

PIER AND FLOAT EXTENSIONS BEYOND THE PIERHEAD LINE

Background

Newport Beach Municipal Code (NBMC) Section 17.35.030(A) provides that piers and floats may not extend bayward beyond the pierhead line unless approved in compliance with Council policy. This Policy sets forth the specific criteria, as a limited exception to the general rule set forth in Section 17.35.030(A) of the NBMC, where a harbor development permit and/or approval in concept for a pier or float to extend beyond the pierhead line may be granted.

Section I of this Policy sets forth the circumstances wherein the Public Works Director, Community Development Director and/or Harbormaster, as applicable, may approve a harbor development permit and/or approval in concept, pursuant to this Policy. Section II of this Policy sets forth the circumstances wherein the Harbor Commission, and/or City Council upon appeal or call for review, may approve a pier or float to extend bayward beyond the pierhead line. Section III of this Policy sets forth the General Provisions. ~~Section II of this Policy sets forth the circumstances wherein the Public Works Director, Community Development Director and/or Harbormaster, as applicable, may approve a harbor development permit and/or approval in concept, pursuant to this Policy.~~

I. Criteria for Staff Review, Approval and Findings as Required

This Policy allows exceptions to the distance that piers and floats may extend channelward in certain parts of the harbor. By default, piers and floats shall not extend beyond the pierhead line unless noted below. If ambiguity exists, then Harbor Commission approval is required. See Harbor Lines map (City Plan# H-5080-S) for U.S. Bulkhead and Pierhead Station locations.

- A. U.S. Bulkhead Station No. 109 to No. 110: Piers and floats may be permitted to extend 16 feet channelward of the U.S. Pierhead Line.
- B. Bay Island, U.S. Pierhead Station No. 563 (east of U.S. Bulkhead Station 163) to U.S. Pierhead Station No. 564 (west of U.S. Bulkhead Station No. 164): Piers and floats shall not be permitted.
- C. U.S. Bulkhead Station No. 119 to No. 120 and Station No. 120 to No. 221: Piers and floats may be permitted to extend 20 feet channelward of the U.S. Pierhead Line.
- D. U.S. Bulkhead Station No. 122 to No. 125: Piers and floats may be permitted to extend 20 feet channelward of the U.S. Pierhead Line.

E. West Newport Channels:

1. Rialto and Rivo Alto : Piers and floats may be permitted to extend channelward a maximum distance of 30 feet from the City Bulkhead Line. Where the City Bulkhead Line along a property exceeds 30 feet, float lengths parallel to the City Bulkhead Line will be allowed a one-foot increase for each additional two feet of City Bulkhead Line along a property.

Example (1): 30 foot City Bulkhead Line allows a 20 foot float length with five-foot setbacks.

Example (2): 34 foot City Bulkhead Line allows a 22 foot float length with five-foot setbacks (20' plus 2' equals 22').

2. The channel lying westerly of Newport Boulevard and northerly of Newport Island (along the South Line of the 125' Channel Reservation as shown on Tract 1011 [aka City Bulkhead Line]): Piers and floats may be permitted to extend channelward a maximum distance of 30 feet from the City Bulkhead Line. Where the City Bulkhead Line along a property exceeds 30 feet, float lengths parallel to the City Bulkhead Line will be allowed a one-foot increase for each additional two feet of City Bulkhead Line along a property. (See above examples.)

3. Balboa Coves and Newport Marina Villas (Piers and floats along the North Line of the 125' Channel Reservation as shown on Tract 1011 [aka City Bulkhead Line]):

a) Community piers or commercial marinas: Maximum extension channelward shall be 30 feet from the City Bulkhead Line.

b) Individually owned piers and floats up to 20 feet in length, parallel to the City Bulkhead Line: Maximum extension channelward shall be 30 feet from the City Bulkhead Line.

c) Individually owned piers and floats over 20 feet in length, parallel to the City Bulkhead Line: The 30 foot maximum extension channelward from the City Bulkhead Line shall be reduced one foot for each additional two feet added to the 20 foot float length.

