

Harbor Commission Meeting

Appeal of Approval in Concept
for Newport Marina

January 9, 2019

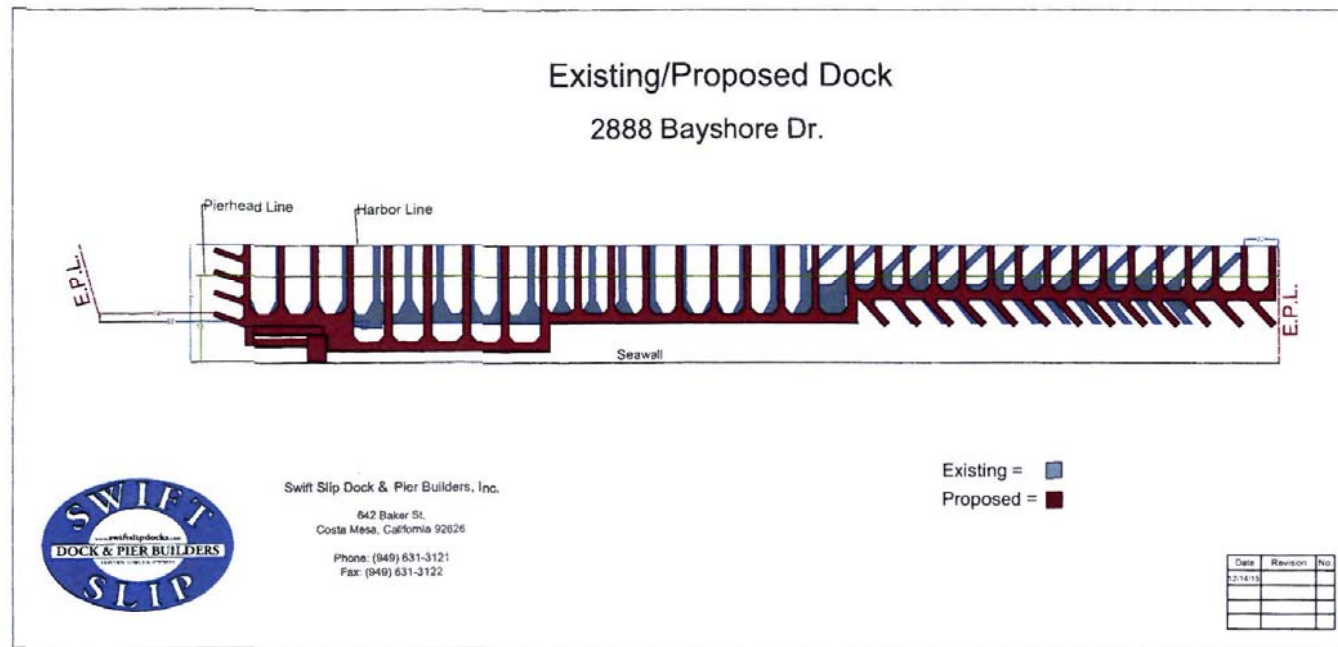
Item 6.1 2888 Bayshore Drive (Newport Marina) - Appeal Additional Material Presented at Meeting - CAA Planning Presentation
01-09-2019 Harbor Commission Meeting



Item 6.1 2888 Bayshore Drive (Newport Marina) - Appeal Additional Material Presented at Meeting - CAA Planning Presentation
01-09-2019 Harbor Commission Meeting



2016 Approval in Concept #1

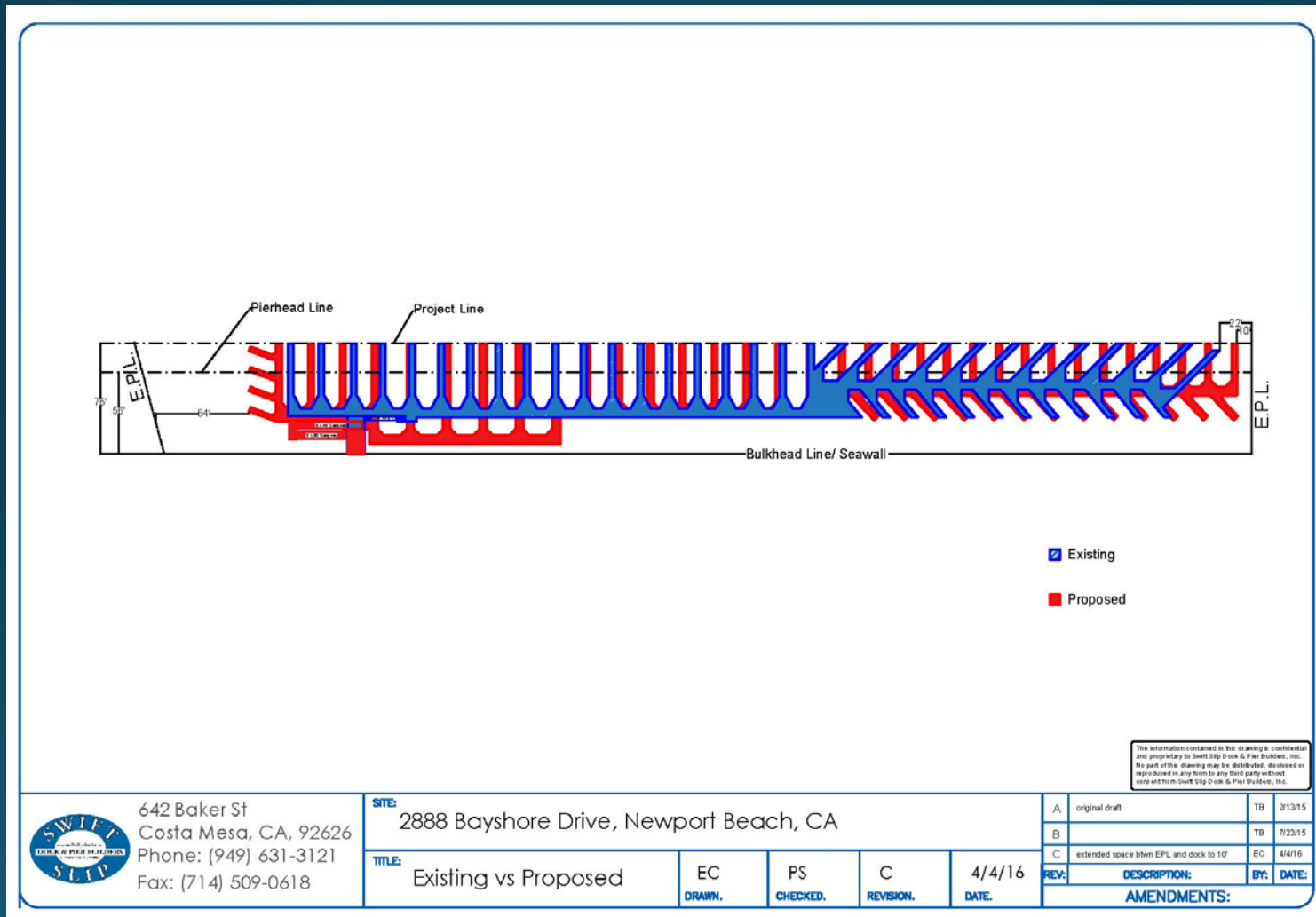


COASTAL COMMISSION

EXHIBIT # 2
PAGE 3 OF 3

RECEIVED
South Coast Region
JAN 19 2016
CALIFORNIA
COASTAL COMMISSION

2016 Approval in Concept #2



2016 Harbor Commission Approval



CITY OF NEWPORT BEACH
100 Civic Center Drive
Newport Beach, California 92660
949 644-3311 | 949 644-3308 FAX
newportbeachca.gov/HarborResources

October 18, 2016

DELIVERED VIA FIRST CLASS REGULAR MAIL

CAA Planning
Attn: Shawna Schaffner
65 Enterprise, STE 130
Aliso Viejo, CA 92656-4105

RE: 2888 Bay Shore Drive – Notice of Harbor Commission's Decision on Appeal of Approval
in Concept.

