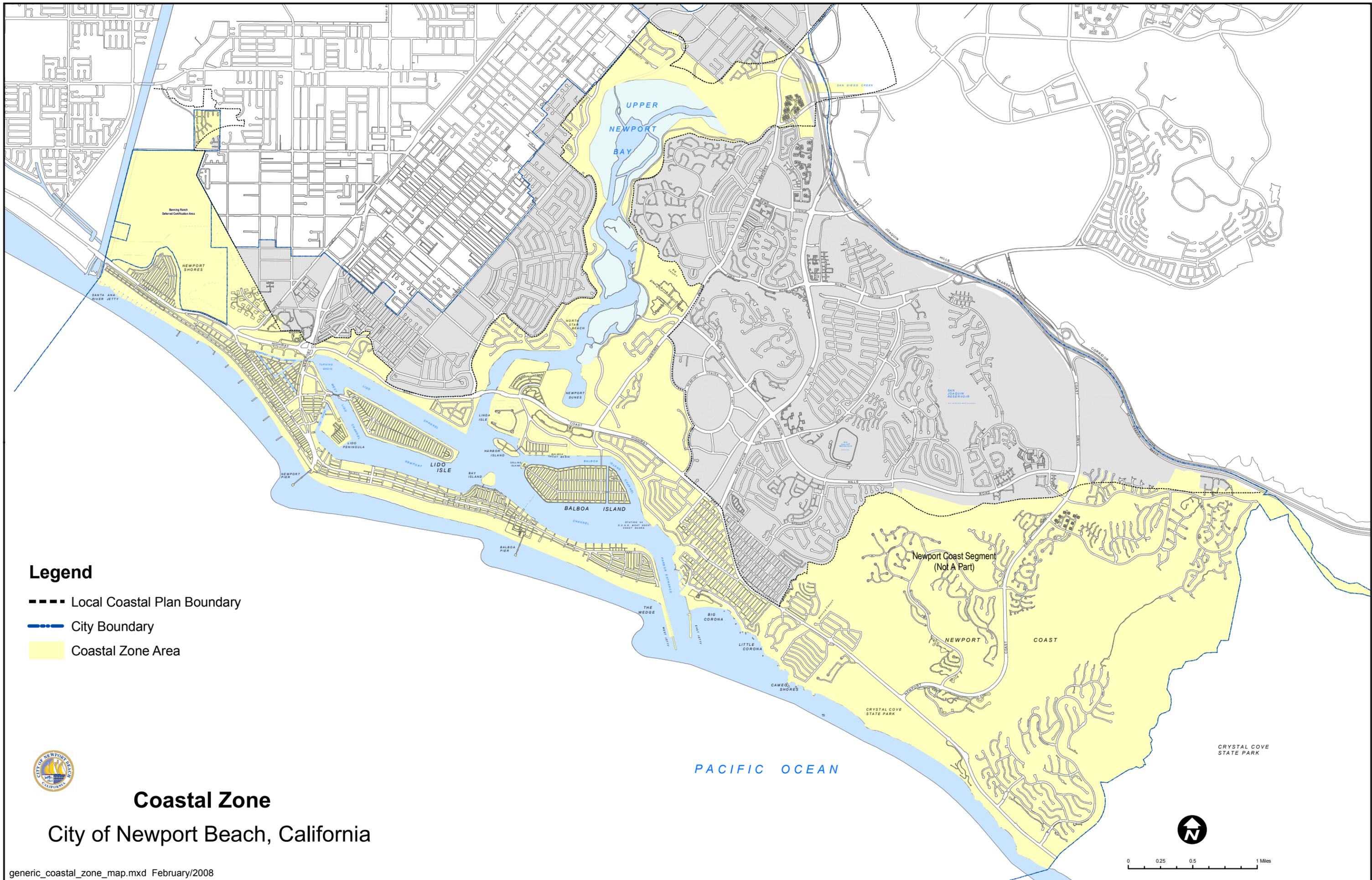


Exhibit No. 1

Vicinity Map



- Legend**
- Local Coastal Plan Boundary
 - City Boundary
 - Coastal Zone Area



Coastal Zone
 City of Newport Beach, California

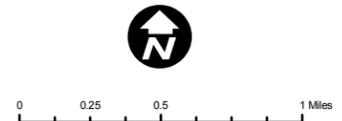


Exhibit No. 2

CNB Resolution Approving Proposed
CLUP Amendment

RESOLUTION NO. 2007- 70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH APPROVING LOCAL COASTAL PROGRAM AMENDMENT NO. 2004-001 (PA2003-093) FOR A COMPREHENSIVE UPDATE OF THE LOCAL COASTAL PROGRAM LAND USE PLAN

WHEREAS, on November 7, 2006, the City of Newport Beach adopted a comprehensive update of the General Plan; and

WHEREAS, Implementation Program 5.1 of the new General Plan calls for review and revision of the Local Coastal Program Coastal Land Use Plan for consistency with the General Plan; and

WHEREAS, a public hearing on the LCP amendment was held by the Planning Commission on March 8, 2007, in the City Hall Council Chamber, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the aforesaid meetings were given in accordance with the Municipal Code. Evidence, both written and oral, was presented to and considered by the Planning Commission at these meetings; and

WHEREAS, a public hearing on the Coastal Land Use Plan Amendment was held by the City Council on March 27, 2007, in the City Hall Council Chamber, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the aforesaid meeting was given in accordance with the Municipal Code. Evidence, both written and oral, was presented to and considered by the City Council at this meeting; and

WHEREAS, on July 30, 2007, a notice of the availability of a draft amendment of the City Coastal Land Use Plan was provided in accordance with Section 13515(c) of the California Code of Regulations; and

WHEREAS, a public hearing on the Coastal Land Use Plan Amendment was held by the City Council on November 13, 2007, in the City Hall Council Chamber, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the aforesaid meeting was given in accordance with the Municipal Code. Evidence, both written and oral, was presented to and considered by the City Council at this meeting; and

WHEREAS, the City Council finds as follows:

1. The Local Coastal Program Amendment is necessary to update the Local Coastal Program Coastal Land Use Plan to reflect the location, type, densities, and intensities of land uses established by the new Land Use Element and to incorporate other new polices of the General Plan.
2. The Local Coastal Program Amendment updates the Coastal Land Use Plan to include the relevant portion of the General Plan that is sufficiently detailed to indicate the kinds, location, and intensity of land uses and the applicable resource protection and development policies.
3. The updated Local Coastal Program Coastal Land Use Plan is intended to be carried out in a manner fully in conformity with the California Coastal Act.

4. The updated Local Coastal Program Coastal Land Use Plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act.
5. Pursuant to Section 15168 of the State CEQA Guidelines, the LCP Amendment has been found to be within the scope of the project covered by the certified Final Environmental Impact Report (SCH No 2006011119) for the City of Newport Beach General Plan 2006 Update. Pursuant to Sections 15162 and 15163 of the State CEQA Guidelines, no subsequent EIR or supplement to the EIR is required because, on the basis of substantial evidence in the light of the whole record, (1) the LCP Amendment is consistent with the General Plan; (2) the LCP Amendment presents no new effects that could occur that were not examined in the Program EIR; and (3) there is no new information to suggest that new mitigation measures are required.

NOW, THEREFORE, BE IT RESOLVED, based on the aforementioned findings, the City Council hereby approves the Local Coastal Plan Amendment No. 2007-001 (PA 2007-027) to update the Local Coastal Program Coastal Land Use Plan as provided in Exhibits A through C.

