

Attachment A

Draft Harbor, Bay, and Beaches Element

Harbor, Bay, and Beaches Element

PURPOSE

The Harbor, Bay, and Beaches Element guides the preservation and enhancement of water-dependent recreational and commercial activities and uses along the beaches and in Newport Bay, which includes Upper Newport Bay and Newport Harbor in Lower Newport Bay.

OVERVIEW

This element builds upon the adopted General Plan’s vision of balancing the needs of residents, businesses, and visitors while ensuring that Newport Bay and Harbor are accessible and preserved, offer recreational opportunities, and support the local economy. The Harbor, Bay, and Beaches Element addresses a wide range of topics, including land and water uses, harbor coordination and administration, public access to coastal resources, and coastal ecosystems.

The Harbor, Bay, and Beaches Element is coordinated with the Natural Resources, Recreation, Safety, and Land Use Elements to support the preservation of water-dependent recreational and commercial activities.

GOALS, POLICIES, ACTIONS

Land and Water Use

Diversity of Land Uses

Newport Beach offers a diversity of water uses opportunities to support recreation on Newport Bay and the wider Pacific Ocean. The recreational and boating activities include but are not limited to sailing, motorized, and human-powered vessels. Those vessels can be used for cruising, racing, and other competitive activities or for angling. Angling can also be enjoyed from many public docks and other locations throughout the harbor. Vessels can be secured to docks, slips, or mooring buoys in the harbor. There are also vessel storage facilities in off-water locations. As of 2024, Newport Harbor featured approximately 1,200 moorings spread across 10 offshore fields¹, the Balboa Peninsula, around Balboa Island and Lido Isle, and in West Newport. There are 15 public docks and 1 commercial public wharf within the harbor.^{2,3} There are approximately 1,100 docks and

¹ Nguyen, Lilly. “Pilot Program for Mooring Changes to Go to State Coastal Commission.” *Los Angeles Times*, May 24 2023

² City of Newport Beach. “City Celebrates Opening of New Public Dock, Welcomes First Electric Patrol Vessel Among U.S. Public Agencies.” News release, August 27 2024.

³ City of Newport Beach. “Commercial Rhine Wharf Use Permit.”

several commercial marinas.⁴ Additionally, dry storage facilities are available for boats on trailers, stands, and racks at various locations. Recreational and commercial use of the bay and harbor depend on prioritizing water quality and safety as well as coastal-dependent uses and coastal-related uses, such as chandleries⁵; service yards; boating launches, storage, and rentals; tourism-serving uses and recreation; habitat; and scenic areas. These uses contribute to the local economy, resident and visitor activities, and the character of the community. Attracting tourism while preserving the unique character of coastal neighborhoods is key to maintaining the City's charm and appeal. This includes maintaining architectural components that match the City's character as well as protecting coastal-dependent uses, local businesses, and coastal resources. By supporting a tourism industry that celebrates Newport Beach's cultural and historical resources and community feeling, the City can create an attractive environment for residents and visitors alike.

Goal HBB-1: Local businesses and water-dependent commercial uses in the Newport Harbor area that are preserved to maintain and enhance the economic activity charm of the waterfront community.

- Policy HBB-1.1: Preserve and enhance the following uses that contribute to the diversity and charm of Newport Bay, including the Upper Bay, and the balance among them:
 - Water-dependent and water-related recreational activities such as boating, sailing, wind surfing, angling, kayaking, rowing, paddle boarding, and swimming
 - Water-dependent and water-related commercial activities such as passenger/sightseeing boats, passenger fishing boats ("day boats"), boat rentals and sales, entertainment boats, boat/ship repair and maintenance (shipyards), and harbor maintenance facilities
 - Water-enhanced commercial uses such as restaurants and retail stores
 - Water-related public recreation and education areas and facilities such as beaches, piers, view parks, and related public areas providing access to, and views of, Newport Harbor
 - Coastal residential communities (Imp. 2.1, 14.3, 14.6, 21.1, 24.1)
- Policy HBB-1.2: Site and design new development to avoid significant impacts to existing and potential water-dependent and water-related uses. (Imp. 2.1, 7.1, 8.1)
- Policy HBB-1.3: Consider the impact on water-dependent and water-related land uses when reviewing proposals for land use changes, considering both the subject property and adjacent properties. (Imp. 2.1, 14.6, 24.1)

⁴ California State Lands Commission. AB 691 Summary – Newport Beach.