Mr. Hewitt,

Pursuant to Newport Beach Municipal Code Section 17.65.040.F, this is a notice of the Harbor Commission's decision on October 12, 2016 to amend the Approval in Concept for the proposed commercial marina reconstruction at 2888 Bay Shore Drive.

The Harbor Commission amended the Approval in Concept with respect to the western portion of the commercial float only, as follows:

- The southern side of the floating dock shall be at least 26 feet from the property line located at 2782 Bay Shore Drive to accommodate vessel ingress and egress to the back of the marina.
- There shall be no side ties permitted on the southern side of the float, immediately adjacent to the property line located at 2782 Bay Shore Drive.
- There shall be no cleats on the southern side of the float, immediately adjacent to the property line located at 2782 Bay Shore Drive.
- There shall be no cleats on the western side of the float facing the bulkhead, immediately south of the last finger float.

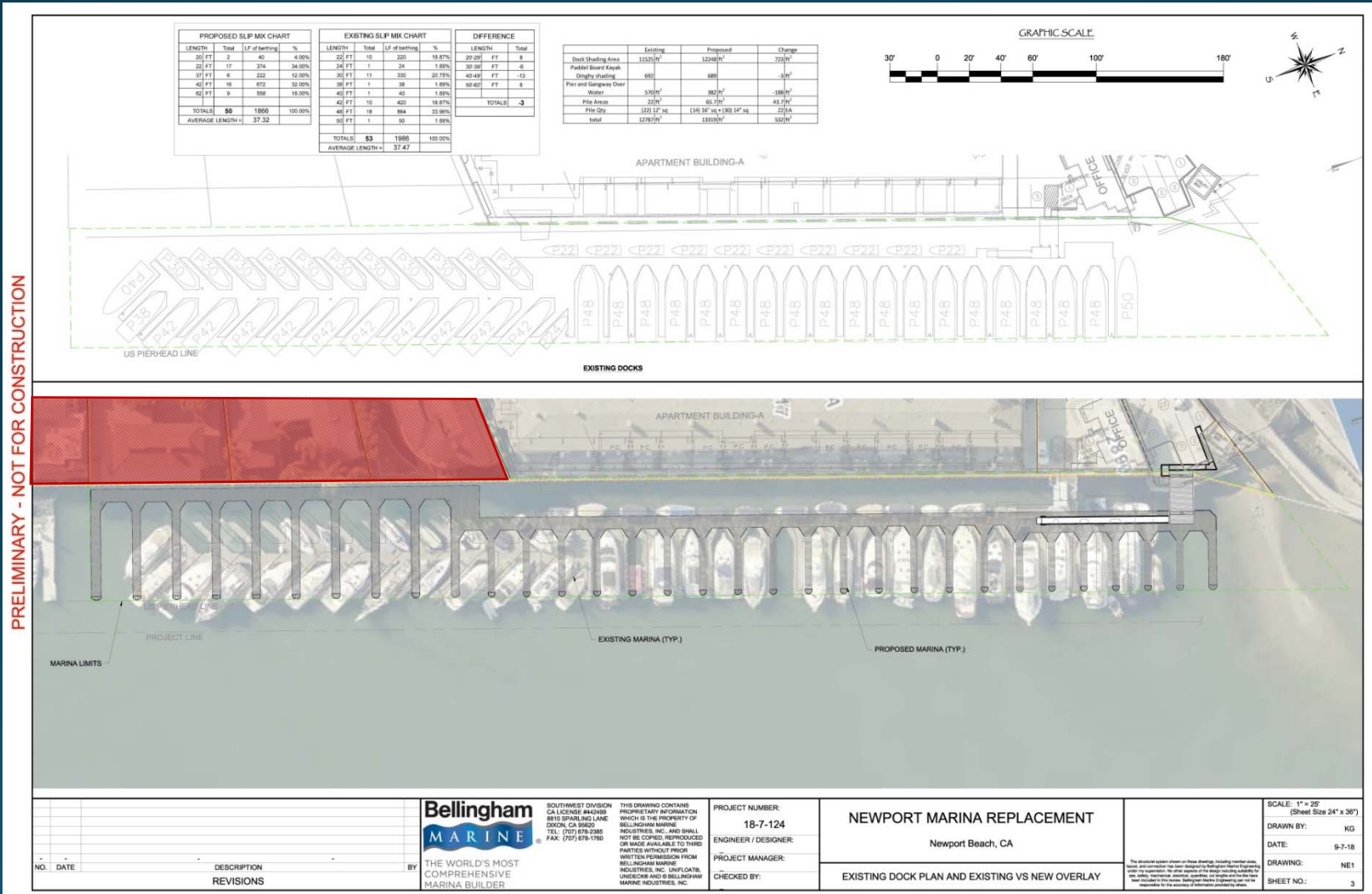
Pursuant to NBMC 17.65, decisions of the Harbor Commission may be appealed to the City Council within fourteen days of the Harbor Commission's decision.

Regards,

A handwritten signature in blue ink, appearing to read "Chris Miller".