BE IT FURTHER RESOLVED, the City Council of the City of Newport Beach hereby authorizes submittal of the Coastal Land Use Plan to the Coastal Commission for formal review and approval; and

BE IT FURTHER RESOLVED, formal adoption of the Coastal Land Use Plan by the City of Newport Beach shall require a separate action by the City Council following Coastal Commission approval.

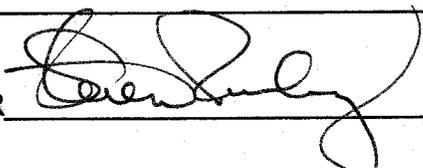
This resolution was adopted at a regular meeting of the City Council of the City of Newport Beach held on November 13, 2007, by the following vote, to wit:

AYES, COUNCILMEMBERS Henn, Curry, Selich,

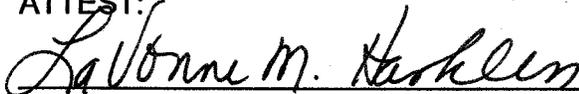
Webb, Daigle, Gardner, Mayor Rosansky

NOES, COUNCILMEMBERS None

ABSENT COUNCILMEMBERS None

MAYOR 

ATTEST:


CITY CLERK



STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, LaVonne M. Harkless, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2007-70 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 13th day of November 2007, and that the same was so passed and adopted by the following vote, to wit:

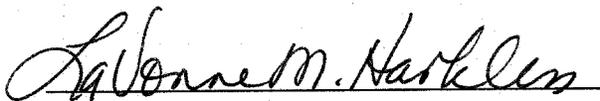
Ayes: Henn, Curry, Selich, Webb, Daigle, Gardner, Mayor Rosansky

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 14th day of November 2007.



City Clerk
Newport Beach, California

(Seal)



Exhibit No. 3

Proposed CLUP Text Amendments

2.0 Land Use and Development

2.1 Land Use

The Coastal Land Use Plan was derived from the Land Use Element of the General Plan and is intended to identify the distribution of land uses in the coastal zone. The Land Use Element may contain more precise development limits for specific properties. Should a conflict exist, the land use intensity or residential density limit that is most protective of coastal resources shall take precedence. However, in no case, shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances.

2.1.1 Land Use ~~Designations~~ Categories

Policy 2.1.1-1 The ~~following~~ land use ~~designations~~ categories in Table 2.1.1-1 establish the type, density and intensity of land uses within the coastal zone. If there is a conflict between the development limits of the Land Use Element and the Coastal Land Use Plan, the provision that is most protective of coastal resources shall take precedence. However, in no case, shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances.

Table 2.1.1-1 Land Use Plan Categories		
<i>Land Use Category</i>	<i>Uses</i>	<i>Density/Intensity</i>
Residential Neighborhoods		
Single Unit Residential Detached—RSD	The RSD category applies to a range of detached single-family residential dwelling units on a single legal lot and does not include condominiums or cooperative housing.	
RSD-A		0.0 – 5.9 DU/AC
RSD-B		6.0 – 9.9 DU/AC
RSD-C		10.0 – 19.9 DU/AC
RSD-D		20.0 – 29.9 DU/AC
Single Unit Residential Attached—RSA	The RSA category applies to a range of attached single-family residential dwelling units on a single legal lot and does not include condominiums or cooperative housing.	
RSA-A		0.0 – 5.9 DU/AC
RSA-B		6.0 – 9.9 DU/AC
RSA-C		10.0 – 19.9 DU/AC
RSA-D		20.0 – 29.9 DU/AC
Two Unit Residential—RT	The RT category applies to a range of two family residential dwelling units such as duplexes and townhomes.	
RT-A		0.0 – 5.9 DU/AC
RT-B		6.0 – 9.9 DU/AC
RT-C		10.0 – 19.9 DU/AC
RT-D		20.0 – 29.9 DU/AC

Local Coastal Program
Coastal Land Use Plan

Table 2.1.1-1 Land Use Plan Categories

<i>Land Use Category</i>	<i>Uses</i>	<i>Density/Intensity</i>
RT-E		30.0 – 39.9 DU/AC
Multiple Unit Residential—RM	The RM category is intended to provide primarily for multi-family residential development containing attached or detached dwelling units.	
RM-A		0.0 – 5.9 DU/AC
RM-B		6.0 – 9.9 DU/AC
RM-C		10.0 – 19.9 DU/AC
RM-D		20.0 – 29.9 DU/AC
RM-E		30.0 – 39.9 DU/AC
RM-F		40.0 – 52.0 DU/AC
Commercial Districts and Corridors		
Neighborhood Commercial—CN	The CN category is intended to provide for a limited range of retail and service uses developed in one or more distinct centers oriented to primarily serve the needs of and maintain compatibility with residential uses in the immediate area.	0.00 - 0.30 FAR
Corridor Commercial—CC	The CC category is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity.	
CC-A		0.00 – 0.50 FAR
CC-B		0.00 – 0.75 FAR
General Commercial—CG	The CG category is intended to provide for a wide variety of commercial activities oriented primarily to serve citywide or regional needs.	
CG-A		0.00 - 0.30 FAR
CG-B		0.00 – 0.75 FAR
Recreational and Marine Commercial—CM	The CM category is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent and coastal-related uses, maintain the marine theme and character, encourage mutually supportive businesses, encourage visitor-serving and recreational uses, and encourage physical and visual access to the bay on waterfront commercial and industrial building sites on or near the bay.	
CM-A		0.00 - 0.30 FAR
CM-B		0.00 – 0.50 FAR
Visitor Serving Commercial—CV	The CV category is intended to provide for accommodations, goods, and services intended to primarily serve visitors to the City of Newport Beach.	
CV-A		0.00 – 0.75 FAR
CV-B		0.00 – 1.50 FAR
General Commercial Office—COG	The COG category is intended to provide for administrative, professional, and medical offices with limited accessory retail and service uses. Hotels, motels, and convalescent hospitals are not permitted.	
COG-A		0.00 – 0.30 FAR
COG-B		0.00 – 0.75 FAR
COG-C		0.00 – 1.30 FAR
Mixed Use Districts		

Table 2.1.1-1 Land Use Plan Categories

<i>Land Use Category</i>	<i>Uses</i>	<i>Density/Intensity</i>
Mixed Use Vertical— MU-V	The MU-V category is intended to provide for the development of properties for (a) mixed-use structures that vertically integrate housing with retail uses, where the ground floor shall be restricted to retail and other pedestrian-active uses along the street frontage and/or the upper floors used for residential units, or (b) structures containing nonresidential uses including retail, office, restaurant, and similar uses.	<p>Mixed-Use Buildings: Floor area to land ratio of 1.5; where a minimum floor area to land ratio of 0.35 and maximum of 0.5 shall be used for nonresidential purposes and a maximum of 1.0 for residential.</p> <p>Nonresidential Buildings: Floor area to land area ratio of 0.75.</p>
Mixed Use Horizontal— MU-H	The MU-H category is intended to provide for the development of areas for a horizontally distributed mix of uses, which may include general or neighborhood commercial, commercial offices, multi-family residential, visitor-serving and marine-related uses, and/or buildings that vertically integrate residential with commercial uses.	<p>Mixed-Use Buildings: Floor area to land area ratio of 1.5, where a minimum floor area to land area ratio of 0.25 and maximum 0.5 shall be used for retail uses and maximum of 1.0 for residential.</p> <p>Nonresidential only: Floor area to land area ratio of 0.5.</p> <p>Residential only: 20.1–26.7 units per net acre.</p>
Mixed Use Water Related—MU-W	The MU-W category is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent and coastal-related uses and visitor-serving uses, as well as allow for the integrated development of residential.	<p>Mixed-Use Buildings: Floor area to land ratio of 1.5; where a minimum floor area to land ratio of 0.35 and maximum of 0.7 shall be used for nonresidential purposes and a maximum of 0.8 for residential.</p> <p>Nonresidential only: Floor area to land area ratio of 0.5.</p> <p>Residential only: 15 units per acre per net acre.</p>
Public, Semi-Public, and Institutional		

