations, and community associations provide dry storage for their members.

## **Policies:**

- 3.3.2-1.** Provide a variety of berthing opportunities reflecting State and regional demand for slip size and affordability throughout Newport Harbor.
- 3.3.2-2.** Protect, and where feasible, enhance and expand marinas and dry boat storage facilities.

**3.3.2-3.** Continue to provide shore moorings and offshore moorings as an important source of low-cost public access to the water and harbor.

**3.3.2-4.** Provide anchorages in designated areas, which minimize interference with navigation and where shore access and support facilities are available.

**3.3.2-5.** Continue to enforce the ordinances that require moored and docked vessels to be seaworthy and navigable and thereby preserve the positive image of the harbor and promote public use of the water.



11<sup>th</sup> Street boat launch and onshore moorings

**3.3.2-6.** Protect, and where feasible, enhance and expand guest docks at public facilities, yacht clubs and at privately owned-marinas, restaurants and other appropriate locations.

**3.3.2-7.** Protect, and where feasible, expand and enhance facilities and services for visiting vessels, including public mooring and docking facilities, dinghy docks, guest docks, club guest docks, pump-out stations and other features, through City, County, and private means.

### **3.3.3 Harbor Support Facilities**

Harbor support facilities are uses, equipment, and vessels that provide repair, maintenance, new construction, parts and supplies, fueling, waste removal, cleaning, and related services to vessels berthed in, or visiting the harbor. Harbor support facilities are considered essential to maintaining a working harbor.

Increased environmental regulation and real estate price inflation in coastal communities have impacted a number of harbor support businesses. Those businesses that do not have to be on the water have moved to inland locations. Those that are more water dependent have been involved in land use conflicts with residential and other land uses. Newport Beach has used land use controls as the primary method to provide for the continuation of harbor support uses and minimize land use conflicts. However, additional strategies and incentives may be necessary to protect these facilities.



Marine service station

### **Policies:**

- 3.3.3-1.** Protect, and where feasible, expand and enhance facilities necessary to support vessels berthed or moored in the harbor, such as boat haul out facilities.
- 3.3.3-2.** Protect, and where feasible, expand and enhance existing harbor support uses serving the needs of existing waterfront uses, recreational boaters, the boating community, and visiting vessels.
- 3.3.3-3.** In considering the essential nature of land uses that support the harbor, consider whether or not such support uses can be relocated to inland locations and/or if technological advances will eliminate the need such support uses in the foreseeable future.
- 3.3.3-4.** Support private sector uses, such as vessel assistance, that provide emergency, environmental enhancement and other services that are not provided by the public sector and that are essential to the operation of a working harbor.
- 3.3.3-5.** Develop strategies to preserve uses that provide essential support for the vessels berthed or moored in the Harbor.
- 3.3.3-6.** Develop and implement a signing program to assist owners/operators of visiting vessels to locate harbor support facilities.