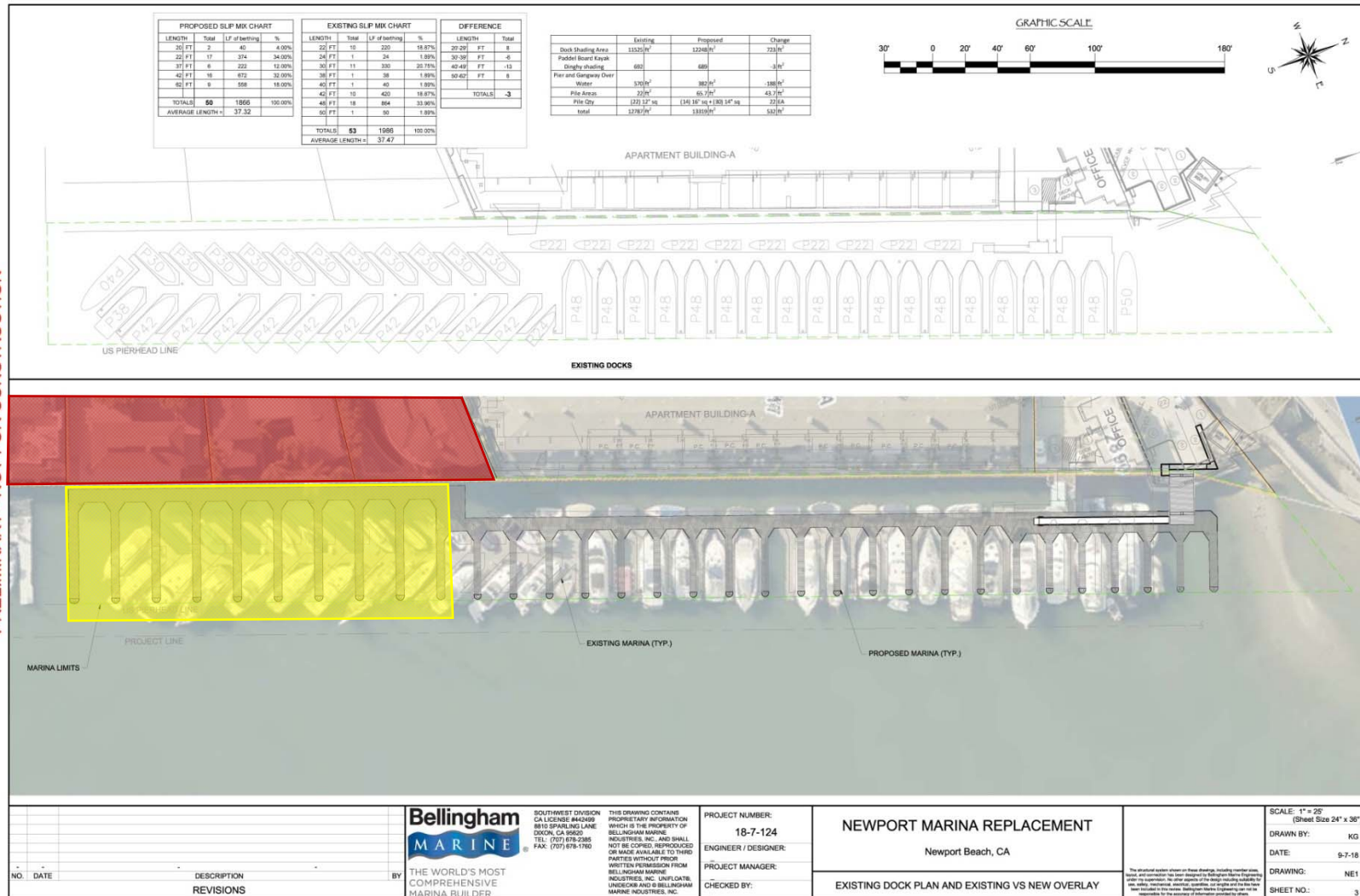
Chris Miller
Harbor Manager

2018 Approval In Concept



2018 Approval In Concept

PRELIMINARY - NOT FOR CONSTRUCTION



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Harbor Design Criteria

- (3) See the attached **Harbor Standard Drawings** for plans, sections and details of typical conditions for vessel moorings and docks, gangways, platforms, seawalls, and beach profiles. These Standards are to be considered minimum requirements for the cases represented and, at the City of Newport Beach discretion, may not apply to the specific project submitted. The City of Newport Beach reserves the right to mandate deviation from the Standards, if particular project conditions require special consideration.
- b. Slip and Boat Overhang into Adjacent Fairways:
 - (1) Berths shall not be occupied by vessels more than 3 feet longer than the berth or slip, or in the case of fairways with a $1.75 \times L_b$ width, not more than 10% of the length of the finger.
 - (2) For berths either parallel or perpendicular to a main channel, vessels can extend beyond the limits of the slip by as much as the beam of the boat.
- c. Finger and Walkway Widths:
 - (1) Minimum finger widths for recreational commercial and residential docks shall be per **Table No. 1**.
 - (2) Fillets at the connection of walkways to fingers shall not have less than a 4-foot side.
 - (3) Outer end (end tie) and side-tie fingers shall be a minimum of one foot wider than the minimal widths for all other adjacent finger docks.
 - (4) Residential Headwalks and Mainwalks:
 - (a) Minimum residential headwalk widths shall be no less than 6 feet for dock lengths up to 120 feet in total length, and 8 feet wide for dock lengths of more than 120 feet.
 - (5) Commercial Headwalks and Mainwalks:
 - (a) Minimum widths shall be no less than 6 feet for dock lengths up to 120 feet in total length, and 8 feet wide for dock lengths of more than 120 feet. If use of a walkway is for staging the public while waiting to board a vessel, the minimum dock width shall be 12 feet.

Harbor Design Criteria

I. Waterside Development

A. Docks

2. Layout and Design (Commercial & Residential)

a. General

- (3) See the attached **Harbor Standard Drawings** for plans, sections and details of typical conditions for vessel moorings and docks, gangways, platforms, seawalls, and beach profiles. These Standards are to be considered minimum requirements for the cases represented and, at the City of Newport Beach discretion, may not apply to the specific project submitted. The City of Newport Beach reserves the right to mandate deviation from the Standards, if particular project conditions require special consideration.

Appeal Considerations

- Inconsistent with provisions the Local Coastal Program, Local Implementation Plan
- Design incompatible with land-side development
 - Safety Risk
 - Land use compatibility related to intensification of use
- Newport Marina approval is precedent-setting action

Inconsistent with Local Coastal Program, Implementation Plan

21.30C.050 Harbor Development Regulations

- A. Protection of Coastal Access and Resources. All harbor structures, including remodels of, additions to, or replacement of existing structures, and new structures, shall be designed and sited so as not to obstruct public access and to minimize impacts to coastal views and coastal resources.

Inconsistent with Local Coastal Program, Implementation Plan

21.30C.070 Dredging Permits

C. Limits on Development. Development involving the diking, filling, or dredging of open coastal waters, wetlands, or estuaries shall only be permitted under the following circumstances:

1. Only if there is no feasible, less environmentally damaging alternative.

Design Incompatible with Landside Residential

- Safety
 - Provides unrestricted access to private residences
 - From headwalk onto private property
 - From last slip 6 inches from property line onto boat, dock and residence

Design Incompatible with Landside Residential





Design Incompatible with Landside Residential

- Land Use Compatibility
 - Noise
 - Privacy
 - Views
 - Odor

Design Incompatible with Landside Residential

- Land Use Compatibility Defined
 - A recognized factor and principle of good land use planning, whereby land uses which are known or expected to cause environmental problems for one another, when in proximity, are deemed incompatible and are protected from one another by separation and/or other means.

(source:
<https://www.ontario.ca/page/d-1-3-land-use-compatibility-definitions>)

Design Incompatible with Landside Residential

- **Adverse Effect:** Includes loss of enjoyment of normal use of property
- **Buffer:** A method of control used to prevent or minimize the adverse effects of incompatible land uses and may be in the form of intervening space sufficient to provide the necessary distance separation

Newport Harbor Marina Review

- Review of 20 marinas in Newport Harbor
 - 6-inch setback from shared residential property line
 - 5-foot setback from bulkhead
 - 80-foot boats in front of private residences
- No marinas similar to proposed Newport Marina

Newport Harbor Marina Review

American Legion 25-41'
Ardell 30-70'+
Bahia Corinthian Yacht Club
35-41'+
Balboa Bay Club 20-90'+
Balboa Marina 20-58'
Balboa Yacht Basin 30-75'
Balboa Yacht Club 30-88'
Bayshore Marina 15-83'
Bayside Marina 15-74'
Bayside Village Marina 12-46'

Harbor Marina 20-60'
Lido Marina Village 30-60'
Lido Park Place Marina 30-50'+
Lido Yacht Anchorage 6-110'
Newport Marina (Yacht Club)
30'
Newport Dunes Resort 20-46'
Newport Harbor Yacht Club
20-40'+
Port Calypso 25-40'
Newport Marina 24-45'
Villa Cove Marina 22-45'