Table 2.1.1-1 Land Use Plan Categories

<i>Land Use Category</i>	<i>Uses</i>	<i>Density/Intensity</i>
Public Facilities—PF	The PF category is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities.	Not applicable. School districts are exempted from local land use controls and development limits are not specified. Development intensities for other public institutions are more appropriately determined by their function rather than floor areas, such as number of hospital beds and number of students.
Private Institutions—PI	The PI category is intended to provide for privately owned facilities that serve the public, including places for religious assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities.	
PI-A		0.00 – 0.30 FAR
PI-B		0.00 – 0.75 FAR
PI-C		0.00 – 1.00 FAR
Opens Space—OS	The OS category is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community’s natural resources.	Open spaces may include incidental buildings, such as maintenance equipment and supply storage, which are not traditionally included in determining intensity limits.
Parks and Recreation—PR	The PR category applies to land used or proposed for active public or private recreational use. Permitted uses include parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities.	Not applicable for public uses. Private uses in this category may include incidental buildings, such as maintenance equipment sheds, supply storage, and restrooms, not included in determining intensity limits. For golf courses, these uses may also include support facilities for grounds maintenance employees.

Table 2.1.1-1 Land Use Plan Categories

<i>Land Use Category</i>	<i>Uses</i>	<i>Density/Intensity</i>
Tidelands and Submerged Lands—TS	The TS category is intended to address the use, management, and protection of tidelands and submerged lands of Newport Bay and the Pacific Ocean immediately adjacent to the City of Newport Beach. The category is generally not applied to historic tidelands and submerged lands that are presently filled or reclaimed.	Not applicable.
<i>Notes:</i>		
Residential densities are calculated on net acreage, exclusive of existing and new rights-of-way, public pedestrian ways, and neighborhood parks.		
Floor area ratios (FAR) are calculated by the gross floor area of all buildings on a lot divided by the lot area, but do not include floor areas of parking structures.		

2.1.2 District/Corridor Policies

Districts are uniquely identifiable by their common functional role, mix of uses, density/intensity, physical form and character, and/or environmental setting. Newport Beach’s coastal zone districts are in transition as existing viable districts are enhanced, underperforming properties are revitalized, and opportunities are provided to accommodate the City’s fair share of regional housing needs.

Corridors share common characteristics of districts by their identifiable functional role, land use mix, density/intensity, physical form and character, and/or environmental setting. They differ in their linear configuration, generally with shallow depth parcels located along arterial streets. They are significantly impacted by traffic, often inhibiting access during peak travel periods. Their shallow depths make them unsuitable for many contemporary forms of commercial development that require large building footprints and extensive parking.

Policy 2.1.2-1. Development in each district and corridor shall adhere to policies for land use type and density/intensity contained in Table 2.1.1-1, except as modified in Sections 2.1.3 to 2.1.8.

2.1.3 West Newport

The West Newport Coast Highway Corridor extends from Summit Street to just past 60th Street. It is a mixed commercial and residential area, with the former serving the adjoining Newport Shores residential neighborhood, the West Newport residential neighborhood south of Coast Highway, and beach visitors. Commercial uses are concentrated on the north side of Coast Highway at the Orange Street intersection and east of Cedar Street to the Semeniuk Slough. Intervening areas are developed with a mix of multi-family apartments and, west of Grant Avenue, mobile and manufactured homes.

Primary commercial uses include community-related retail such as a dry cleaners, liquor store, deli, and convenience stores, as well as a few visitor-serving motels, dine-in, family-style restaurants, and fast-food establishments. Generally, they are developed on shallow parcels of substandard size and configuration due to past widening of West Coast Highway and contain insufficient parking. Many of the commercial buildings appear to have been constructed in the 1960's to 1980's, although some motels have been recently upgraded.

A portion of the mobile homes are situated along Semeniuk Slough and the Army Corps restored wetlands, while a number of the single-family homes outside the area are also located along the Slough. A mobile home park containing older units, many of which appear to be poorly maintained, is located on the westernmost parcels and a portion of the tidelands. This site serves as the "entry" to the City and as a portal to the proposed Orange Coast River Park.

Coast Highway fronting properties in West Newport will be improved by concentrating local and visitor-serving retail in two centers at Prospect Street and Orange Street with expanded parking, enhancing existing and allowing additional housing on intervening parcels, and developing a clearly defined entry at the western edge with Huntington Beach. The latter may include improvements that would support the proposed Orange Coast River Park.

Policies:

2.1.3-1. Work with community groups and the County to facilitate the acquisition of a portion or all of the Western Entry Parcel (designated RM/OS) as open space, which may be used as a staging area for Orange Coast River Park with parking, park-related uses, and an underpass to the ocean. As an alternative, accommodate multi-family residential on all or portions of the property not used for open space.

2.1.3-2. Allow local and visitor-serving retail consistent with the CV category in two centers at Prospect Street and Orange Street.

2.1.4 Mariners' Mile

Mariners' Mile is a heavily traveled segment of Coast Highway extending from the Arches Bridge on the west to Dover Drive on the east. It is developed with a mix of highway-oriented retail and marine related commercial uses. The latter are primarily concentrated on bay-fronting properties and include boat sales and storage, sailing schools, marinas, visitor-serving restaurants, and comparable uses. A large site is developed with the Balboa Bay Club and Resort, a hotel, private club, and

apartments located on City tidelands. A number of properties contain non-marine commercial uses, offices, and a multi-story residential building.

The vitality of the Mariners' Mile Corridor will be enhanced by establishing a series of distinct retail, mixed-use, and visitor-serving centers. Harbor-fronting properties would accommodate a mix of visitor-serving retail and marine-related businesses, with portions of the properties available for housing and mixed-use structures. View and public access corridors from Coast Highway to the Harbor would be required, with a pedestrian promenade developed along the length of the Harbor frontage. Parcels on the inland side of Coast Highway, generally between Riverside Avenue and the southerly projection of Irvine Avenue, would evolve as a pedestrian-oriented mixed-use "village" containing retail businesses, offices, services, and housing. Sidewalks would be improved with landscape and other amenities to foster pedestrian activity. Inland properties directly fronting onto Coast Highway and those to the east and west of the village would provide for retail, marine-related, and office uses. Streetscape amenities are proposed for the length of Mariners' Mile to improve its appearance and identity.