<https://slcprdwordpressstorage.blob.core.windows.net/wordpressdata/2022/09/ab691-summary-newportbeach.pdf>

⁵ A chandlery is a store or business selling maritime supplies.

Policy HBB-1.4: Encourage the preservation and enhancement, including new innovations to existing marine support uses where appropriate, such as ferry service, fuel docks and shipyards serving the needs of existing waterfront uses and the boating community and evaluation of impediments to access, such as bridges across City controlled roads that may prevent on-land transportation of tall loads. (Imp. 2.1, 14.3, 14.6, 21.1)

- Policy HBB-1.5: Accommodate 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. (Imp. 21.3, 21.4)
- Policy HBB-1.6: Discourage reuse of properties that result in the significant reduction of water-dependent commercial uses. Allow the reuse of properties that assure water-dependent uses remain, especially in those areas with adequate infrastructure and parcels suitable for redevelopment as an integrated project. (Imp. 2.1, 14.3, 24.1)
- Policy HBB-1.7: When establishing land use regulations, consider the operational characteristics of land uses that support Newport Harbor and whether such uses can be or should be relocated to inland locations and/or if technological advances will eliminate the need for such support uses in the foreseeable future. (Imp. 2.1, 14.3, 21.1)
- Policy HBB-1.8: Support continued operation of passenger/sightseeing boats, passenger fishing boats (“day boats”), and long-term boat rentals and sales. (Imp. 2.1, 21.1)
- Policy HBB-1.9: Support continued short-term rental of small boats while encouraging vendors to teach customers how to safely operate the watercraft. (Imp. 2.1, 21.1, 21.3)
- Policy HBB-1.10: Support continued operation of entertainment and tour boats, subject to reasonable regulations designed to ensure the operations do not have an unreasonable adverse impact on the environment and land uses surrounding the harbor, such as unsafe navigation, impaired water quality, reduced visual quality, excessive noise, unsafe street traffic conditions, or parking shortages. (Imp. 14.3, 21.3)

Goal HBB-2: Minimized risk of displacement by coastal hazards

- Policy HBB-2.1: Adopt a well vetted and comprehensive Sea Level Rise Plan consistent with relevant state and federal legislation and appropriately update the Local Coastal Program, including the Land

Use Plan and Implementation Plan, as reasonably necessary. The Sea Level Rise Plan should at least consider:

- Preservation of private property rights
- Preservation and migration of inter-tidal habitats
- Preservation of public access
- Protecting and retrofitting critical infrastructure, such as water and wastewater infrastructure (Imp. 5.1) (Policy S-1.1.1).
- Policy HBB-2.2: Provide information to at-risk property owners about disaster preparedness and best practices (Community Involvement).
- Policy HBB-2.3: Collect king tide and related flood monitoring data to identify location, severity, and frequency of flooding by working with non-profits, educational institutions, and other informed sources, such as but not limited to the Newport Bay Conservancy and Back Bay Science Center. . (Community Involvement)

Goal HBB-3: A harbor, bay, and beaches that attract tourism and maintain the character of coastal neighborhoods

- Policy HBB-3.1: Encourage the creation of reasonable waterfront public spaces and beaches, with adjacent public water access and docking facilities that serve as the identity and activity “centers” of Newport Harbor for special events of community/regional interest. (Imp. 20.1, 20.2, 20.3)
- Policy HBB-3.2: Preserve and/or enhance existing water-enhanced, water-related, and water-dependent commercial uses and marine-oriented commercial areas through building improvements and programs that preserve the design and character of Newport Harbor. (Imp. 2.1, 24.1)