Newport Harbor Marina Review

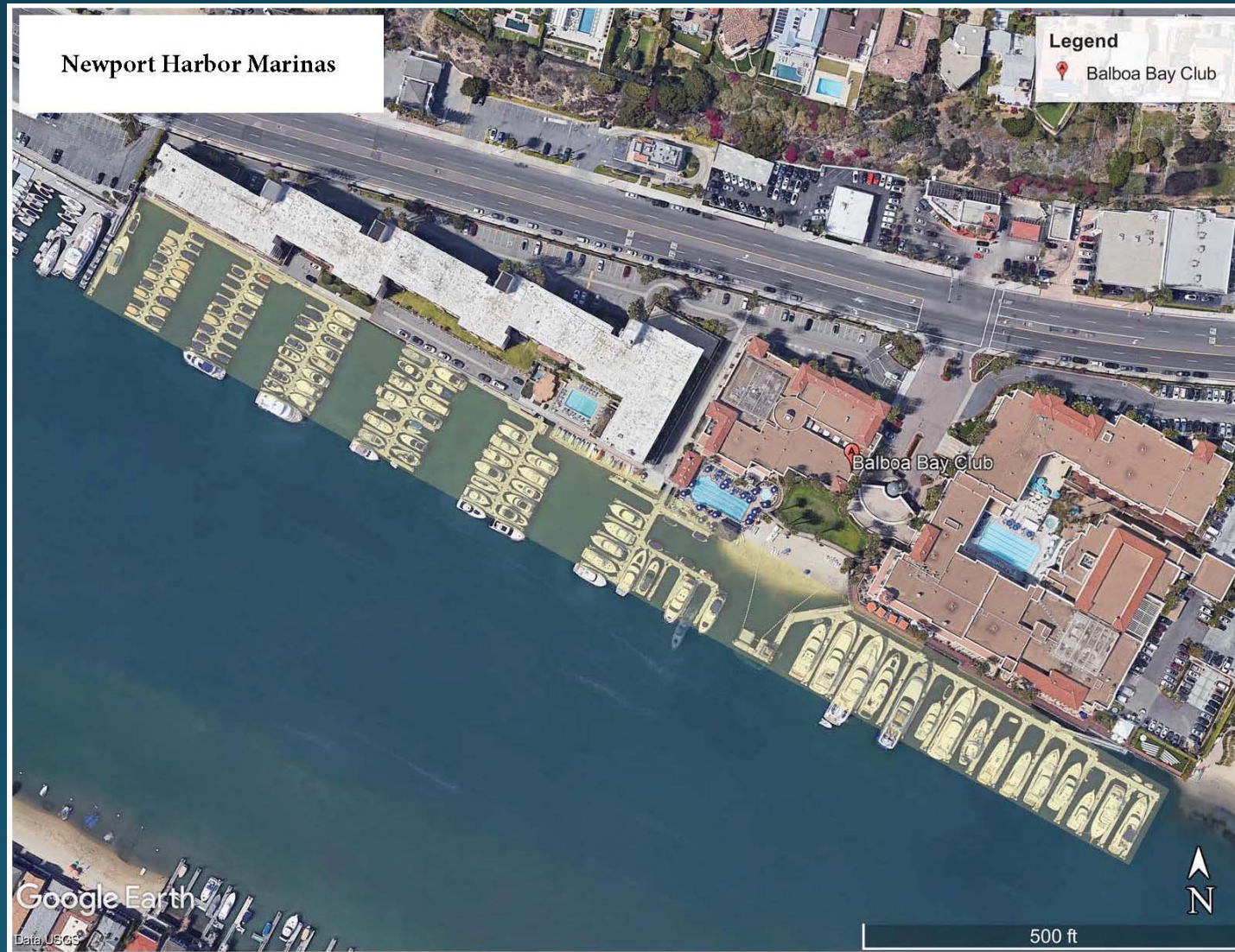
- American Legion 25-41'
- **Ardell 30-70'+**
- Bahia Corinthian Yacht Club 35-41'+
- **Balboa Bay Club 20-90'+**
- Balboa Marina 20-58'
- **Balboa Yacht Basin 30-75'**
- **Balboa Yacht Club 30-88'**
- **Bayshore Marina 15-83'**
- **Bayside Marina 15-74'**
- Bayside Village Marina 12-46'
- Harbor Marina 20-60'
- Lido Marina Village 30-60'
- Lido Park Place Marina 30-50'+
- **Lido Yacht Anchorage 6-110'**
- Newport Marina (Yacht Club) 30'
- Newport Dunes Resort 20-46'
- Newport Harbor Yacht Club 20-40'+
- Port Calypso 25-40'
- Newport Marina 24-45'
- Villa Cove Marina 22-45'

Newport Harbor Marina Review

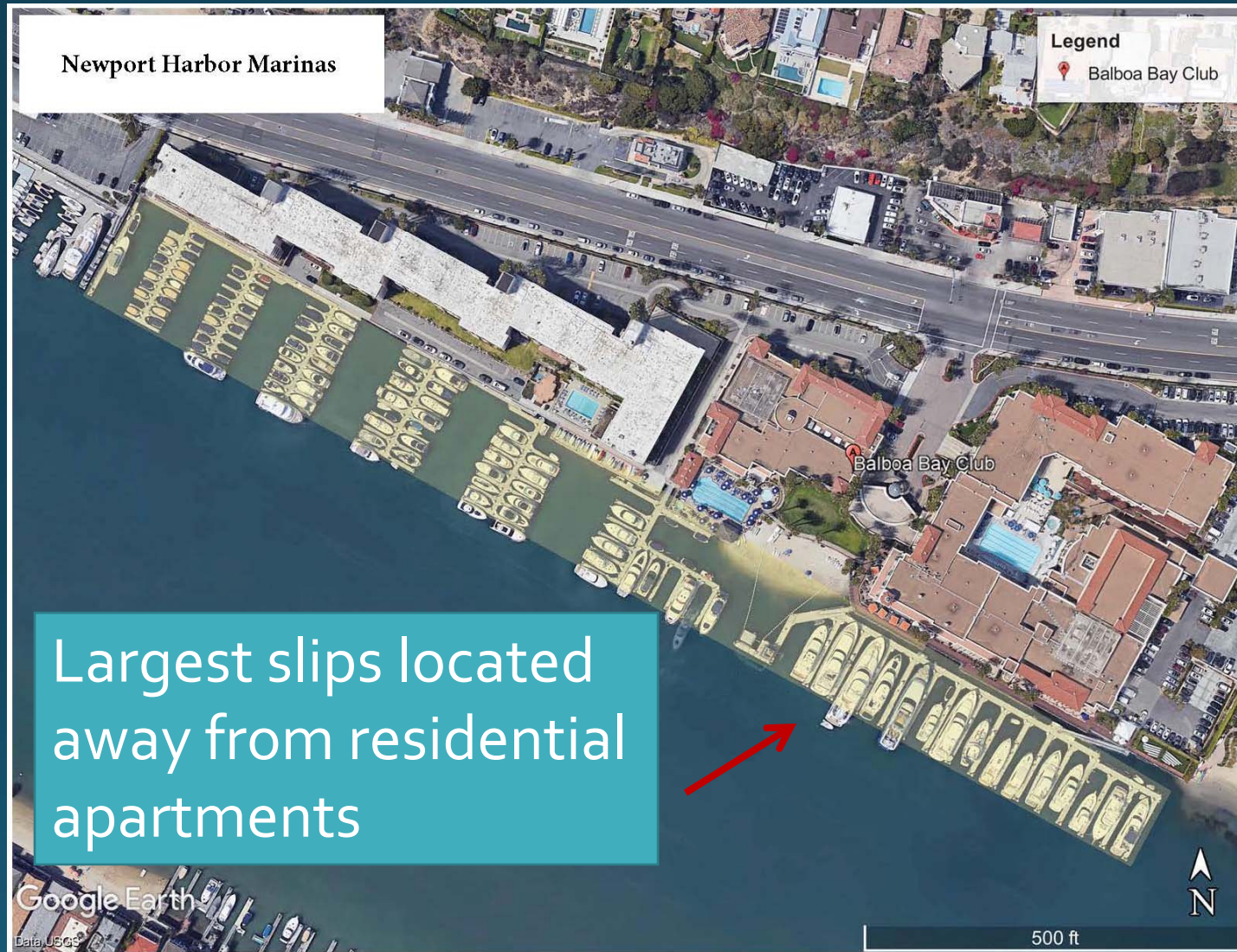
Adjacent to Residential?