Policies:

2.1.4-1. For properties located on the inland side of Coast Highway in the Mariners' Mile Corridor (designated as MU-H), (a) the Coast Highway frontages shall be developed for marine-related and highway-oriented general commercial uses in accordance with CM and CG categories; and (b) portions of properties to the rear of the commercial frontage may be developed for free-standing neighborhood-serving retail, multi-family residential units, or mixed-use buildings that integrate residential with retail uses on the ground floor in accordance with the CN, RM, CV, or MU-V categories respectively.

2.1.4-2. For bay-fronting properties (designated as MU-W), encourage marine-related and visitor-serving retail, restaurant, hotel, institutional, and recreational uses intermixed with residential uses. Permitted uses include those permitted by the CM, CV, MFR, and MU-V categories. A minimum of 50 percent of any lot shall be used for the CM or CV land uses.

2.1.4-3. Permit development intensities in areas designated as CG to be increased to a floor area ratio of 0.5 where parcels are consolidated to accommodate larger commercial development projects that provide sufficient parking.

2.1.5 Balboa Peninsula

Lido Village, Cannery Village, McFadden Square, and Balboa Village are to be enhanced as distinct pedestrian-oriented centers of Balboa Peninsula that would be interconnected through improved streetscapes along Newport/Balboa Boulevard, a waterfront promenade on Newport Harbor, and cross-access between the Harbor and beachfront. Lido Village, McFadden Square, and Balboa Village would contain a mix of visitor-serving, retail, small overnight accommodation facilities, and housing. Throughout the Peninsula, priority is established for the retention of marine-related uses.

Lido Village

Lido Village is primarily developed with commercial uses including grocery stores, restaurants, salons, home furnishings, apparel, and other specialty shops. It also includes Lido Marina Village, a pedestrian-oriented waterfront development that includes visitor-serving commercial uses, specialty stores, and marine uses.

Lido Marina Village has experienced a high number of building vacancies and many retail stores are underperforming. Parking is limited. Multiple property ownerships have traditionally inhibited cohesive and integrated development.

Lido Village has a unique location at the turning basin in Newport Harbor. The channel is wider than in other locations, providing an opportunity for waterfront commercial uses that will not negatively impact residential uses across the channel.

Cannery Village

Cannery Village is the historic center of the City's commercial fishing and boating industry and contains a mix of small shops, art galleries, professional offices, and service establishments. Marine-related commercial (boat sales) and marine-related industrial uses (boat repair) are also found in the area. Redevelopment of properties for residential, loft, and mixed residential and commercial uses, including live/work facilities, appears to be an emerging trend. Older developments include some single-family residential units combined with commercial uses on single lots. Although the residential component of mixed-use projects has performed well, there has been less success in attracting the commercial uses envisioned for the area particularly on the waterfront.

The goal in Cannery Village is a pedestrian-oriented residential neighborhood that provides opportunities for live/work facilities and supporting retail uses. Commercial or mixed-use buildings would be developed at street intersections with intervening parcels developed for mixed-use or free-standing housing and a mix of marine-

related, residential uses on the Bay frontage, and retail and visitor-serving uses along Newport Boulevard Corridor.

McFadden Square

McFadden Square surrounds the Newport Pier and extends between the ocean front and harbor. Commercial land uses are largely concentrated in the strips along Balboa and Newport Boulevards, with residential along the ocean front and marine-related uses fronting the harbor. Numerous visitor-serving uses include restaurants, beach hotels, tourist-oriented shops (t-shirt shops, bike rentals, and surf shops), as well as service operations and facilities that serve the Peninsula. There are several bars in the area with some featuring live music, especially along the ocean front. Historically, the area has been known for its marine-related industries such as shipbuilding and repair facilities and boat storage on the harbor, some of which have been in continuous operation for over fifty years. Public parking is available in three lots, which primarily serve the beach users, tourists, and the restaurant patrons.

The goal in McFadden Square is to revitalize the area as a pedestrian-oriented village that reflects its location on the ocean, pier, and bay front, serving visitors and local residents.

Lido Peninsula

The MU-W is applied to the Lido Peninsula to provide for the horizontal intermixing of recreational and marine-related and residential uses, in accordance with CM and RM categories respectively.

Balboa Village

Balboa Village is the historic center for recreational and social activities on the Peninsula. It has had a strong marine heritage, and has attracted fishermen, recreational boaters, summer residents, and beachgoers. Many of the retail uses are visitor-oriented and seasonal in nature, including a “fun zone” along Edgewater Place that contains entertainment uses. Marine-related commercial uses, including ferries to Balboa and Catalina Islands and harbor tours, are present in the area. In general, Balboa Village is pedestrian-oriented with articulated building facades, and signage that is pedestrian scale. The Balboa Village core is surrounded by residences, with isolated pockets of commercial uses scattered along Balboa Boulevard. Peninsula Park also serves the area.

Balboa Village and the greater Peninsula have experienced a transition to year-round residential occupancy while the visitor uses have continued. Cumulatively, there is more commercial space than can be supported by local residents, and

marginal commercial space is used by businesses that are seasonal and do not thrive throughout the year.

Balboa Village will continue to serve as the primary center of the lower Peninsula, surrounded by residential neighborhoods along and flanking Balboa Boulevard. The goal is an economically viable pedestrian oriented village that serves local residents, visitors, and provides residential in proximity to retail uses, entertainment, and recreation.

Policies:

2.1.5-1. For bay-fronting properties (designated as MU-W), marine-related uses may be intermixed with buildings that provide residential on the upper floors. Permitted uses include those permitted by the CM, CV, and MU-V categories. In the MU-W designation, free-standing residential shall not be permitted in Lido Marina Village, Cannery Village, McFadden Square, and Balboa Island.

2.1.5-2. Encourage uses that take advantage of Lido Village's location at the Harbor's turning basin and its vitality and pedestrian character, including visitor-serving and retail commercial, small lodging facilities (bed and breakfasts, inns), and mixed-use buildings that integrate residential with retail uses.

2.1.5-3. Discourage the development of new office uses on the ground floor of buildings in Lido Village that do not attract customer activity to improve the area's pedestrian character.

2.1.5-4. In Lido Marina Village (designated as MU-W), marine-related uses may be intermixed with buildings that provide residential on the upper floors. Permitted uses include those permitted by the CM, CV, and MU-V categories. Free-standing residential shall not be permitted.

2.1.5-5. For interior parcels in Cannery Village and at 15th Street (designated as MU-H), permit mixed-use structures, where the ground floor shall be restricted to nonresidential uses along the street frontage such as retail sales and restaurants and the rear and upper floors used for residential including seniors units and overnight accommodations (comparable to MU-V). Mixed-use or commercial buildings shall be required on parcels at street intersections with intervening parcels developed for mixed-use or free-standing housing.

2.1.5-6. Allow retail and visitor-serving commercial along the Newport Boulevard Corridor consistent with the CV category.

2.1.5-7. Accommodate visitor- and local-serving uses that take advantage of McFadden Square's waterfront setting including specialty retail, restaurants, and small scale overnight accommodations, as well as mixed-use buildings that integrate residential with ground level retail.

2.1.5-8. On the Lido Peninsula, CM development shall occupy 30 percent of the total land area and residential development shall occupy 70 percent of the land area. One residential dwelling unit is allowed for each 2,900 square feet of lot area.

2.1.5-9. On the Balboa Village bay frontage (designated as CV), prioritize water-dependent, marine-related retail and services and visitor-serving retail.

2.1.5-10. In the Balboa Village core (designated as MU-V), encourage local- and visitor-serving retail commercial and mixed-use buildings that integrate residential with ground level retail or office uses.

