

HARBOR PERMIT POLICY

Background

Newport Beach Municipal Code Section 17.35.030(A) provides that piers and floats may not extend beyond the pierhead line unless ~~approved by~~ pursuant to this Council policy.

Policy

Consistent with Title 17's purposes described in Newport Beach Municipal Code Section 17.05.020, the City Council's general policy is not to approve piers and floats beyond the pierhead line. Limited exceptions exist as described in this Policy, but the Harbor Commission is directed to use this general policy and the underlying purposes of Title 17 as a default rule that can only be excepted by making specific findings concerning such exceptions.

The proper procedure for determining whether such exceptions exist is to hold a public hearing in front of the Harbor Commission with a staff report that includes a staff recommendation and accompanying materials that shall include, but are not limited to, the application and materials supporting the staff recommendation. **The Harbor Commission** shall consider the City's general policy as articulated herein and **shall make specific factual** findings as to each of the categories of exceptions.

The applicant, or any interested person, shall have the right to appeal the Harbor Commission's decision to the City Council in accordance with Chapter 17.65 of the Municipal Code. Any individual City Council Member shall also have the right to call for review of the Harbor Commission's decision to the City Council in accordance with Chapter 17.65.

The Harbor Commission, or the City Council considering an appeal or call for review, may approve or conditionally approve a permit for a pier or float to extend bayward beyond the pierhead line if it is determined that all of the following conditions are met:

1. ~~(1) The existing pier or float is already physically currently encroaching bayward beyond the pierhead line; and~~
2. ~~(2) The City has not issued any notice of violation that the existing pier or float ~~was~~ legally previously permitted to encroach es bayward beyond the pierhead line; and~~
- 1.3. ~~(3) The pier or float will not encroach any further bayward beyond the pierhead line greater than the existisng encroachment beyond the pierhead line ~~result in an increase~~~~

~~in the physical encroachment beyond the pierhead line that is greater than the existing encroachment and;~~

~~4. (4) a~~Any ~~vessel~~boat utilizing the pier or float will not extend bayward beyond the project line or line at which ~~it~~the vessel would currently be allowed, whichever is greater; and

~~5. (5) t~~The pier or float will:

~~a. (i) p~~Preserve the diverse uses of the harbor and the waterfront that contribute to the charm and character of Newport ~~Bay~~Harbor, ~~and~~

~~b. (ii) m~~Maintain or enhance public access to the harbor waterways and waterfront areas, ~~and~~

~~c. (iii) p~~Preserve or enhance the visual character of the harbor; ~~and~~

~~a.d. (iv) n~~Not negatively impact adjacent property owners, ~~navigation~~ and ~~future harbor~~ dredging. ~~of the harbor.~~

Any permit issued by the City of Newport Beach before June 26, 2019, which 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.

For those piers and floats in areas where pierhead lines do not exist or in areas not otherwise clearly defined by the criteria within this Policy, staff may consider approving those pier and float projects if the reconstruction is like-for-like and the existing pier or float was previously permitted.

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 – June 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