- Ardell 30-70'+
- Balboa Bay Club 20-90'+
- Balboa Yacht Basin 30-75'
- Balboa Yacht Club 30-88'
- Bayshore Marina 15-83'
- Bayside Marina 15-74'
- Lido Yacht Anchorage 6-110'

Balboa Bay Club



Balboa Bay Club



Balboa Yacht Club

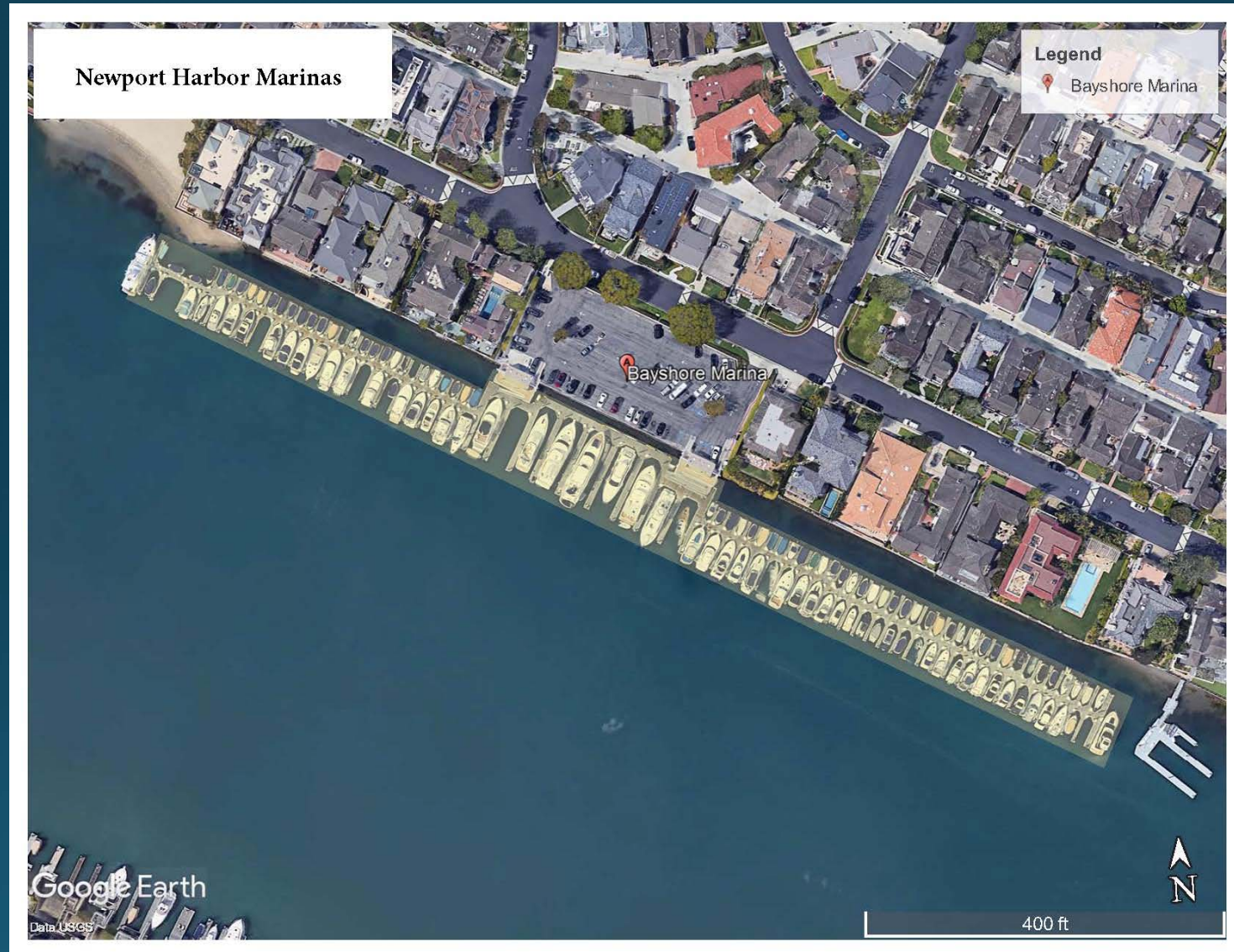


Balboa Yacht Club

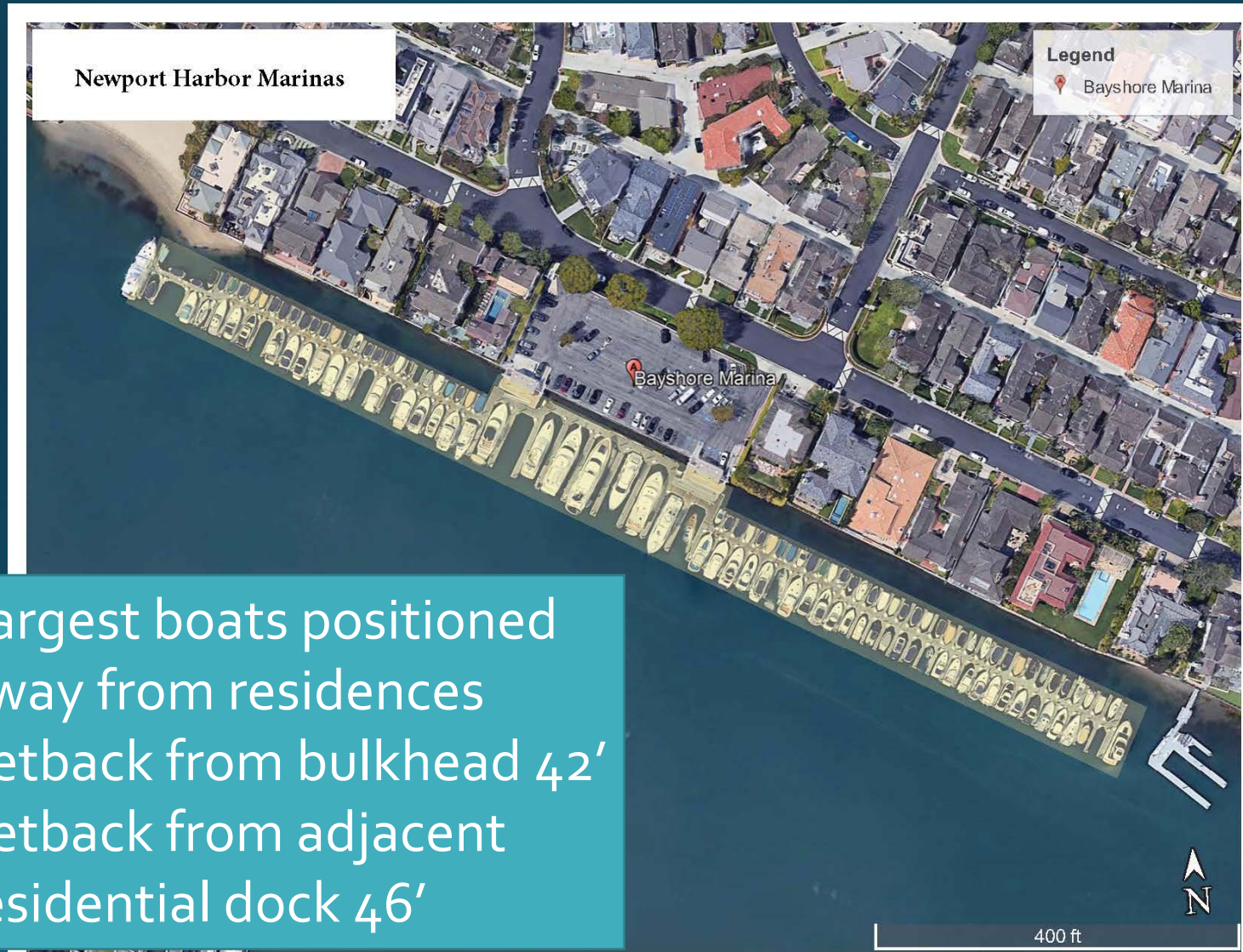


Largest boats
positioned away
from residential

Bayshore Marina



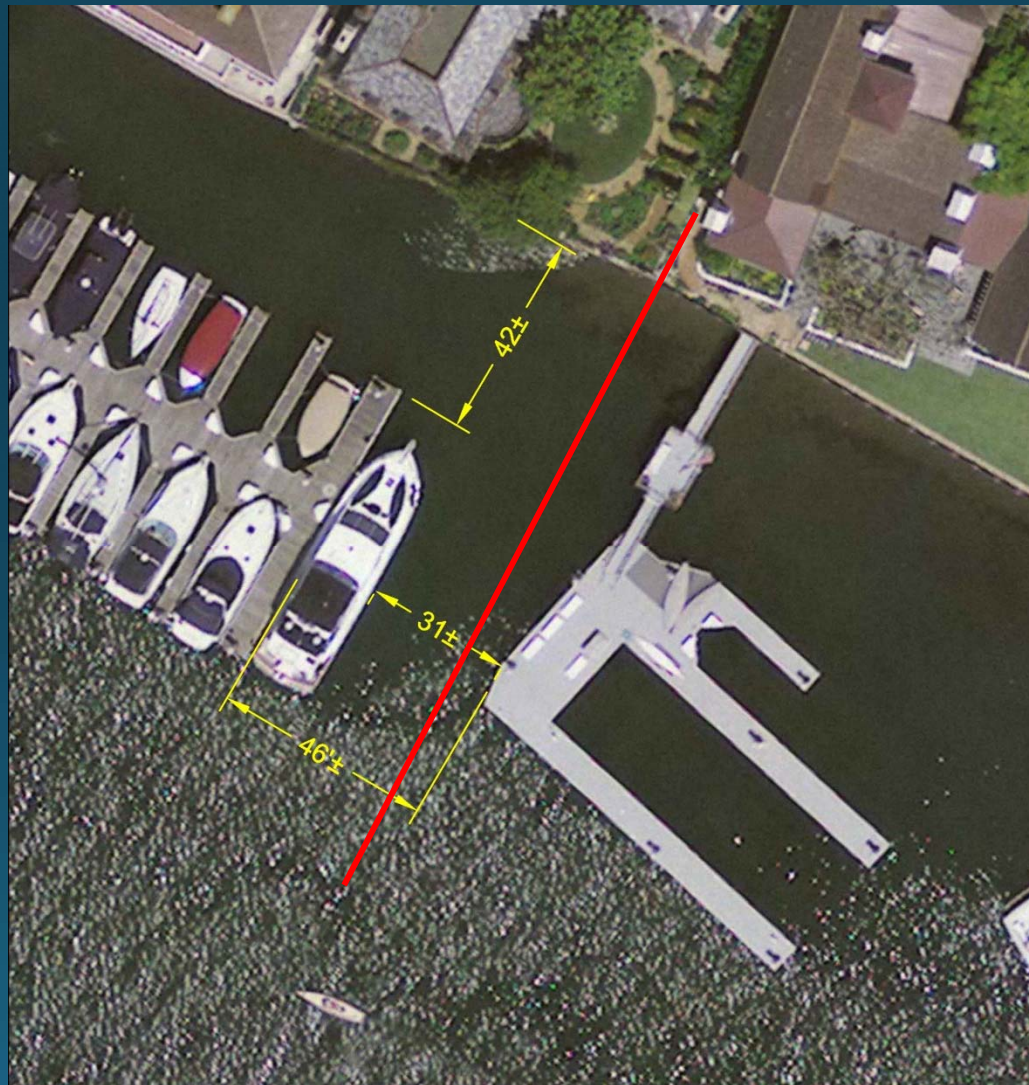