2.1.6 Balboa Island

Marine Avenue is a two-block retail district on Balboa Island. Marine Avenue reflects the unique characteristics of the Balboa Island community. Balboa Island is known for its casual and laid-back lifestyle and Marine Avenue serves as its town square. Marine Avenue has a number of small-scale, locally-owned businesses, including restaurants, retail shops, art galleries, and services. This small-town downtown atmosphere has made Marine Avenue a popular visitor destination.

Although Marine Avenue does not have the typical "tourist-driven" mix of shops and businesses, visitors are drawn there to experience a Southern California coastal island community. The number and variety of businesses cannot be supported by the local economy alone and without local support, most of these businesses could not survive year-round. Therefore, the continued success of the retail economy on Marine Avenue is contingent on businesses that serve both local residents and visitors.

Policy 2.1.6-1. On Marine Avenue and Agate Avenue (designated as MU-W), marine-related uses may be intermixed with buildings that provide residential on the upper floors. Permitted uses include those permitted by the CM, CV, and MU-V category. Free-standing residential shall not be permitted.

2.1.7 Newport Dunes

The Newport Dunes consists of 100 acres of State tidelands property on the Upper Newport Bay held in trust by the County of Orange. This area is designated ~~open space-PR~~ and is intended for recreational and visitor-serving uses. Land uses and development limits are established pursuant to the Newport Dunes Settlement Agreement. The site is currently developed with a 406-space recreational vehicle park, a 450-slip marina, a restaurant, dry boat storage, boat launching facilities, surface parking, and beach day use facilities. This area also includes an undeveloped site for a 275-room hotel with up to 500,000 square feet of floor area, 27,500 square feet of floor area for restaurants, and 5,000 square feet of floor area for retail commercial.

Policies:

2.1.7-1. Protect, and if feasible, expand and enhance, the variety of recreational and visitor-serving uses. Particular attention should be given to provision of lower cost uses.

2.1.7-2. New development shall provide for the protection of the water quality of the bay and adjacent natural habitats. New development shall be designed and sited to minimize impacts to public views of the water and coastal bluffs.

2.1.8 Balboa Bay Tennis Club

Located in Newport Center, the Balboa Bay Tennis Club is designated MU-H/PR. This is in recognition of the private recreational tennis courts and the potential development of short-term rental bungalows and a limited number of single-family homes.

Policy 2.1.8-1. Allow the horizontal intermixing of 27 short-term rental units and 5 single-family homes with the expanded tennis club facilities. Permitted uses include those permitted by the MU-H and PR categories.

Residential

~~Estate Residential (RE). The RE designation is intended to provide for very low-density single-family detached residential development on large lots. Residential density ranges from 0.5 to 2.5 units per gross acre.~~

~~**Very Low Density Residential (RVL).** The RVL designation is intended to provide primarily for very low density single-family detached residential development. Residential density ranges from 2.6 to 4.5 units per gross acre.~~

~~**Low Density Residential (RL).** The RL designation is intended to provide primarily for low density single-family detached residential development. Residential density ranges from 4.6 to 6 units per gross acre.~~

~~**Medium Density Residential (RM).** The RM designation is intended to provide for a range of residential development types, including single-family (attached and detached), two-family, and multi-family residential.~~

~~**Medium Density Residential A (RM-A).** Residential density ranges from 6.1 to 10 units per gross acre.~~

~~**Medium Density Residential B (RM-B).** Residential density ranges from 10.1 to 15 units per gross acre.~~

~~**Medium Density Residential C (RM-C).** Residential density ranges from 15.1 to 20 units per gross acre.~~

~~**High Density Residential (RH).** The RH designation is intended to provide primarily for multi-family residential development.~~

~~**High Density Residential A (RH-A).** Residential density ranges from 20.1 to 30 units per gross acre.~~

~~**High Density Residential B (RH-B).** Residential density ranges from 30.1 to 40 units per gross acre.~~

~~**High Density Residential C (RH-C).** Residential density ranges from 40.1 to 50 units per gross acre.~~

~~**High Density Residential D (RH-D).** Residential density ranges from 50.1 to 60 units per gross acre.~~

Commercial

~~**General Commercial (CG).** The CG designation is intended to provide for a wide range of commercial activities oriented primarily to serve citywide or regional needs.~~

~~**General Commercial A (CG-A).** Development intensity ranges from a floor area to land area ratio of 0.00 to 0.30.~~

~~— **General Commercial A (CG-B).**— Development intensity ranges from a floor area to land area ratio of 0.50 to 0.75.~~

~~— **General Commercial B (CG-C).**— Development intensity ranges from a floor area to land area ratio of 0.50 to 1.00.~~

~~**Recreational and Marine Commercial (CM).**— The CM designation is intended to provide for commercial development on or near the bay in a manner that will encourage a continuation of coastal dependant and coastal related uses, maintain the marine theme and character, encourage mutually supportive businesses, encourage visitor serving and recreational uses, and encourage physical and visual access to the bay on waterfront commercial and industrial building sites on or near the bay.~~

~~**Recreational and Marine Commercial A (CM-A).**— Development intensity ranges from a floor area to land area ratio of 0.00 to 0.30.~~

~~**Recreational and Marine Commercial A (CM-B).**— Development intensity ranges from a floor area to land area ratio of 0.30 to 0.75.~~

~~**Recreational and Marine Commercial B (CM-C).**— Development intensity ranges from a floor area to land area ratio of 0.30 to 1.00.~~

~~**Commercial Residential (CR).**— The CR designation is intended to provide for commercial areas with limited residential development permitted above the first floor. Development intensity ranges from a floor area to land area ratio of 0.30 to 1.00 for commercial development and 1.25 with commercial-residential development.~~

~~**Neighborhood Commercial (CN).**— The CN designation is intended to provide for a limited range of retail and service uses oriented to primarily serve the needs of and maintain compatibility with residential uses in the immediate area. Development intensity shall not exceed a floor area to land area ratio of 0.30.~~

~~**Commercial Office (CO).**— The CO designation is intended to provide for administrative, medical, and professional offices with limited accessory retail and service uses. Development intensity ranges from a floor area to land area ratio of 0.25 to 1.25.~~

~~**Visitor-Serving Commercial (CV).**— The CV designation is intended to provide for accommodations, goods, and services intended to primarily serve the needs of visitors of Newport Beach.~~

~~**Visitor-Serving Commercial (CV-A).** Development intensity ranges from a floor area to land area ratio of 0.50 to 0.75.~~

~~**Visitor-Serving Commercial (CV-B).** Development intensity ranges from a floor area to land area ratio of 0.50 to 1.25.~~

Industrial

~~**General Industrial (IG).** The IG designation is intended to provide for a full range of manufacturing, industrial processing, and distribution and storage uses. Development intensity ranges from a floor area to land area ratio of 0.50 to 0.75.~~

~~**Light Industrial (IL).** The IL designation is intended to provide for a wide range of moderate to low intensity industrial uses, such as light manufacturing and research and development, and limited ancillary commercial and office uses. Development intensity ranges from a floor area to land area ratio of 0.50 to 0.75.~~

Open Space and Public Facilities

~~**Open Space (OS).** The OS designation is intended to provide areas for a range of public and private uses to meet the recreation and open space needs of the community and to protect, maintain, and enhance the community's natural resources.~~