Goal HBB-4: Provide and support sufficient coastal infrastructure that protects coastal-dependent and public recreational uses and view corridors while matching the character of the surrounding development and protecting coastal and visual resources

- Policy HBB-4.1: Balance private property rights, natural harbor tidal and current forces, other coastal processes (such as erosion and accretion), and harbor aesthetics with other public access policies when considering siting and design for new or renovated bulkhead permits. (Imp. 2.1, Imp. 5.1) (Policy S-1.1.5)
- Policy HBB-4.2 Permit and design bulkheads and groins, when allowed, to protect the character of the existing beach profiles and restore and/or sustain eroded beach profiles found around Newport Harbor and island perimeters. (Imp. 2.1, 5.1)

- Policy HBB-4.3: Limit structures bayward of the bulkhead line to piers, floats, groins, appurtenances related to marine activities, and public walkways. (Imp. 2.1, 5.1)
- Policy HBB-4.4: Employ City, County of Orange, State, and Federal regulations and resources to promptly remove derelict, abandoned, or unseaworthy vessels from City-controlled tidelands. (Imp. 14.3, 14.6, 21.1, 21.4)

Harbor Coordination and Administration

Administration of Newport Harbor and Bay involves coordination among various government agencies and internal City departments. Several commissions and committees handle administrative and advisory tasks, including advising the City Council, reviewing decisions, and managing permits.

One of the **Harbor Commission's** primary charges under Section 713 of the Newport Beach City Charter is to advise the City Council on all matters related to the Newport Harbor, including improvements, vessel

regulation Per section 709 of the Newport Beach City Charter **The Parks, Beaches, and Recreation**

Commission advises the City Council on parks, beaches, recreation, and street trees. It helps plan and promote recreational programs, establishes policies for park and beach development, and manages trees and shrubs, subject to City Council authority.

The Water Quality/Coastal Tidelands Committee advises the City Council on water quality and habitat protection in Newport Bay and the ocean. It strengthens regulations, implements the Tidelands Infrastructure Capital Plan and recommends educational initiatives about Newport Bay and the ocean.

The California Department of Parks and Recreation owns and has delegated to the City the development, operation, control, and maintenance of Corona del Mar State Beach, a popular spot for surfing and diving. The park features a 0.5-mile sandy beach enclosed by rocky cliffs.

Goal HBB-5: Coordination among the City, County, State, and Federal agencies having regulatory authority in Newport Harbor and Bay

- Policy HBB-5.1: Periodically review and update as appropriate all Newport Harbor planning, design, engineering, and environmental criteria, standards, requirements, and processes. (Imp. 9.1, 21.1, 21.4)
- Policy HBB-5.2: Provide harbor access for harbor maintenance equipment and facilities, including dredging; dock demolition, repair, and construction; mooring services; debris and spill management equipment; and general harbor construction, maintenance, and repair. (Imp. 14.3, 14.6, 21.1, 21.4)
- Policy HBB-5.3: Work with other controlling agencies within Newport Harbor and/or Bay to define an area that can support harbor maintenance facilities and equipment. (Imp. 14.3, 14.6, 21.1, 21.4)

Goal HBB-6: Maintenance and enhancement of deep-water channels to ensure they remain navigable by boats

- Policy HBB-6.1: Develop a comprehensive sediment management program that provides for safe navigation and improved water quality. (Imp. 14.3, 14.11, 21.1)
 - Policy HBB-6.2: Cooperate with the U.S. Army Corps of Engineers in their maintenance and delineation of Federal navigational channels within Newport Harbor in the interest in providing safe navigation. (Imp. 14.11)
 - Policy HBB-6.3: Secure blanket permits or agreements through the regulatory agencies to expedite permit processing for residential and commercial dock owners in the Bay. (Imp. 14.6, 14.11)
- Goal HBB-7
Protect and restore beaches and dunes
- Policy HBB-7.1: Encourage the use of nature-based solutions, such as dune restoration and sand replenishment and nourishment, as alternatives to traditional infrastructure. (Imp. 8.1, 21.2) (Policy S-1.1.4)