Example (3): 26 foot long float may extend a maximum of 27 feet (30' minus 3' equals 27') from the City Bulkhead Line.

G. Lido Isle, U.S. Bulkhead Station No. 172 to No. 174: Piers and floats may be permitted to extend 20 feet channelward of the U.S. Pierhead Line.

1. Via Lido Soud: Piers and floats shall not be permitted between the westerly line of Lot 457 and the easterly line of Lot 919, Tract 907, except for community association piers and floats which shall be subject to special permits approved by the Harbor Commission.
2. Via Lido Nord: Piers and floats shall not be permitted between the easterly line of Lot 849 and the westerly line of Lot 493, Tract 907, except for community association piers and floats which shall be subject to special permits approved by the Harbor Commission.

H. U.S. Bulkhead Station No. 130 to No. 131: Piers and floats may be permitted to extend 20 feet channelward of the U.S. Pierhead Line.

I. Upper Bay: Piers and floats may be permitted to extend to the Pierhead Line as shown on Harbor Lines Map (aka City Plan # H-5014-S) approved by City Council.

J. Linda Isle: Piers and floats may be permitted to extend to the Pierhead Line as shown on Harbor Lines Map (aka City Plan # H-5029-S) approved by City Council.

K. Harbor Island Bridge easterly to U.S. Bulkhead Station No. 141: Piers and floats shall not be permitted.

L. Balboa Island: Revisions to existing piers and floats may be permitted providing they do not further restrict or impair the public's use of the bay or beach in the vicinity of the piers and floats.

1. South Bay Front, U.S. Bulkhead Station No. 255 to No. 256: Piers and floats may be permitted to extend 16 feet channelward of the U.S. Pierhead Line.
2. South Bay Front, U.S. Bulkhead Station No. 256 to No. 259: Piers and floats may be permitted to extend 10 feet channelward of the U.S. Pierhead Line.
3. North Bay Front, U.S. Bulkhead Station No. 151 easterly to the northerly prolongation of the easterly line of Garnet Avenue: Piers and floats may be permitted to extend 10 feet channelward of the U.S. Pierhead Line.
4. North Bay Front, easterly from the northerly prolongation of the easterly

line of Garnet Avenue to the northerly prolongation of the easterly line of Coral Avenue: Piers and floats may be permitted to extend to the City Pierhead Line (as shown on "City Bulkhead & Pierhead Lines" map, aka City Plan # H-5270-S).

5. North Bay Front, easterly from the northerly prolongation of the easterly line of Coral Avenue to U.S. Bulkhead Station No. 152: Piers and floats may be permitted to extend 10 feet channelward of the U.S. Pierhead Line.
6. East Bay Front, U.S. Bulkhead Station No. 152 southerly to the easterly prolongation of the northerly line of Park Avenue: Piers and floats may be permitted to extend 10 feet channelward of the U.S. Pierhead Line.
7. East Bay Front, southerly from the easterly prolongation of the northerly line of Park Avenue to U.S. Bulkhead Station No. 255: Piers and floats may be permitted to extend 16 feet channelward of the U.S. Pierhead Line.

M. East Property Line of Beacon Bay Subdivision to U.S. Bulkhead Station No. 104: Piers and floats may be permitted to extend 20 feet channelward of the U.S. Pierhead Line.

For those piers or floats in areas where the pierhead line does not exist or where the bayward extension of those structures is not clearly limited by the pierhead line or where ambiguity or anomalies exist or unless otherwise noted in Section II below, the Public Works Director, Community Development Director and/or Harbormaster, as applicable, may approve a pier and float reconstruction project if the:

- A. Existing pier or float is in substantial conformance with the existing City-issued permit;
- B. Reconstruction will utilize the same or less square footage;
- C. Reconstruction is in a substantially similar configuration as the existing pier or float; and the
- D. Pier or float complies with the City of Newport Beach Waterfront Project Guidelines and Standards Harbor Design Criteria, the California Building Code as set forth in Title 24 of the California Code of Regulations, and other applicable provisions of the NBMC.