Bayshore Marina



Bayshore Marina



Bayshore Marina



Bayside Marina



Bayside Marina



Bayside Marina



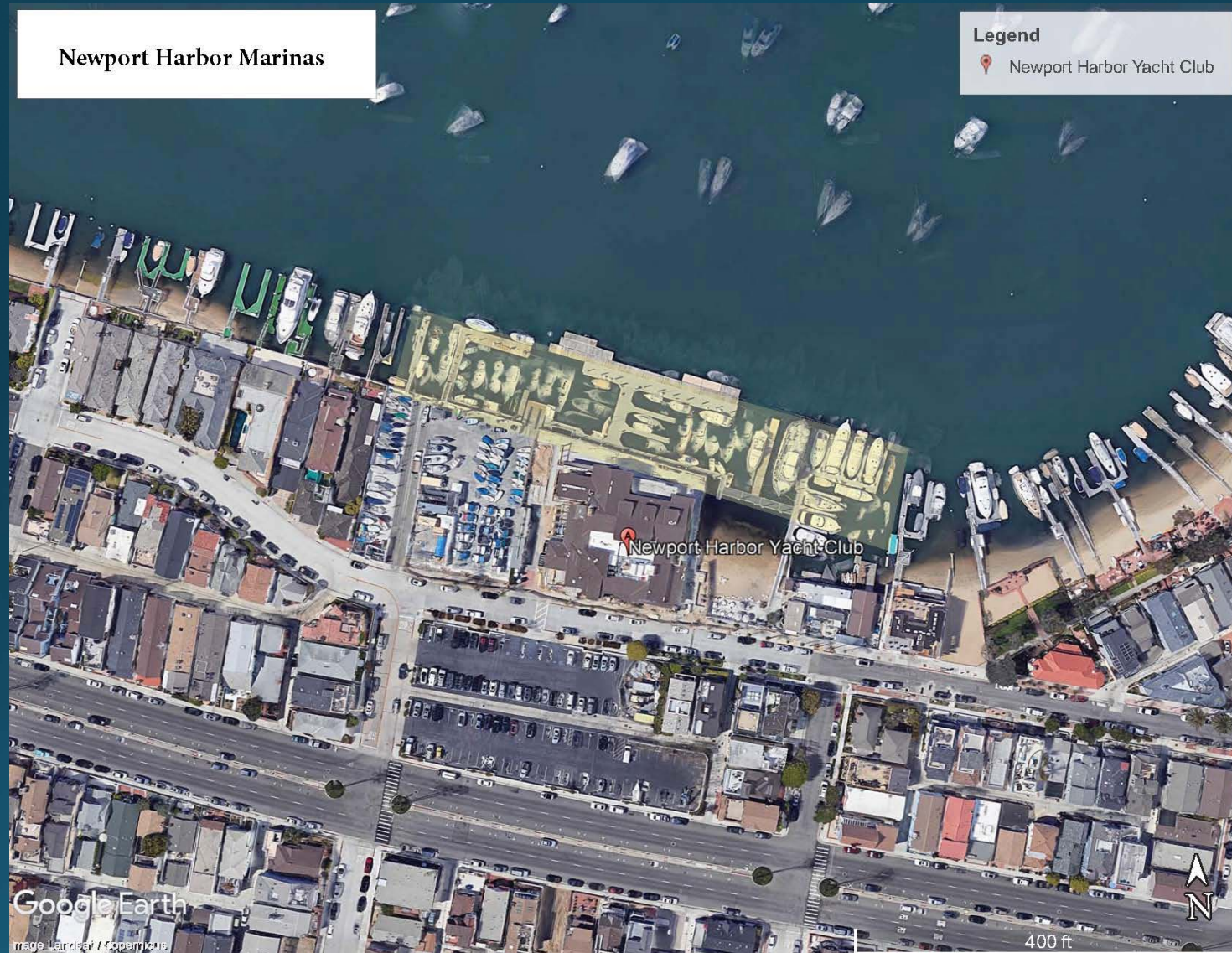
Lido Yacht Anchorage



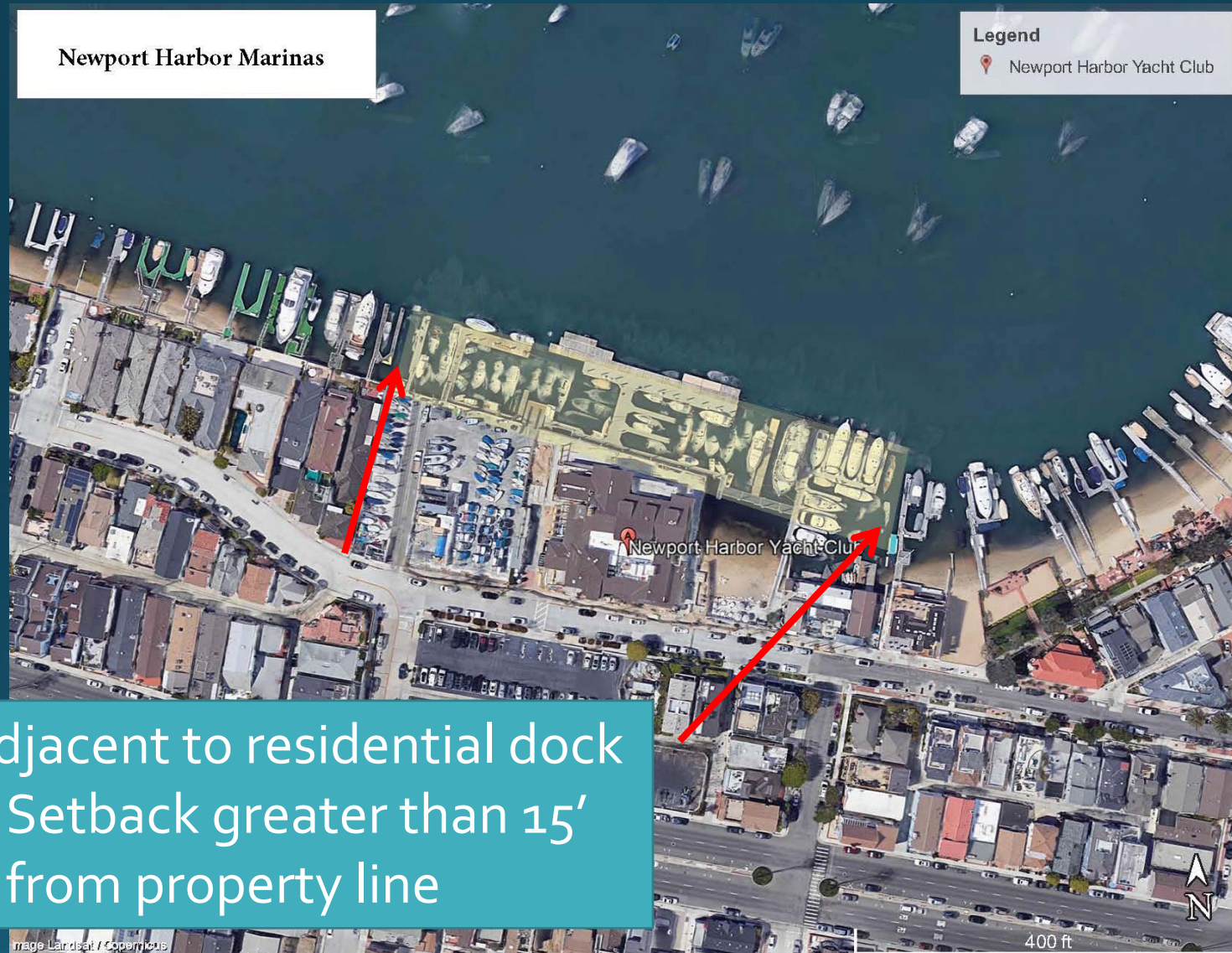
Lido Yacht Anchorage



Newport Harbor Yacht Club



Newport Harbor Yacht Club

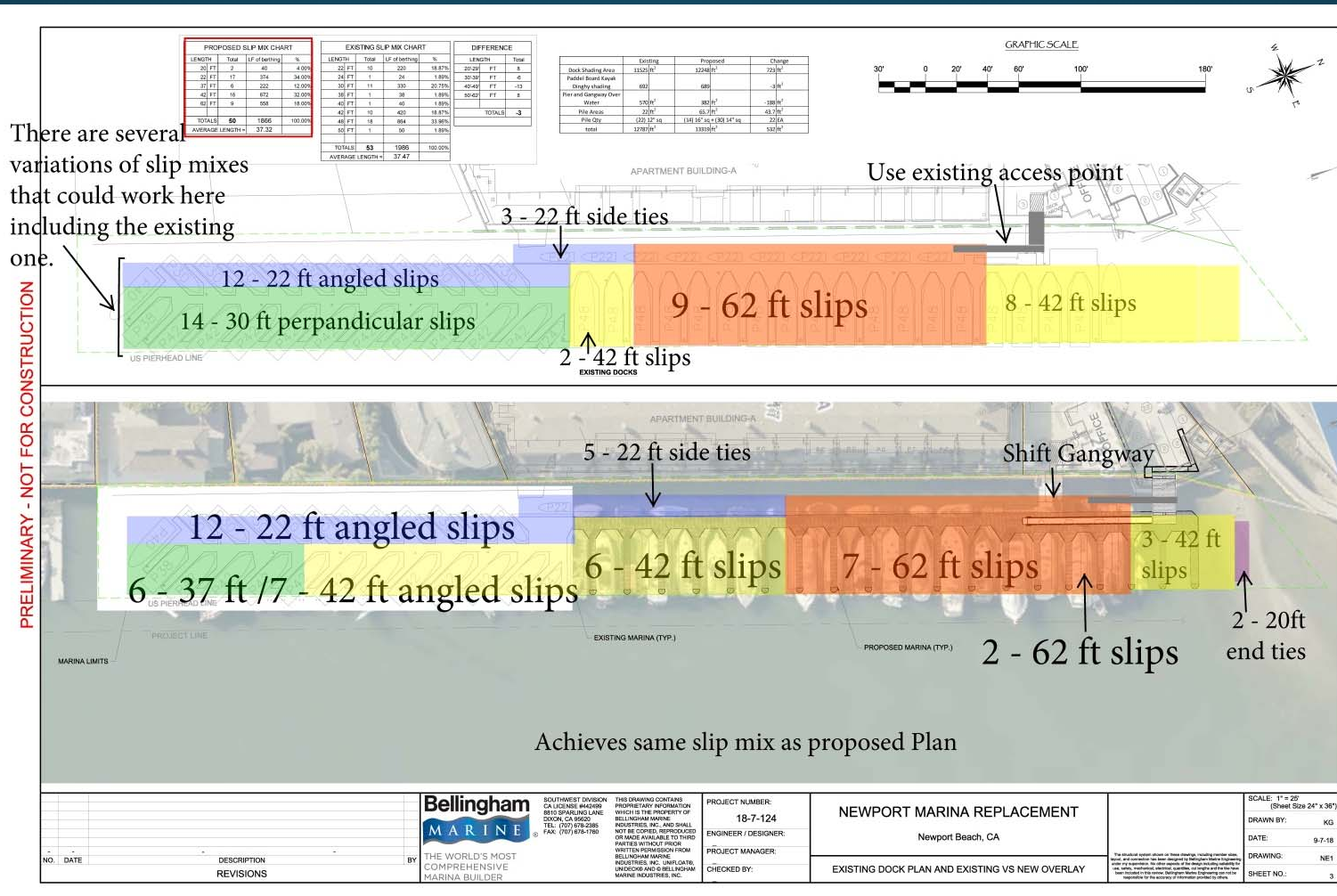


- Adjacent to residential dock
- Setback greater than 15' from property line

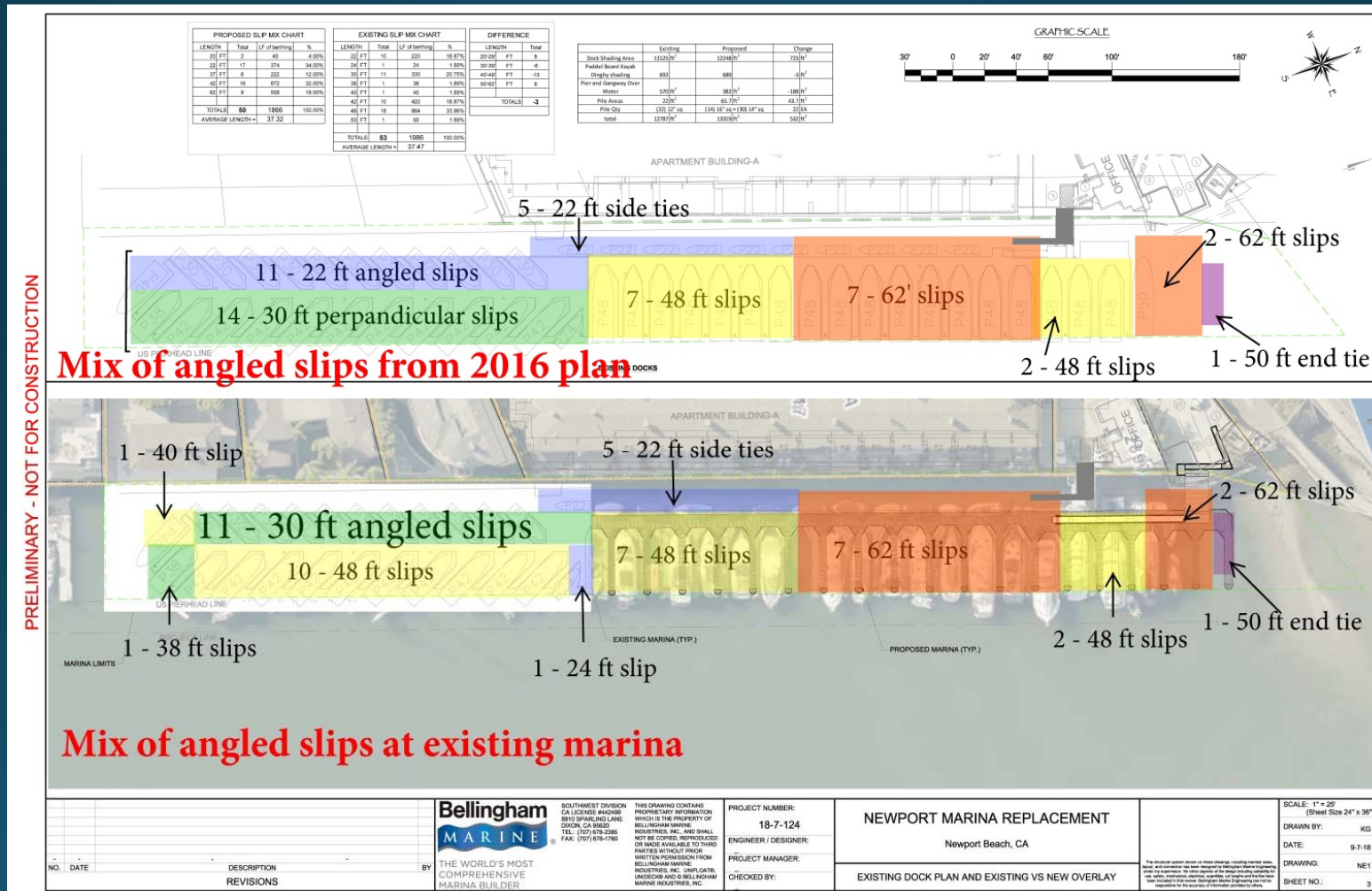