Goal HBB-7 Protect and restore beaches and dunes

- Policy HBB-7.1: Encourage the use of nature-based solutions within reason, such as dune restoration and sand replenishment and nourishment, as alternatives to traditional infrastructure. (Imp. 8.1, 21.2) (Policy S-1.1.4)
- Policy HBB-7.2: Develop and implement a comprehensive sand replenishment program to assist in maintaining beach width and elevations. Analyze monitoring data to determine sand replenishment and nourishment priorities, and try to use sand replenishment and nourishment as shore protection, in lieu of more permanent hard shoreline armoring options. (Imp. 8.1, 21.2)
- Policy HBB-7.3: Monitor/analyze beach width and elevation data to establish beach erosion thresholds at which backshore development becomes unreasonably exposed to wave runup flooding risks (Policy S-1.3.2) (Imp. 28.1)
- Policy HBB-7.4 During Emergency Operations Plan updates, reevaluate protocol for the coordinated emergency use of public and private coastal facilities and equipment (i.e., partnerships for allowed use of docks) in advance of flood, storm, pollution, dredging, vessel sinking, and other potentially hazardous events to supplement existing safety and rescue operations. (Imp. 28.2) (Policy S-1.1.5)

Economic Value of Newport Harbor

Newport Harbor is among the largest recreational boat harbors on the West Coast, with a thriving coastal and visitor-serving industry that includes maritime-related businesses (i.e., shipyards, fueling facilities, boat rentals, charters, ferry services) as well as food and beverage, retail, and hotel industries that service the community and visitors.

Based on the most recent study of Newport Harbor’s economic value in 2018, commercial activity at the harbor directly generated \$391.9 million in economic output, supported 4,807 jobs, and generated \$167.5 million in labor income. The City and Orange County revenues that the harbor generates through business licenses, mooring fees, and other fees total an estimated \$7 million each year. The annual Christmas Boat Parade generates roughly \$6.5 million each year from its 1 million attendees. Homes that surround the harbor benefit from higher assessed value, with an average value of just over \$3 million.⁶

Administration and management of the harbor, bay, and beaches includes coordination between departments, public investment balanced with revenue, and well-maintained public facilities. Efficient and effective management policies will maintain the City’s ability to provide high-quality services that are accessible to a broad range of people and business.

Goal HBB-8: Well-managed and economically productive harbor, bay, and beaches

- Policy HBB-8.1: Protect and, where feasible through the use of new designs and technology, enhance and expand marinas and dry boat storage facilities. (Imp. 2.1, 21.1)
- Policy HBB-8.2: Provide a variety of berthing and mooring opportunities, including lower-cost recreational boating, throughout Newport Harbor, reflecting state and regional demand for slip size and affordability. (Imp. 2.1, 21.1)
- Policy HBB-8.3: Provide anchorages in designated Federal areas that minimize interference with safe navigation and where shore access and support facilities are available. (Imp. 2.1, 21.1)
- Policy HBB-8.4: Authorize, pursuant to permit, license, or lease, new and existing piers and docks bayward of waterfront residential properties, subject to appropriate conditions that ensure compatibility with residential uses. (Imp. 2.1, 21.1)
- Policy HBB-8.5: Facilitate access to vacant moorings for temporary rental use. (Imp. 2.1, 21.1)
- Policy HBB-8.6: Foster public access to moorings by enforcing and refining the derelict boat ordinance and regulating permitted transfers by permit holders. (Imp. 2.1, 21.1)
- Policy HBB-8.7: Allow “live-aboard” vessels, subject to a reasonable maximum number of renewable annual permits, and provide for regulation and vessel inspection. (Imp. 2.1, 21.1)

⁶ Beacon Economics. *Fiscal Impact Analysis of Newport Harbor: Final Report*. Newport Beach, CA: Newport Harbor Foundation, May 4, 2018. <https://newportharborfoundation.org/wp-content/uploads/Beacon-Economics-Newport-Harbor-Fiscal-Analysis-May-2018.pdf>.

