

RESOLUTION NO. HC2026-02

A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING IN CONCEPT A DOCK RECONFIGURATION AT 2227 BAYSIDE DRIVE

THE HARBOR COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. The owner of the property at 2227 Bayside Drive ("Property") has applied for a harbor development permit to reconfigure a portion of the shared, residential float and to relocate three piles ("Project"), as more specifically described and depicted in the Staff Report and its attachments. With the reconfiguration, the dock system will extend beyond the existing permitted length.
2. Section 17.35.030(B) of the Newport Beach Municipal Code (NBMC) requires Harbor Commission approval if the proposed pier or float extends beyond the existing permitted length, is not substantially similar in size and configuration to the existing structure, and would impede ingress and egress to adjacent piers and floats pursuant to subsection (G)(2) of this Section.
3. A public hearing was held on May 13, 2026 at the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 *et seq.* (Ralph M. Brown Act) and NBMC Section 17.05.140 (Public Hearings). Evidence, both written and oral, was presented to, and considered by, the Harbor Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 (CEQA Guidelines) because it has no potential to have a significant effect on the environment. The replacement dock system is in the same location and is substantially the same size and purpose as the dock system it replaces, and the overwater coverage of the new dock system is substantially the same as the overwater coverage of the existing dock system (1,090 square feet compared to 961 square feet).

SECTION 3. REQUIRED FINDINGS.

The Harbor Commission hereby adopts the following findings:

1. NBMC Section 17.05.140(D)(1)(a). The use complies with this title, the Local Coastal Program, General Plan, design criteria, and any applicable standards and policies approved by the City Council.

Facts in Support of Findings: The reconfigured dock system is substantially similar to the existing dock system it replaces and it preserves the residential character of the harbor thus, it complies with this title, the Local Coastal Program, General Plan, design criteria, and any applicable standards and policies approved by the City Council.

2. NBMC Section 17.05.140(D)(1)(b). The design, location, size and/or operating characteristics of the use are compatible with the allowed uses in the vicinity.

Facts in Support of Findings: The replacement dock system is substantially similar to the existing dock system it replaces and is consistent in scale and function with neighboring docks. The design, location, shape, size and/or operating characteristics of the existing dock system are compatible with the allowed uses in the vicinity.

3. NBMC Section 17.05.140(D)(1)(c). For any structures, the site is physically suitable in terms of design, location, shape size and operating characteristics, and the provision of the public and emergency vehicle (e.g., fire and medical) access and public services and utilities.

Facts in Support of Findings: The replacement dock system is substantially similar to the existing dock system it replaces, is not anticipated to result in any adverse impacts to the ingress and egress to the Property or vessels maneuvering the surrounding area and is designed or sited so as to not obstruct public access to coastal resources and/or would not, in comparison to the existing structures, further restrict or impair the public's use of the bay or beach in the vicinity of the existing structure or structures. The site is physically suitable in terms of design, location, shape, size and operating characteristics, and the provision of the public and emergency vehicle (e.g., fire and medical) access and public services and utilities.

4. NBMC Section 17.05.140(D)(1)(d). Operation of the use at the location proposed would not be detrimental to or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare.

Facts in Support of Findings: The replacement dock is substantially similar to the existing dock system it replaces. The operation of the replacement dock system would be similar to that of the existing dock system and is not anticipated to result in any adverse impacts to the ingress and egress to the Property or vessels maneuvering the surrounding area. Thus, it would not be detrimental to or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare.

5. NBMC Section 17.05.140(D)(1)(e). Any new development is designed or sited so as to not obstruct public access to coastal resources or, in the case of alteration, extension, enlargement expansion, reconstruction, replacement or addition of any structures, would not, in comparison to the existing structure or structures, further restrict or impair the public's use of the bay or beach in the vicinity of the existing structure or structures.

Facts in Support of Findings: The replacement dock system is substantially similar to the existing dock system it replaces and is designed or sited so as to not obstruct public access to coastal resources and/or would not, in comparison to the existing structures, further restrict or impair the public's use of the bay or beach in the vicinity of the existing structure or structures.