Projects that do not meet the above criteria for approval shall be reviewed in accordance with the applicable provisions of Title 17 (Harbor Code) of the NBMC.

II. Harbor Commission/City Council Review and Findings Required for Approval

Harbor Commission review and approval is required at the following locations or if ambiguity exists.

- A. U.S. Bulkhead Station No. 112 westerly to the northerly prolongation of the westerly line of Adams Street: Commercial piers and floats between "A" Street and Adams Street shall be approved by the Harbor Commission.
- B. U.S. Bulkhead Station No. 113 to No. 114: Piers and floats shall be approved by the Harbor Commission.
- C. The Rhine, extending northerly from U.S. Bulkhead Station No. 221 into the Rhine to U.S. Bulkhead Station No. 122: Piers and floats shall be approved by the Harbor Commission.
- D. U.S. Bulkhead Station No. 125 to No. 126: Piers and floats shall be approved by the Harbor Commission.
- E. U.S. Bulkhead Station No. 226 to No. 227 and Station No. 227 to No. 128: Piers and floats shall be approved by the Harbor Commission.
- F. Harbor Island: U.S. Bulkhead Station No. 140 easterly to Harbor Island Bridge: Piers and floats shall be approved by the Harbor Commission.
- G. Collins Isle: Except between U.S. Bulkhead Station No. 160 northerly to U.S. Bulkhead Station No. 250: Piers and floats shall be approved by the Harbor Commission.
- H. Balboa Island:
 - 1. All new piers and floats shall be approved by the Harbor Commission.
 - 2. South Bay Front, from the westerly prolongation of the northerly line of Lot 5, Block 1, Resubdivision of Section 1 of Balboa Island Tract to Collins Isle Bridge: Piers and floats shall be approved by the Harbor Commission.
 - 3. North Bay Front, Collins Isle Bridge northeasterly to U.S. Bulkhead Station No. 151: Piers and floats shall be approved by the Harbor Commission.
- I. U.S. Bulkhead Station No. 137 to the East Property Line of Beacon Bay Subdivision:

Piers and floats may be permitted to extend 16 feet channelward of the U.S. Pierhead Line but shall be approved by the Harbor Commission.

J. U.S. Bulkhead Station No. 104 to No. 106: Piers and floats shall be approved by the Harbor Commission.

After holding a public hearing and considering a staff report and accompanying materials that include, but are not limited to, the application and materials supporting the staff recommendation, the Harbor Commission, or the City Council on appeal or call for review, may approve or conditionally approve a harbor development permit and/or approval in concept for a pier or float to extend bayward beyond the pierhead line upon considering the following findings and substantial benefits of the proposed project:~~making all of the following findings:~~

- A. The existing pier or float is currently encroaching bayward beyond the pierhead line;
- B. The existing pier or float was previously permitted to encroach bayward beyond the pierhead line or is in substantial conformance with the existing City-issued permit;
- C. The pier or float will not encroach any further bayward beyond the pierhead line than the existing encroachment;
- D. Any vessel utilizing the pier or float will not extend bayward beyond the project line or the line established under the previous City-issued pier or float permit, whichever is ~~less~~greater; and
- E. The pier or float will:
 - 1. Preserve the diverse uses in Newport Harbor and the waterfront that contribute to the charm and character of Newport Harbor;
 - 2. Maintain or enhance public access to Newport Harbor's waterways and waterfront areas;
 - 3. Preserve or enhance the visual character of Newport Harbor;
 - 4. Not negatively impact adjacent property owners, harbor views, navigation, and future harbor dredging; and
 - 5. Be aesthetically consistent and compatible with its surroundings.