~~**Tidelands and Submerged Lands (TS).** The TS designation is intended to address the use, management and protection of tidelands and submerged lands of Newport Bay and of the Pacific Ocean immediately adjacent to the City of Newport Beach. This designation generally is not applied to historic tidelands and submerged lands that are presently filled or reclaimed.~~

~~**Public Facilities (PF).** The PF designation is intended to provide public and quasi-public facilities, including educational institutions, cultural institutions, government facilities, libraries, community centers, hospitals, religious institutions, and utilities. Development intensity ranges from a floor area to land area ratio of 0.50 to 1.00.~~

Planning Study Areas

~~**Planning Study Areas (PS).** The PS designation is intended for certain areas of Newport Beach with unique land use and development characteristics that cannot be properly addressed through standard land use designations. To address these characteristics, the following planning study areas are designated:~~

~~**Planning Study Area 1 (Lido Peninsula).** The Lido Peninsula area is bounded by Lido Park Drive, West Lido Channel, Newport Channel, and the Rhine Channel. The Lido Peninsula area is designated for a mixture of Recreational and Marine Commercial B and Medium Density Residential B development and is allocated 250 dwelling units and 156,416 square feet of commercial. Commercial development is limited to 30 percent of the total land area and residential development is limited to 70 percent of the land area.~~

~~The Recreational and Marine Commercial designation is intended to provide the continuation of coastal dependant and coastal related uses, encourage mutually supportive businesses, encourage visitor serving and recreational uses, and encourage physical and visual access to the bay.~~

~~**Planning Study Area 2 (Cannery Village).** Cannery Village is a mixed-use area on the bay side of Newport Boulevard between 32nd Street and 26th Street on the Balboa Peninsula. The area consists of commercial, industrial, and residential uses, including many of the marine industrial businesses serving the Newport Harbor area. The Cannery Village area is intended to serve as an active pedestrian oriented specialty retail area with a wide range of visitor serving, neighborhood commercial, and marine related uses permitted.~~

~~Bayfront areas are designated Recreational and Marine Commercial C and are intended to encourage a continuation of marine-oriented uses, maintain the marine theme and character of the area, and encourage public physical and visual access to the bay. Professional and business offices are permitted only in conjunction with a marine-related use.~~

~~The General Commercial C area bounded by 32nd Street, 29th Street, Villa Way, and Newport Boulevard are intended to provide a specialty retail core by encouraging mutually supportive businesses, establishing a continuity of shopping and pedestrian orientation, and a high level of pedestrian interest, comfort and amenity. The General Commercial C area surrounding the specialty retail core is intended to provide a transition between the specialty retail core and the Recreational and Marine Commercial areas along the bayfront. This area is intended to provide a wide range of uses and services accommodating residents and visitors, and the boating industry. Retail sales, personal and professional uses that offer direct services to the public, and marine-related light industrial uses are permitted.~~

~~The commercial center located at southwest corner of the intersection of Newport Boulevard and 32nd Street is designated Neighborhood Commercial with a maximum floor area to land area ratio of 0.25.~~

~~In all commercial areas, with the exception of the Neighborhood Commercial area, residential uses are permitted on the second floor or above where the ground floor is occupied by commercial use. The maximum floor area to land area ratio for commercial residential development is 1.25.~~

~~Cannery Village is highly subject to redevelopment pressures. The Cannery Village/McFadden Square Specific Plan regulates development in this area. In order to maintain the particularly "marine" atmosphere of the area, careful consideration should be given to all proposals for new development, especially in waterfront areas.~~

~~**Planning Study Area 3 (McFadden Square).** McFadden Square is bounded by Newport Bay, 19th Street, the oceanfront beach, the alley between 23rd and 24th Streets, Newport Boulevard and 26th Street. The area is designated General Commercial C, Recreational and Marine Commercial C, and Medium Density Residential C and High Density Residential A.~~

~~Retail and Service Commercial areas are intended to provide for a broad range of coastal-related and visitor-serving commercial uses. Professional and business offices not providing goods or services to the public, or not ancillary to an otherwise permitted use, are allowed only on the second floor or above. In the primary visitor-serving core, non-priority commercial uses are prohibited on the ground floor. The McFadden Square primary visitor-serving core is bounded to the west by the first row of properties fronting on 23rd Street, to the north by Balboa Boulevard, to the east by the first row of properties fronting on McFadden Place, and to the south by the sandy beach, excluding properties currently designated and constructed as residential uses.~~

~~Bayfront areas are designated Recreational and Marine Commercial and are intended to encourage a continuation of marine-oriented uses, maintain the marine theme and character of the area, and encourage public physical and visual access to the bay. Professional and business offices are permitted only in conjunction with a marine-related use.~~

~~In all commercial areas, residential uses are permitted on the second floor or above where the ground floor is occupied by commercial use. The maximum floor area to land area ratio for commercial residential development is 1.25.~~

~~**Planning Study Area 4 (Balboa Village).** Balboa Village is the area bounded by Newport Bay, A Street, the oceanfront beach and Adams Street. This area is a unique mixture of visitor-oriented and neighborhood-oriented retail and service uses, including coastal-dependent visitor uses such as sport fishing establishments, day-boat rentals, ferry service, fishing docks, and the historic Balboa Pavilion. The area is designated for General Commercial C, Medium Density Residential C, High Density Residential A, High Density Residential B and Public Facilities.~~

~~Residential uses are permitted on the second floor or above where the ground floor is occupied by commercial use. The maximum floor area to land area ratio for commercial-residential development is 1.25. General Commercial areas are permitted floor area ratio and density bonuses of 0.05 to 0.10 when existing legal lots are consolidated to provide unified site design.~~

~~Although Balboa Village provides a number of businesses that are oriented to visitors of the coastal zone, a wider range of commercial uses need to be permitted in order to maintain year-round economic viability. However, within the primary visitor-serving core, non-priority commercial uses are prohibited on the ground floor. The Balboa Village primary visitor-serving core is bounded to the west by Adams Street, to the north by the Newport Harbor, to the east by A Street, and to the south by the sandy beach, excluding properties currently designated and constructed as residential uses or as public facilities.~~

~~**Planning Study Area 5 (Balboa Bay Club).** The Balboa Bay Club is located on Coast Highway between the Orange Coast College David A. Grant Collegiate Rowing Center and the Bayshores community. The property consists of approximately 12.6 acres of State tidelands held in trust by the City of Newport Beach and leased to the Balboa Bay Club, Inc. It is currently developed with many uses, including visitor-serving, recreational, boating, restaurant and banquet, and residential facilities. The site is designated for a mixture of Recreational and Marine Commercial and High Density Residential A and is allowed a floor area ratio of 0.5. Residential development is allowed in conjunction with commercial development up to a maximum total floor area ratio of 1.0 and 144 dwelling units.~~

~~The use of tidelands for a private club and for private residences is in conflict with the public trust doctrine. Assembly Bill 3139 (Chapter 728, Statutes of 1994) provided for redevelopment of the private club portion of the property to allow full public access and the continuation of the residential uses to December 31, 2044 (see Section 2.6).~~

Planning Study Area 6 (Newport Dunes). The Newport Dunes consists of 100 acres of State tidelands property on the Upper Newport Bay held in trust by the County of Orange. This area is designated open space and is intended for recreational and visitor-serving uses. Land uses and development limits are established pursuant to the Newport Dunes Settlement Agreement. The site is currently developed with a 406-space recreational vehicle park, a 450-slip marina, a restaurant, dry boat storage, boat launching facilities, surface parking, and beach day use facilities. This area also includes an undeveloped site for a 275-room hotel with up to 500,000 square feet of floor area, 27,500 square feet of floor area for restaurants, and 5,000 square feet of floor area for retail commercial.