6. NBMC Section 17.05.140(D)(1)(f). There will be no negative impacts to adjacent property owners, harbor views, navigation, or future dredging.

Facts in Support of Findings: The Project is the same use and configuration as the existing dock and thus conforms to the provisions of the NBMC, applicable policies and the City of Newport Beach Waterfront Project Guidelines and Standards Harbor Design Criteria Commercial and

Residential Facilities. Navigation will not be negatively impacted, and the Project will not interfere with main channel dredging.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED BY THE HARBOR COMMISSION OF THE CITY OF NEWPORT BEACH:

1. In accordance with the above determination, this Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines because it has no potential to have a significant effect on the environment.
2. The Project, a residential dock reconfiguration at 2227 Bayside Drive, is approved in concept subject to the conditions set forth in Exhibit A.
3. This action shall become final and effective fourteen (14) days following the date of adoption of this Resolution unless within such time an appeal or call for review is made in accordance with the provisions of NBMC Chapter 17.65 (Appeals or Calls for Review).

PASSED, APPROVED, AND ADOPTED THIS 13th DAY OF MAY, 2026.

AYES:

NOES:

RECUSE:

ABSENT:

BY: _____
Ira Beer, Chair

BY: _____
Steve Scully, Secretary

Exhibit(s):

Exhibit A – Special Conditions



Public Works
100 Civic Center Drive
Newport Beach, CA 92660

Special Conditions

May 13, 2026

Project: Reconfiguration of Residential Dock
Address: 2227 Bayside Drive

The approval in concept of the subject project at the above referenced address, described as reconfiguring a portion of the shared, residential pier and relocating three piles, is subject to the following conditions:

1. The above referenced project and structure(s) is subject to all applicable federal, state, county and City of Newport Beach statutes, rules, ordinances, laws, and regulations including but not limited to Title 17 of the Newport Beach Municipal Code.
2. Any future work on the above-mentioned structure(s) beyond that which is expressly permitted herein may require permits from the City of Newport Beach and any other applicable agencies. Painting and work considered to be cosmetic in nature does not require a permit. This approval does not extend to any changes to the operational characteristics, structures, and project beyond those expressly included as part of this approval.
3. The conditions set forth in this document pertain to the project as approved in concept. Any future modifications or alterations may require additional and/or updated conditions which may override or change these conditions. These conditions supersede all past conditions associated with this property.
4. Only marine oriented uses are allowed on the pier, pier platform, gangway, and float. Patio furniture, plants etc. are not permitted.
5. In accordance with subsections A and B.3 of the Newport Beach Municipal Code section 10.08.030 (Use of Streets and Sidewalks for Commercial Purposes), as amended from time to time or any other successor statutes thereto, the project applicant shall obtain the proper permits for equipment and materials storage.

6. The project shall be implemented in conformance with the current version of the City of Newport Beach Local Coastal Program – Coastal Land Use Plan.
7. The noise regulations in Newport Beach Municipal Code Section 10.28.040 (Construction Activity – Noise Regulations), as amended from time to time or any other successor statute thereto, apply.
8. **Vessels may not extend bayward beyond the end of the fingers by a distance of more than the maximum width of the vessel’s beam.**
9. **The side property lines extend in the water along their same bearing. Vessels shall not encroach upon the neighbor’s property on either side.**
10. **The maximum beam of a vessel that is permitted to permanently side-tie to the western finger float is 6-feet.**
11. All required insurance shall be maintained in full force and effect during the pendency of this approval in concept.
12. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney’s fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City’s Approval in Concept, the applicant’s exercise of this Approval in Concept, the activities of the applicant carried on under authority of this Approval in Concept, and/or any related California Environmental Quality Act determinations. This indemnification shall include, but not be limited to, damages awarded against the City if any, costs of suit, attorney’s fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify City for all of City’s costs, attorney’s fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Chris Miller, Public Works Manager	Date
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Pier Permittee Signature (2227 Bayside Drive)	Print Name	Date
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Joint Pier Permittee Signature (2231 Bayside Drive)	Print Name	Date
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