

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

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. It 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 hand-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 located throughout the harbor. Vessel mooring involves securing vessels 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 11 offshore fields, the Balboa Peninsula, around Balboa Island and Lido Isle, and in West Newport. There are two public anchorages in the harbor. There are 15 public docks and 1 commercial public wharf within the harbor. There are approximately 1,100 docks and several commercial marinas bayward of upland residential properties. 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 chandleries; 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 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

- 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 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)

- Policy HBB-1.4: Encourage the preservation and enhancement of existing marine support uses, such as fuel docks and shipyards serving the needs of existing waterfront uses and the boating community. (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: Encourage development of waterfront facilities that accommodate displaced water-dependent uses. (Imp. 2.1, 14.3)
- Policy HBB-1.7: Discourage reuse of properties that result in the 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-1.8: When establishing land use regulations, consider the operational characteristics of land uses that support Newport Harbor and whether such uses can 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)

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

- Policy HBB-2.1: Adopt a Sea-Level Rise Plan consistent with Senate Bill 272 (2023) and update the Local Coastal Program, including the Land Use Plan and Implementation Plan, as necessary (Imp. 5.1) (Policy S-1.1.1).
- Policy HBB-2.2: Provide information to at-risk property owners about flooding mitigation strategies, such as elevating critical uses and infrastructure (Community Involvement).
- Policy HBB-2.3: Work with non-profits, educational institutions, and citizen scientists to collect king tide monitoring data to identify location, severity, and frequency of flooding.

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 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: Preserved existing commercial uses in Newport Harbor that maintain and enhance the charm and character of the harbor and provide support services for visitors, recreational boaters, and other water-dependent uses

- Policy HBB-4.1: 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-4.2: 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-4.3: Support continued operation of entertainment and tour boats, subject to reasonable regulations designed to ensure the operations do not have an adverse impact, such as unsafe navigation, impaired water quality, reduced visual quality, excessive noise, unsafe street traffic conditions, or parking shortages, on the environment and land uses surrounding the harbor. (Imp. 14.3, 21.3)

Goal HBB-5: Sufficient coastal infrastructure that protects coastal-dependent and public recreational uses while matching the character of the surrounding development and protecting coastal and visual resources

- Policy HBB-5.1: 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-5.2 Permit and design bulkheads and groins, when allowed, to protect the character of the existing beach profiles and restore eroded beach profiles found around Newport Harbor and island perimeters. (Imp. 2.1, 5.1)
- Policy HBB-5.3: 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-5.4: Employ City, County of Orange, State, and Federal regulations to promptly remove derelict, abandoned, and 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.

The Harbor Commission's charge under Section 713 of the Newport Beach City Charter is to advise the City Council on the diverse uses of Newport Harbor and its waterfront. The two most essential responsibilities of the Harbor Commission are (1) ensuring the long-term welfare of Newport Harbor for all residential, recreational, and commercial users; and (2) promoting Newport Harbor as a preferred and welcoming destination for visitors and residents alike. **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 Harbor and Beaches Master 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-6: Coordination between the City and County, State, and Federal agencies having regulatory authority in Newport Harbor and Bay

- Policy HBB-6.1: 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-6.2: 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-6.3: 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-7: Maintenance and enhancement of deep-water channels to ensure they remain navigable by boats

- Policy HBB-7.1: Develop a comprehensive sediment management program that provides for safe navigation and improved water quality. (Imp. 14.3, 14.11, 21.1)

- Policy HBB-7.2: 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-7.3: 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)
- Policy HBB-7.4: Encourage the use of nature-based solutions, such as dune restoration and sand nourishment, as alternatives to traditional infrastructure. (Imp. 8.1, 21.2) (Policy S-1.1.4)
- Policy HBB-7.5: Develop and implement a comprehensive beach replenishment program to assist in maintaining beach width and elevations. Analyze monitoring data to determine nourishment priorities, and try to use nourishment as shore protection, in lieu of more permanent hard shoreline armoring options. (Imp. 8.1, 21.2)
- Policy HBB-7.6: Monitor/analyze beach width and elevation data to establish beach erosion thresholds at which backshore development becomes exposed to wave runup flooding risks (Policy S-1.3.2) (Imp. 28.1)
- Policy HBB-7.7: 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 the largest recreational boat harbor 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.

As of 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.¹

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 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)

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

- Policy HBB-9.1: Explore revenue options to receive a market rate of return from all tideland users to recapture related City investment, services, and management costs. (Imp. 30.2)

¹ 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>.

- 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 market value in the lease rates. (Imp. 30.2)
- Policy HBB-9.4: Review costs and procedures to receive cost recovery for permit processing. (Imp. 21.1)

Public Access to Coastal Resources

Newport Beach has an extensive 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 the erosion of sandy beaches. This increased erosion poses a threat to the many beach areas, and thus, to public access within Newport Beach.

Additionally, bluff erosion, which is expected to increase due to sea-level rise, can cause loss and damage to development, including roads, sidewalks, and beach access points in Corona del Mar and Newport Coast. The risk of this occurring is greatest in the long-term, high-end sea-level rise scenarios, which project to the year 2100.

Higher sea levels can also lead to increased risk of coastal flooding during storms, which can also temporarily impede access to the beach. Low-lying beach access points may be threatened by sea-level rise.

The Safety Element includes maps and additional detail on sea-level rise, 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 access should be provided and maintained for current and future generations. Enhanced recreational opportunities and user amenities should be available at appropriate locations to enhance the user experience.

Goal HBB-10: Safe and accessible beach access points

- Policy HBB-10.1: Provide adequate public access to the shoreline, beach, coastal parks, trails, and bay; acquire additional public 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 access points that are at risk of impacts from coastal hazards, and create long-term management plans to maintain or replace similar access. (Local Coastal Plan)
- Policy HBB-10.4: Install improvements to enhance 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: Maintain public use of the Upper Newport Bay Ecological Reserve to the extent such use is consistent with the preservation of sensitive resources. (Imp. 2.1, 23.1)
- Policy HBB-11.2: 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-11.3: Enhance and maintain public water transportation services and expanded public water transportation uses and land support facilities. (Imp. 16.12)
- Policy HBB-11.4: 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-11.5: 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-11.6: Update wayfinding signage designs to improve accessibility to coastal areas and represent neighborhood character.
- Policy HBB-11.7: Assess potential improvements to wayfinding in coastal areas highlighting visitor resources. (Local Coastal Program)