The Newport Dunes provides a variety of recreational and visitor-serving uses. Protection, and if feasible, expansion and enhancement, of the diversity of these uses should be a part of any new development application. Particular attention should be given to provision of lower cost uses.

The Newport Dunes is located on the Upper Newport Bay and surrounded by coastal bluffs. Any application for new development must be given special consideration to the protection of the water quality of the bay and adjacent natural habitats. Any new development should be designed and sited to minimize impacts to public views of the water and coastal bluffs.

Planning Study Area 7 (Marine Avenue). Marine Avenue is a two-block retail district on Balboa Island. Marine Avenue reflects the unique characteristics of the Balboa Island community. Balboa Island is known for its casual and laid-back lifestyle and Marine Avenue serves as its town square. Marine Avenue has a number of small-scale, locally-owned businesses, including restaurants, retail shops, art galleries, and services. This small-town downtown atmosphere has made Marine Avenue a popular visitor destination.

Although Marine Avenue does not have the typical "tourist-driven" mix of shops and businesses, visitors are drawn there to experience a Southern California coastal island community. The number and variety of businesses cannot be supported by the local economy alone and without local support, most of these businesses could not survive year-round. Therefore, the continued success of the retail economy on Marine Avenue is contingent on businesses that serve both local residents and visitors.

The area is designated for Commercial Residential and Public Facilities. Residential uses are permitted in commercial areas on the second floor or above where the ground floor is occupied by a commercial use. Non-priority

~~commercial uses are prohibited on the ground floor. The maximum floor area to land area ratio for commercial residential development is 1.25.~~

2.1.2-2.1.9 Coastal Land Use Plan Map

The Coastal Land Use Plan Map depicts the land use ~~designation~~ category for each property and is intended to provide a graphic representation of policies relating to the location, type, density, and intensity of all land uses in the coastal zone.

Policy ~~2.1.2-1~~ 2.1.9-1. Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations.

Revisions to Section 2.2.5

2.2.5 Nonconforming Structures and Uses

As one of the older coastal communities, Newport Beach has land uses and improvements that do not conform to the standards of the LCP or other policies and regulations that have been adopted over the years. This section is intended to establish policies to limit the expansion of nonconforming structures and uses to the maximum extent feasible and to bring these structures and uses into conformity in a timely manner, without infringing upon the constitutional rights of property owners.

Policies:

2.2.5-1. Legal nonconforming structures shall be brought into conformity in an equitable, reasonable, and timely manner as rebuilding occurs. Limited renovations that improve the physical quality and character of the buildings may be allowed. Rebuilding after catastrophic damage or destruction due to a natural event, an act of public enemy, or accident may be allowed in limited circumstances that do not conflict with other policies and of the Coastal Land Use Plan.

~~Legally established nonconforming structures may be maintained and repaired, as specified by the terms of this policy. Interior alterations, structural alterations, and additions shall be limited as follows. Individual project review will determine when a coastal development permit is required.~~

~~A. Nonstructural interior alterations shall not exceed 50 percent of the replacement cost of a nonconforming structure.~~

~~B. Alteration of more than 25 percent of the structural elements of a nonconforming structure shall be subject to discretionary review and approval by the City.~~

~~C. Additions shall be permitted to structures that are legally nonconforming due to reasons other than for parking, open space, resource protection, floor area, or building bulk. Additions of more than 25 percent of the gross floor area of a nonconforming structure shall be subject to discretionary review and approval by the City.~~

~~D.A. No alternations or additions to a nonconforming structure shall increase the degree of the structure's nonconformity.~~

2.2.5-2. In older commercial districts, allow existing commercial buildings that exceed current intensity limits to be renovated, upgraded, or reconstructed to their pre-existing intensity when appropriate to complement the scale and form of existing development.

Revisions to Section 2.2.5

- | **2.2.5-3.** When proposed development would involve demolition or replacement of 50 percent or more of the exterior walls of an existing structure that is legally non-conforming due to a coastal resource protection standard, the entire structure must be made to conform with all current development standards and applicable policies of the Coastal Land Use Plan.

- | **2.2.5-24.** The enlargement or intensification of legally established nonconforming uses shall be limited to only those uses normally permitted by right or by the approval of a use permit, but which were made nonconforming by additional regulations of the district in which they are located. Such enlargement or intensification shall be subject to discretionary review and approval by the City and shall not increase the degree of the use's nonconformity.

Revisions to Section 2.3.1 Policies

2.3.1-7. ~~Prohibit the following Give priority to visitor-serving and recreational uses in the mixed-use areas of non-priority commercial uses on the ground floor of commercial properties within the primary visitor-serving areas of McFadden Square (PSA 3) and the Balboa Peninsula Village (PSA 4), and Balboa Island along Marine Avenue (PSA 7):~~

- ~~A. Daycare~~
- ~~B. Residential Care~~
- ~~C. Building Materials and Services~~
- ~~D. Funeral and Internment Services~~
- ~~E. Laboratories~~
- ~~F. Health/Fitness Clubs~~
- ~~G. Research and Development~~
- ~~H. SRO Residential Hotels~~
- ~~I. Industry~~
- ~~J. Mining and Processing~~
- ~~K. Clubs and Lodges~~
- ~~L. Government Offices~~
- ~~M. Religious Assembly~~
- ~~N. Major Utilities~~
- ~~O. Animal Hospitals~~
- ~~P. Maintenance and Repair Services~~
- ~~Q. Offices, Business and Professional (not serving visitors)~~
- ~~R. Vehicle Sales~~
- ~~S. Vehicle Storage~~

2.3.1-9. ~~In Mariner's Mile, require that development on the Bay frontage implement amenities that assure access for coastal visitors. Pursue development of a pedestrian promenade along the Bayfront.~~

2.3.1-10. ~~Support continued operation of passenger/sightseeing boats, passenger/fishing boats ("day boats"), and long-term boat rentals and sales.~~

2.3.1-11. ~~Support continued short-term rental of small boats while encouraging vendors to teach customers how to safely operate the watercraft.~~

2.3.1-12. ~~Support continued operation of entertainment and tour boats subject to reasonable regulations designed to ensure the operations don't 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.~~

Revisions to Section 2.4.1

2.4.1 Commercial

Newport Harbor supports a wide range of coastal-dependent and coastal-related commercial uses. These include passenger/sightseeing boats, passenger/fishing boats, boat rentals and sales, recreational equipment rentals, entertainment boats, boat/ship repair and maintenance, and harbor maintenance facilities. These uses play an important role in the character of the harbor and provide the services necessary to sustain one of the world's great small boat harbors.

Over the past 20 years, a number of marine-related businesses and industries in Newport Beach have moved to inland areas. This is reflective of a regional trend, largely due to increased environmental regulation in California affecting fiberglass manufacturing processes, as well as real estate price inflation in coastal communities.

The Recreational and Marine Commercial (CM) ~~designation~~ land use category is the primary method of providing for the continuation of coastal-dependent and coastal-related commercial uses on or near the bay. The CM designation is applied to areas that have historically provided marine-related businesses and industries and visitor-serving and recreational areas. CM uses are also permitted in the Mixed Use (MU-V, MU-H, and MU-W) land use categories located on or near the bay to encourage the continuation of coastal-dependent and coastal-related uses, as well as allow for the integrated development of residential.

