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NEWPORT BEACH

Harbor Commission Staff Report

July 10, 2024
Agenda Item No. 7.1

TO: HARBOR COMMISSION

FROM: Chris Miller, Public Works Administrative Manager – 949-644-3043,
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TITLE: Residential Dock Reconfigurations at 20 Beacon Bay (Beacon Bay
Homeowner Association Dock Systems)

ABSTRACT:

Beacon Bay Homeowner Association (“Applicant”) has applied for a harbor development permit to remove and replace the floats and one gangway on the four homeowner association dock systems (“Project”). Three proposed floats extend beyond the specified limits by 4-feet which is the same distance as the existing floats extend. The proposed Work Dock float extends beyond the specified limits by 1-foot. Because the Applicant is proposing to construct bayward beyond the specified limits defined in Newport Beach Municipal Code (“NBMC”) 17.35.030(A), staff is unable to approve the project. Therefore, NBMC directs the Harbor Commission to hold a public hearing for the proposed project.

RECOMMENDATION:

- a) Conduct a public hearing;
- b) Find the Project 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; and
- c) Adopt Resolution HC2024-02 approving in concept the Project.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

Section 17.35.030(A) of the Newport Beach Municipal Code (NBMC) states that piers and floats may not extend bayward beyond the specified limits without approval of the Harbor Commission pursuant to subsection (G)(1). The specified extension limits within this subsection vary within the harbor depending on the project’s location. The Harbor Commission may approve or conditionally

approve the bayward extension of piers and floats, and their decision shall be on a case-by-case basis.

The aerials (Attachment A) depict the four separate dock systems along the Beacon Bay property, adjacent to the D-Mooring field.

The Applicant proposes to remove and replace four floats and one gangway at the Property. NBMC allows floats to extend 16-feet bayward of the Pierhead Line at this location as depicted on Attachment B (blue shaded area). The Applicant is proposing to extend beyond this specified limit to the Project Line.

There are no other residential docks in this vicinity. The Balboa Yacht Basin marina floats to the east also extend to the Project Line which is consistent with the Applicant's request.

EXISTING DOCK CONFIGURATIONS

Attachment C depicts the existing approved dock configurations for each of the four systems. City approvals from 2003, 1996 and 1971 each depict the dock systems extending to the Project Line.

The Work Dock on the east of the property currently extends 11-feet beyond the pierhead line which is well within the specified limit (16-foot bayward beyond the Pierhead Line). Note the previous approvals depict the Work Float extending to the Project Line, yet it was not built per the approved plans for unknown reasons.

The remaining three floats extend to the Project Line as previously permitted by the City in Exhibit C. The Project Line does not appear to be exactly parallel to the natural contours of the beach which explains the negligible inconsistency of the existing floats relative to the Project Line.

PROPOSED PROJECT

The Work Dock on the east of the property is proposed to extend 1-foot beyond the specified limits (i.e. 17-feet beyond the Pierhead Line vs. the specified limits of 16-feet.) The gangway will also be replaced to both account for the float positioned further bayward and to bring the gangway length into compliance.

The remaining three floats will be replaced in generally the same configuration to accommodate the same number of boats. However, the double-wide slips at each float will increase in width by approximately 2-feet, 6-inches to better accommodate the modern electric boat beam. The piles at each float will be replaced to accommodate the increased float width. No work is proposed on the gangways and piers.

REQUIRED FINDINGS:

The Harbor Commission shall hold a public hearing and shall make the following findings as specified in NBMC 17.30.030(G)(1). The Harbor Commission's decision shall be on a case-by-case basis and prior approvals shall not have any precedential value.

- a. Special circumstances applicable to the subject property exist, such as location, shape, size, surrounding topography or other physical features.

- b. Because of those special circumstances, strict compliance with the specified criteria would deny the property of privileges enjoyed by other properties in the vicinity.
- c. The bayward extension will not provide the subject property with special privileges inconsistent with limitations on properties in the vicinity.
- d. There will be no negative impacts to adjacent property owners, harbor views, navigation or future dredging.

The Project conforms to the Harbor Design Criteria. The proposed dock systems depicted in Attachment D are generally the same as existing and accommodate the same number of boats. A longer code-compliant gangway will be installed at the Work Dock.

STAFF RECOMMENDATION:

The Harbor Commission may approve or conditionally approve a harbor development permit and/or approval in concept for a pier or float to extend bayward beyond the specified limits upon making all the findings in NBMC.

Staff recommends approval in concept of the Project because all the findings in NBMC can be made. Attachment F is the draft Resolution HC2024-02 which includes the specified findings along with project special conditions.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this Project 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 Section 15301 (Class 1) applies to the "operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." Section 15302 (Class 2) applies to the "replacement or reconstruction of existing structures and facilities where the new structures will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced[.]" The replacement residential dock systems are in the same location and are substantially the same size and purpose as the dock systems they replace. The overwater coverage of the new dock systems is substantially the same as the existing dock systems (5,947 square feet compared to 5,526 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). This public hearing was noticed to all residents within a 300' radius per NBMC Section 17.05.140(B) and the subject dock was posted. The notice was also published in the newspaper on Saturday, June 22, 2024 (Attachment E).

ATTACHMENTS:

- Attachment A - Aerial Photos
- Attachment B - Float Limit Line
- Attachment C - Prior Approvals
- Attachment D - Existing and Proposed Configurations
- Attachment E - Public Notice
- Attachment F - Resolution HC2024-02