

## 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~~ taking the following conditions into consideration.

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 at their discretion ~~after considering 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

~~4.3.(3)-t~~The pier or float will not encroach any further bayward beyond the pierhead line greater than the existing 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 vesselboat 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 including updates required to confirm to current building codes and standards 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