Goal HBB-9: Cost-efficient servicing and managing of Newport Harbor

- Policy HBB-9.1: Explore revenue options to receive a reasonable rate of return from all tideland users to recapture related City investment, services, and management costs. (Imp. 30.2)
- Policy HBB-9.2: Provide alternative and supplemental Newport Harbor funding, including seeking Federal and State grants, loans, or partnership agreements for boater safety, education, maintenance, and capital improvements of Newport Harbor. (Imp. 30.2)
- Policy HBB-9.3: Review the administration of tidelands leases and permits and consider accepted best management practices to assist in redevelopment, maintenance, and financing of waterfront developments and reflect reasonable value in the lease rates. (Imp. 30.2)
- Policy HBB-9.4: Review costs and procedures to receive reasonable cost recovery for permit processing. (Imp. 21.1)

Public Access to Coastal Resources

Newport Beach has a well-established system of accessways to ocean beaches and the bay, including public beaches, parks, shoreline trails, walkways, and boardwalks. The City protects public access from adverse impacts due to new development, per the California Coastal Act.

Higher tides and storm surges from sea-level rise can accelerate some erosion of sandy beaches, which can often be mitigated through sand nourishment and replenishment. This increased erosion may impact public access to the many beach areas, and thus in extreme cases, to public access within Newport Beach.

Additionally, unmitigated bluff erosion, which may increase due to sea-level rise, may cause loss and damage to development, including roads, sidewalks, and beach and harbor access points in Corona del Mar and Newport Coast. The possibility of this occurring is greatest in long-term, worst case sea-level rise scenarios. Higher sea levels may also lead to increased risk of coastal flooding during consequential storms, which can also temporarily impede access to the beach and harbor. Low-lying beach access points may be threatened by significant sea-level rise.

The Safety Element includes maps and additional detail on sea-level rise, potential coastal flooding, and beach erosion.

Access to coastal resources provides recreational, health, and economic benefits. The harbor, bay, and beaches should be valued for the recreational opportunities they provide, and reasonable access should be provided and maintained for current and future generations. Enhanced reasonable recreational opportunities and user amenities should be available at appropriate locations to enhance the user experience.

Notwithstanding the foregoing, the construction of additional hard surface, possibly environmentally compromising concrete Boardwalk strips along beachfronts accompanied by pedestrian, bicycle, skateboard, scooter, rollerblade, or other transportation activity, should be balanced against the needs of those who prefer a less intrusive, uninterrupted, quieter, pristine beach experience.

Goal HBB-10: Safe and accessible beach and harbor access points

- Policy HBB-10.1: Provide adequate public access to the shoreline, beach, coastal parks, trails, and bay; acquire additional public access points and consider new vertical access points to these areas and provide parking, where possible. (Policy R 7.4) (Imp. 2.1, 5.1, 20.2)
- Policy HBB-10.2: Ensure that new or improved public access facilities are compatible with existing permitted land uses and with the availability of supporting infrastructure, such as parking and restrooms. (Imp. 2.1, 21.1)
- Policy HBB-10.3: Assess beach and harbor access points that are at risk of impacts from coastal hazards, and create long-term management plans to maintain or replace with similar access. (Local Coastal Plan)
- Policy HBB-10.4: Maintain and enhance existing infrastructure to support accessibility for a range of users with varied abilities, including enhanced restrooms, parking, bike racks, and other supportive infrastructure. (Local Coastal Plan)
- Policy HBB-10.5: Provide for marine safety such as lifeguards, harbor patrol, police, traffic, and parking enforcement. (Imp. 23.1, 21.4)