Newport Harbor Marina Review

- 6 inch setback from shared residential property line:
 - Newport Harbor Yacht Club closest comparison – approximately 15'
 - Bayshore Marina 31' from end tie
- 5' setback from bulkhead:
 - Bayshore Marina 42', Bayside 31'
- 80' boats in front of private residences:
 - Bayshore and Lido Yacht Anchorage in front of parking lot
 - Balboa Yacht Club largest slips more than 150' away
 - Bayside 31' from residences and substantial grade differential

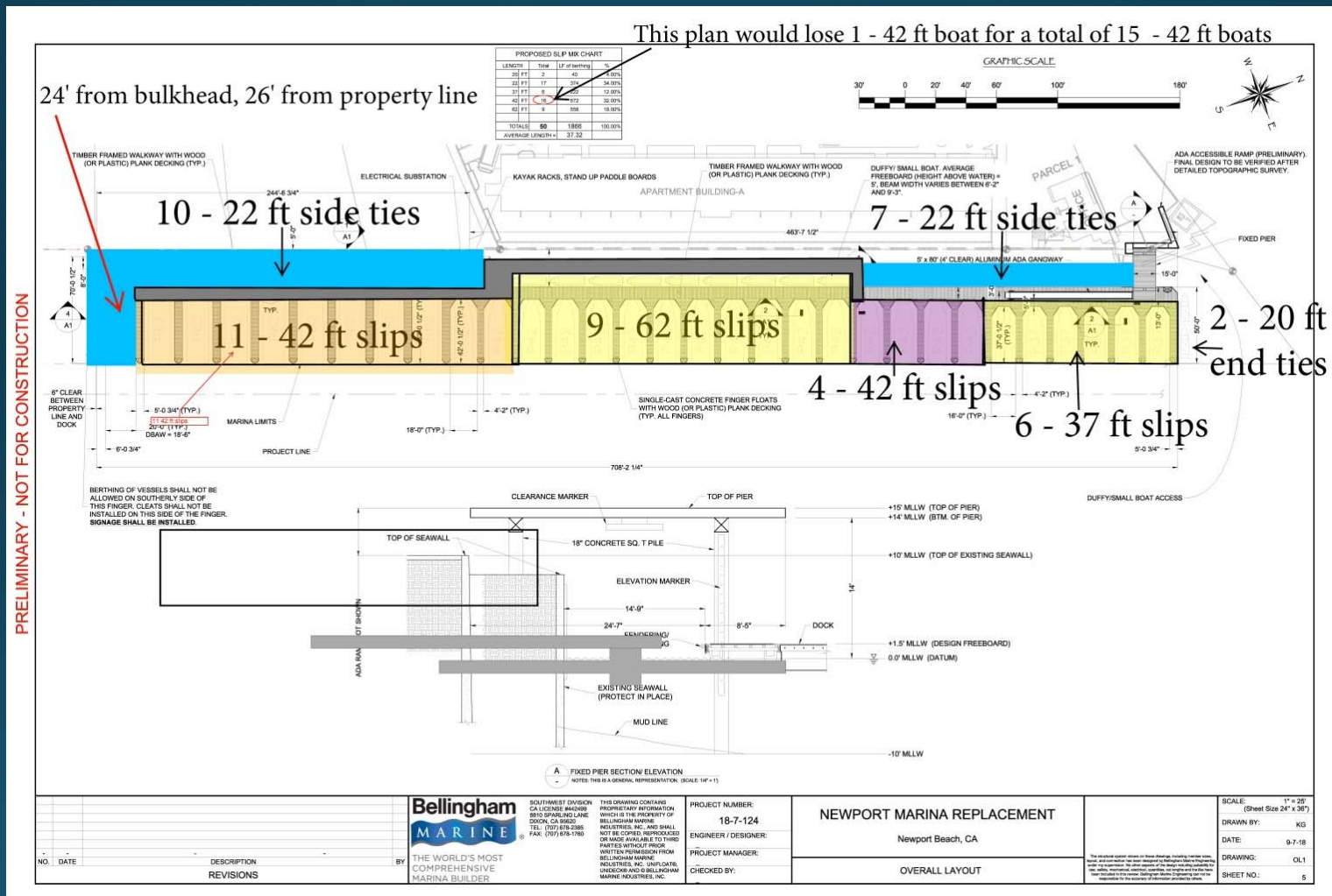
Compromise Plan 1



Compromise Plan 2



Compromise Plan 3



Requested Action – Approve Design with Modifications

- Reorient marina with largest slips away from residences
- Maintain current 24' setback from bulkhead to minimize land use conflicts and prevent access to private property
- Maintain current 26' setback from southerly property line