Policies:

- 2.4.1-1. Give priority to coastal-dependent uses over other uses on or near the shoreline.
- 2.4.1-2. When appropriate, accommodate coastal-related developments within reasonable proximity to the coastal-dependent uses they support.
- 2.4.1-3. Discourage re-use of properties that result in the reduction of coastal-dependent commercial uses. Allow the re-use of properties that assure coastal-dependent uses remain, especially in those areas with adequate infrastructure and parcels suitable for redevelopment as an integrated project.
- 2.4.1-~~34~~. Design and site new development to avoid impacts to existing coastal-dependent and coastal-related developments. When reviewing proposals for land use changes, give full consideration to the impact on coastal-dependent and coastal-related land uses including not only the proposed change on the subject property, but also the potential to limit existing coastal-dependent and coastal-related land uses on adjacent properties.

Revisions to Section 2.4.1

2.4.1-45. Maintain the Recreational and Marine Commercial (CM) designation land use category and allow CM uses in the Mixed Use land use categories (MU-V, MU-H, and MU-W) in areas on or near the bay to encourage a continuation of coastal-dependent and coastal-related uses.

2.4.1-56. Protect and encourage facilities that serve marine-related businesses and industries unless present and foreseeable future demand for such facilities is already adequately provided for in the area. Encourage coastal-dependent industrial facilities to locate or expand within existing sites and allowed reasonable long-term growth.

Revisions to Section 3.1.1 Policies

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.

Revisions to Section 4.4.1 Policies

4.4.1-7. Design and site new development, including landscaping, on the edges of public coastal view corridors, including those down public streets, to frame and accent public coastal views.

4.4.1-8. Require that buildings be located and sites designed to provide clear views of and access to the Harbor and Bay from the Coast Highway and Newport Boulevard rights-of-way in accordance with the following principles, as appropriate:

- Clustering of buildings to provide open view and access corridors to the Harbor.
- Modulation of building volume and masses.
- Variation of building heights.
- Inclusion of porticoes, arcades, windows, and other “see-through” elements in addition to the defined open corridor.
- Minimization of landscape, fencing, parked cars, and other nonstructural elements that block views and access to the Harbor.
- Prevention of the appearance of the public right-of-way being walled off from the Harbor.
- Inclusion of setbacks that in combination with setbacks on adjoining parcels cumulatively form functional view corridors.
- Encouragement of adjoining properties to combine their view corridors that achieve a larger cumulative corridor than would have been achieved independently.
- A site-specific analysis shall be conducted for new development to determine the appropriate size, configuration, and design of the view and access corridor that meets these objectives, which shall be subject to approval in the coastal development plan review process.

4.4.1-89. Design and maintain parkway and median landscape improvements in public rights-of-way so as not to block public coastal views at maturity.

4.4.1-910. Where feasible, provide public trails, recreation areas, and viewing areas adjacent to public coastal view corridors.

Revisions to Section 4.4.1 Policies

- | **4.4.1-~~10~~11.** Restrict development on sandy beach areas to those structures directly supportive of visitor-serving and recreational uses, such as lifeguard towers, recreational equipment, restrooms, and showers. Design and site such structures to minimize impacts to public coastal views.

Revisions to Section 4.5.2

4.5.2 Historical Resources

Newport Beach has a number of buildings and sites in the coastal zone that are representative of the history of the community and the region. Some of these historical resources have been recognized as being of statewide or national importance. There are four properties in Newport Beach that are listed as California Historical Landmarks:

- Old Landing (No. 198). Established by Captain Dunnells in the 1870's, it was the site of the first shipping business in Newport Bay.
- Site Of First Water-To-Water Flight (No. 775). Commemorates the May 10, 1912 flight of Glenn L. Martin from the waters of the Pacific Ocean at Balboa to Catalina Island, the first water-to-water flight.
- McFadden Wharf (No. 794). The site of the original wharf built in 1888 by the McFadden brothers.
- Balboa Pavilion (No. 959). Built in 1905, it is one of California's last surviving examples of the great waterfront recreational pavilions from the turn of the century.

There are also three properties that are listed in the *National Register of Historic Places*:

- Balboa Inn. Built in 1929, the Balboa Inn is representative of Spanish Colonial Revival architecture and beachfront tourist development.
- Balboa Pavilion. Built in 1905, the Balboa Pavilion is one of California's last surviving examples of the great waterfront recreational pavilions from the turn of the century.
- Lovell Beach House. Built in 1926, the Lovell Beach House was designed by Rudolf Schindler and is considered the first pure International Style house built in America.

Four additional properties are also listed as historic or potentially historic in the California Historic Resources Information System (CHRIS) maintained by the Office of Historic Preservation:

- B.K. Stone Building—one of the oldest commercial structures in Newport Beach.
- Balboa Island Firehouse No. 4—early police and fire station for the Balboa Peninsula.

Revisions to Section 4.5.2

- Bank of Balboa/Bank of America—Bank of Balboa, Bank of America, provided services from 1928 to 1984 (now demolished).
- Our Lady of Mount Carmel Church.

The City of Newport Beach has also listed seven properties in the *Newport Beach Register of Historical Property* in recognition of their local historical or architectural significance. In addition to the Balboa Pavilion and the Balboa Inn, the *Newport Beach Register of Historical Property* includes:

- Rendezvous Ballroom Site. Destroyed by fire in 1966, the Rendezvous Ballroom was a popular Balboa dance hall that featured numerous famous Big Bands of the 1930's and 1940's.
- Wilma's Patio (formally Pepper's Restaurant). Located on Balboa Island, the exposed structural components of Pepper's Restaurant are timbers used in the original Balboa Island Bridge and McFadden Wharf.
- Balboa Theater. Built in 1928, the Balboa Theater is a former vaudeville theater that one time housed an infamous speakeasy during Prohibition.
- Balboa Saloon. The 1924 building is representative of Newport's nautical history and Main Street commercial masonry style.
- Dory Fishing Fleet. The Dory Fishing Fleet is located adjacent to Newport Pier. The fleet and open-air fish market has operated there since its founding by a Portuguese fisherman in 1891. The last remaining fleet of its type, it is a historical landmark designated by the Newport Beach Historical Society. It is a general policy of the City that an area immediately west of the Newport Pier be reserved for the Newport Dory Fishing Fleet.

4.5.2-1. ~~Continue to~~ Maintain and periodically update the *Newport Beach Register of Historical Property* for buildings, objects, structures, and monuments having importance to the history or architecture of Newport Beach and require photo documentation of inventoried historic structures prior to demolition.

~~**4.5.2-2.** Allow the application of the State Historical Building Code to buildings or structures listed in the Newport Beach Register of Historical Property.~~

4.5.2-32. Provide incentives, such as granting reductions or waivers of applications fees, permit fees, and/or any liens placed by the City to properties listed in the National or State Register or the *Newport*

Revisions to Section 4.5.2

Beach Register of Historical Property in exchange for preservation easements.

| 4.5.2-43.

Continue to allow the Dory Fishing Fleet to be launched and stored and to sell fish on the public beach adjacent to Newport Pier within reasonable limits to protect the historical character of the fleet, the coastal access and resources, and the safety of beach users in the vicinity.