Goal HBB-11: Multifaceted and integrated coastal access

- Policy HBB-11.1: Encourage the provision of guest slips, moorings, vessel waste pump-out stations, and anchorages in Newport Harbor. Coordinate with the Orange County Parks Department to provide such facilities where appropriate and feasible within County tidelands. (Policy R8.3) (Imp. 14.3, 23.1)
- Policy HBB-11.2: Enhance and maintain public water transportation services and expanded public water transportation uses and land support facilities. (Imp. 16.12)
- Policy HBB-11.3: Coordinate the location of marine terminals with other components of the transportation system to ensure convenient multimodal access and adequate parking. (Policy CE 5.2.1) (Imp. 16.12)

- Policy HBB-11.4: Promote opportunities to expand water transportation modes, such as water-based shuttle services and water taxis, and land-based transportation modes aimed at increasing coastal access, such as Balboa Peninsula Trolley. (Policy CE 5.2.2). (Imp. 16.12)
- Policy HBB-11.5: Update wayfinding signage designs to improve accessibility to coastal areas and represent neighborhood character.
- Policy HBB-11.6: Assess potential improvements to wayfinding in coastal areas highlighting visitor resources. (Local Coastal Program)

Upper Newport Bay Upper Newport Bay, nestled in the heart of Newport Beach, is one of the largest remaining wetlands in the region, spanning approximately 700 acres.⁷ This area provides sanctuary to a diverse array of fish, birds, reptiles, plants, and other species. Also known as the Back Bay, this estuarine ecosystem is a popular destination for migratory birds, offering numerous birdwatching opportunities. The Upper Newport Bay State Marine Conservation Area, covering just over 1 square mile, includes lagoons, tidal flats, and coastal marsh habitats. It protects a variety of small mammals, fish, birds, crustaceans, and other creatures, including some endangered species, and provides residents and visitors opportunities for recreation. This area is vitally important as a rest stop for migratory birds, with up to 30,000 birds visible in a single day during winter migration periods.

Management of this ecological reserve balances conservation with public access, governed by policies that protect sensitive habitats while promoting educational and recreational opportunities. Public access considerations include trails, walkways, and educational facilities that allow visitors to experience this ecological treasure while minimizing environmental impacts. Upper Newport Bay exemplifies the delicate balance between preserving critical habitat and providing meaningful public access to natural coastal resources.

Goal HBB-12: Protect the visual and ecological resources Upper Newport Bay

- Policy HBB-12.1: Maintain public use in Upper Newport Bay Nature Preserve and Ecological Reserve to the extent such use is consistent with the preservation of sensitive resources. (Imp. 2.1, 23.1)
- Policy HBB-12.2: (NR-11.1): Continue interagency coordination with entities such as, but not limited to, Newport Bay Watershed Executive Committee. (Interagency coordination or Community Involvement)

⁷ Newport Bay Conservancy. 2024. Bay Management <https://newportbay.org/the-bay/bay-management/>

- Policy HBB-12.3 (NR-12.1): Preserve, where possible, natural watercourses or provide naturalized drainage channels within the City. Where feasible, implement restoration and rehabilitation opportunities. (Water)
- Policy HBB-12.4 (NR-12.2): Continue to coordinate the needs of stormwater pollution management with the overlapping (and sometimes competing) needs for habitat management, flood management, capital improvement projects, development, aesthetic, and other open space needs. (Water)
- Policy HBB-12.5: Provide alternative and supplemental Upper Newport Bay funding, including seeking Federal and State grants, loans, or partnership agreements for boater safety, education, maintenance, and capital improvements of the estuary and conservation areas.
- Policy HBB 12.6: Protect and manage visual and scenic resources by maintaining scenic resource inventories, protection plans, regulations, and other tools.
- Policy HBB 12/7 Encourage new public and private development to create new public viewpoints providing views of Upper Newport Bay.