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NEWPORT BEACH

Harbor Commission Staff Report

August 13, 2025
Agenda Item No. 6.1

TO: HARBOR COMMISSION

FROM: Chris Miller, Public Works Administrative Manager – 949-644-3043,
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TITLE: Variance Request: Dock Reconfiguration at 2100-2102 E. Balboa Blvd.

ABSTRACT:

Bay House 2100 (“Applicant”), property owner of 2100 and 2102 E. Balboa Blvd, applied for a lot merger for the portion of the properties within the City of Newport Beach (“City”) permit jurisdiction. The lot merger application was approved by the City on June 12, 2025, and an application for the portion of the properties located within California Coastal Commission (“CCC”) permit jurisdiction is currently under review by the CCC. The dock system at 2100 E. Balboa Blvd. currently has two approved U-shaped slips, and the property at 2102 E. Balboa Blvd. has an existing, approved single side-tie dock positioned parallel to the bulkhead. The Applicant proposes to reconfigure both dock systems by combining them into one system that spans the future merged lots and maintain two U-shaped slips and a single side-tie dock parallel to the bulkhead (“Project”). However, Newport Beach Municipal Code (“NBMC”) allows only a single pier and slip bayward of each lot. Therefore, because two U-shaped slips are not allowed, the Applicant is requesting a variance to allow two slips (in the form of a double U-shaped slip) bayward of the future, single merged lot.

RECOMMENDATION:

- 1) Conduct a public hearing; and
- 2) Find the Project exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) (Preliminary Review) and Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3; and
- 3) Adopt Resolution HC2025-002 of the Harbor Commission of the City of Newport Beach, California approving variance No. HCVAR2025-001 to allow two slips bayward of the merged residential lot located at 2100-2102 E. Balboa Boulevard.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

INTRODUCTION:

Background

The subject properties are located at 2100 and 2102 E. Balboa Blvd. (collectively, the “Property”), and are situated near the end of the peninsula as the channel rounds the bend outward toward the channel entrance. Property is eastward of, and well beyond, the A-Mooring Field.

The configuration of both lots is unusual in that the overall property street frontage is less than the overall property harbor frontage due to the properties being on the rounded bend of the channel. The side property lines, therefore, are not parallel; instead, they fan out bayward resulting in approximately 150-feet of total property harbor frontage.

In a separate request, the City approved a lot merger for the portions of the properties that are within the City’s permit jurisdiction. While a majority of the properties are located within the City’s permit jurisdiction, approximately 30-feet extending landward from the bulkhead are located within CCC permit jurisdiction. Therefore, a lot merger application is currently under review with the CCC for the portion of the Property located within the CCC permit jurisdiction. As a result, and independent of tonight’s variance request, the applicant proposes to combine both dock systems to span the single merged lot, as required by the NBMC.

The Property is located between Bulkhead Stations No. 108 and 109. NBMC Section 17.35.030(A)(1) states that piers and floats shall not extend bayward beyond the Pierhead Line within these Bulkhead Stations unless otherwise approved by the Harbor Commission.

Federal harbor lines consisting of the bulkhead, pierhead and project lines surround most of the harbor. The bulkhead line generally aligns with the existing bulkhead around the perimeter of the harbor. The pierhead line generally depicts the channelward limit to which residential and commercial floats can extend unless otherwise allowed by the NBMC. And lastly, the project line defines the federally maintained channel boundary. At this location, the project line is 20-feet beyond the pierhead line, and along a majority of both properties, the project line is congruent with the main navigation channel as noted by the blue dashed line on the aerials. See attachment A.

DISCUSSION:

Existing Configuration

The historic files reflect the previous owner at 2100 E. Balboa Blvd. requesting approval for two U-shaped slips (in the form of a double U-shaped slip) in 1974. The following approvals were obtained, and the dock system does not extend beyond the Pierhead Line. See Attachment B.

- June 12, 1974: The County of Orange’s Harbors, Beaches and Parks Commission recommended the City Council approve the application. (At the time, the County of Orange had a role in the harbor’s dock approval process.)
- June 24, 1974: The City Council approved the application. The issue considered was identical to this evening’s issue in that the City Council Harbor Permit Policies (the controlling document at that time – a precursor to the NBMC today) allowed only a single slip bayward of each parcel or lot. Staff analysis stated that the configuration would “allow a more secure method of tying up the boats to protect them from winds and from wave surges close to the channel entrance.” In addition, the staff report notes the “somewhat

unique” size of the bayward frontage at 2100 E. Balboa Blvd and its ability to “efficiently support two slips while maintaining adequate side setbacks.”

- September 2, 1974: Coastal Zone Conservation Commission (later known as the California Coastal Commission) approval.
- October 8, 1974: Army Corps of Engineers approval.

Proposed Configuration

The Applicant has filed an application to replace the existing dock systems with a single combined dock spanning the proposed merged lot. The Project proposes removal and replacement of the existing dock systems at the Property. Approximately 2,545 square feet of the existing dock systems at the Property will be removed and replaced with a new, consolidated 1,818 square foot dock system. See Attachment C. This results in a net reduction of 727 square feet in overall coverage. The dock components proposed to be removed include a pier platform at 2100 E. Balboa Blvd., and gangways and floating docks at both properties. Because the existing dock systems would be replaced with a single dock system, access to the docks would be maintained from the existing pier platform located at 2102 E. Balboa Blvd.