~~II. Criteria for Staff Review and Findings Required for Approval~~

~~For those piers or floats in areas where the pierhead line does not exist or where the bayward extension of those structures is not clearly limited by the pierhead line, the Public Works Director, Community Development Director and/or Harbormaster, as applicable, may approve a pier and float reconstruction project if the:~~

~~A. Existing pier or float is in substantial conformance with the existing City issued permit;~~

~~B. A. Reconstruction will utilize the same or less square footage;~~

~~C. A. Reconstruction is in a substantially similar configuration as the existing pier or float; and the~~

~~D. A. Pier or float complies with the City of Newport Beach Waterfront Project Guidelines and Standards Harbor Design Criteria, the California Building Code as set forth in Title 24 of the California Code of Regulations, and other applicable provisions of the NBMC.~~

~~Projects that do not meet the above criteria for approval shall be reviewed in accordance with the applicable provisions of Title 17 (Harbor Code) of the NBMC.~~

III. General Provisions

- A. Appeals and calls for review of decisions under this Policy shall be in accordance with Chapter 17.65 (Appeals or Calls for Review).
- B. Any approval granted under this Policy for piers and floats to encroach bayward beyond the pierhead line is separate from any and all other required permits and/or approvals.
- C. Any permit issued by the City of Newport Beach before June 26, 2019 that allows an existing pier or float to extend bayward beyond the pierhead line is ratified by the City Council and may continue as valid until such time as a new permit for a pier or float is approved and the pier or float is constructed pursuant to the new permit.

History

Adopted H-1 - 6-1-1964

Amended H-1 - 10-19-1964
Amended H-1 - 10-26-1964
Amended H-1 - 4-27-65
Reaffirmed H-1 - 8-30-1966
Amended H-1 - 1-9-1967
Amended H-1 - 7-24-1967
Amended H-1 - 6-24-1968
Amended H-1 - 8-19-1968
Amended H-1 - 12-23-1968
Amended H-1 - 1-26-1970
Reaffirmed H-1 - 3-9-1970
Reaffirmed H-1 - 2-14-1972
Amended H-1 - 8-14-1972
Amended H-1 - 6-25-1973
Reaffirmed H-1 - 12-10-1973
Amended H-1 - 12-17-1973
Amended H-1 - 6-10-1974
Reaffirmed H-1 - 11-11-1974
Amended H-1 - 3-10-1975
Amended H-1 - 4-28-1975
Amended H-1 - 5-27-1975
Amended H-1 - 10-28-1975
Amended H-1 - 12-8-1975
Amended H-1 - 5-10-1976
Amended H-1 - 10-26-1976
Amended H-1 - 11-22-1976
Reaffirmed H-1 - 1-24-1977
Amended H-1 - 5-23-1977
Amended H-1 - 5-22-1978
Amended H-1 - 12-11-1978
Amended H-1 - 3-12-1979
Amended H-1 - 6-25-1979
Amended H-1 - 6-9-1980
Amended H-1 - 6-23-1980
Amended H-1 - 11-23-1981
Amended H-1 - 6-28-1982
Amended H-1 - 10-12-1982
Amended H-1 - 10-25-1982
Amended H-1 - 6-27-1983
Amended H-1 - 1-14-1985

Amended H-1 – 3-25-1985
Amended H-1 – 6-24-1985
Amended H-1 – 6-22-1987
Amended H-1 – 6-13-1988
Amended H-1 – 11-28-1988
Amended H-1 – 6-26-1989
Amended H-1 – 9-25-1989
Amended H-1 – 11-27-1989
Amended H-1 – 5-14-1990
Amended H-1 – 6-25-1990
Amended H-1 – 4-8-1991
Amended H-1 – 6-24-1991
Amended H-1 – 10-28-1991
Reaffirmed H-1 – 1-24-1994
Amended H-1 – 6-27-1994
Amended H-1 – 6-26-1995
Amended H-1 – 3-25-1996
Amended H-1 – 6-8, 1998
Amended H-1 – 12-14-1998
Amended H-1 – 5-8-2001
Amended H-1 – 9-10-2002
Amended H-1 – 10-28-2003
Amended H-1 – 4-13-2004
Amended H-1 – 1-8-2008
Amended H-1 – 5-22-2018
Amended H-1 – 6-25-2019
Amended H-1 – 11-5-2019
Amended H-1 – 9-14-2021

Amended H-1 – _____