The Project components include a new gangway and floating docks. The new gangway will connect the existing pier platform at 2102 E. Balboa Blvd to the new dock. The existing pier piles associated with the platform at 2100 E. Balboa Blvd. will be removed, as well as all associated dock pile piles for both properties. It is anticipated the new floating dock will be supported by five 16” diameter steel pipe piles. (Exact size and quantity to be determined during construction design.)

The Project will not extend beyond the pierhead line in compliance with NBMC Section 17.35.030(A)(1).

NBMC Section 17.35.020(A)(7) states that in single-unit residential districts, only a single pier and slip shall be permitted bayward of each lot. To comply with this requirement the Applicant is combining both dock systems and is requesting a variance to construct two U-shaped slips (in the form of a double U-shaped slip) spanning the entire newly-single merged lot. See Attachment D.

Analysis

A similar configuration of two U-shaped slips was previously approved at 2100 E. Balboa Blvd by the City Council and regulatory agencies in 1974, and the subsequent property owners have enjoyed the use of this configuration for 50 years. There is no evidence in the historic files of any complaints that would constitute a hazard to the public convenience, health, interest, safety or general welfare of persons residing or working in the vicinity or within the harbor.

The main navigation channel is congruent to the project line within a portion of the Property. The distance between the bayward edge of the proposed side-tie along 2102 E. Balboa Blvd to the main navigation channel is 27-feet. While it is not the subject of this evening’s variance request, the City’s Special Conditions which are routinely attached to the Approval in Concept, will reflect a 27-foot restriction on the maximum beam of a vessel permanently side-tied to that portion of the dock system.

NBMC Section 17.05.140(D)(2) (variances, findings, and decision) authorizes the Harbor Commission to approve or conditionally approve a variance from the standards of Title 17, the design criteria and other applicable standards and policies otherwise applicable to the Property only after making all the following findings:

- A. The strict application of this title, the design criteria and other applicable standards and policies otherwise applicable to the property would deny the property owner privileges enjoyed by other property owners in the vicinity, based on special circumstances applicable to the property, including location, shape, size, surrounding topography or other physical features.
- B. Strict compliance with this title, the design criteria and other applicable standards and policies applicable to the property would deprive the subject property of privileges enjoyed by other properties in the vicinity.
- C. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.
- D. Granting of the variance will not constitute a grant of a special privilege inconsistent with the limitations on other properties in the City.
- E. Granting the variance will not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the vicinity.
- F. Granting of the variance will not be in conflict with the intent and purpose of this title, the design criteria and any applicable standards and policies approved by the City Council.

SUMMARY AND ALTERNATIVES:

Staff supports the request for the variance to replace the existing two U-shaped slips with a similar configuration.

The existing two U-shaped slip configuration was previously approved and the subsequent owners at 2100 E. Balboa Blvd have enjoyed the use of the dock system for 50 years. The Project as it relates to the two U-shaped slips, is similar to the float it replaces, and is set back further from the property lines compared to existing conditions. The Project complies with the Harbor Design Criteria and granting the variance will not negatively impact the surrounding harbor community.

The Applicant was granted approval for a lot merger and is seeking approval from CCC to merge both lots into one lot as previously described. However, in the event the lot merger is not approved, Applicant could still request a variance for two U-shaped slips within a single lot consistent with the existing configuration. In other words, the two U-shaped slips are not completely dependent on the lot merger.

As a precaution and unrelated to the variance request, the Special Conditions will include a restriction on the side-tie fronting 2102 E. Balboa Blvd to a maximum beam of 27-feet for permanently berthed vessels so as to not encroach upon the main navigation channel. See Attachment E.

At the time of this writing, no public comments have been received.

The facts in support of the required findings are presented in the draft resolution HC2025-002 (Attachment H).

If the Harbor Commission finds that the facts do not support the variance request, it has the following alternatives available:

1. The Harbor Commission may require changes to the Variance to address any concerns and to make the requisite findings. If the changes are substantial, the item should be continued to a future meeting to allow the applicant to make the necessary adjustments and to allow staff to prepare a revised resolution for the Harbor Commission's consideration at a future meeting.
2. If the Harbor Commission believes that there are insufficient facts to support the findings for approval, the Harbor Commission may deny the Variance and provide facts in support of denial of the Variance Request. Staff will then prepare a revised resolution for the Harbor Commission's consideration at a future meeting.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find the approval of the Variance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 ("Guidelines") because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Harbor Commission also finds that approval of the Variance is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the Guidelines because the activity will involve negligible or no expansion of existing or former use. Additionally, the Project is exempt from CEQA pursuant to Section 15302 (Replacement or Reconstruction) because the reconstruction of the Project will be located on the same site as the structure it replaced and will have substantially the same purpose by continuing to serve as a dock with comparable capacity. The variance request involves construction of two U-shaped slips at a residential lot. The overwater coverage of the new dock system is less than the overall coverage of the existing dock system (1,818 square feet compared to 2,545 square feet).

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item). Notice of this hearing was published in the Daily Pilot on Saturday, July 26, 2025, mailed to all owners and residential occupants within 300 feet of the boundaries of the site (excluding intervening waterways) including the applicant, and posted on the subject property at least 10 days before the scheduled hearing consistent with the Municipal Code (Attachment F). Additionally, the item appeared on the agenda for this meeting, and it was posted at City Hall and on the City website.

ATTACHMENTS:

- Attachment A - Aerial Photos
- Attachment B - Historic 1974 Prior Approvals for Existing Configuration
- Attachment C - Proposed Configuration
- Attachment D - Variance Application

- Attachment E - Special Conditions for Dock Reconfiguration
- Attachment F - Public Outreach
- Attachment G - Resolution HC2025-002