

HARBOR PERMIT POLICY 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 by pursuant to this Council policy.

Policy

Part A of this Policy sets forth the criteria and procedure for approving piers and floats to extend bayward beyond the pierhead line.

~~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 to approve such exceptions ~~exist to NBMC Section 17.35.030(A)~~ 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~~ Approvals shall be based upon making all the specific factual findings set forth in Part A.~~as to each of the categories of exceptions.~~

Part B of this Policy sets forth the criteria by which staff may approve the reconstruction of piers and floats located in those parts of Newport Harbor where the bayward extension of those structures is not clearly governed by the pierhead line or where the pierhead line is not delineated.

Appeals and calls for review of decisions under this Policy shall be in accordance with NBMC Chapter 17.65. ~~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 the Harbor Commission's decision to the City Council in accordance with Chapter 17.65.~~

In addition to any approval obtained under this Policy, piers and floats shall also comply

with all other applicable requirements of Title 17, such as obtaining a harbor development permit.

PART A

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 after making all of the following findings if it is determined that all of the following conditions are met:

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

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.

PART B

For those piers and floats in areas where the pierhead lines does not exist or where the bayward extension of those structures is not clearly limited by the pierhead line, in areas not otherwise clearly defined by the criteria within this Policy, staff may ~~consider approving those~~ approve pier and float reconstruction projects if the existing pier or float is in substantial conformance with the City-issued permit and the reconstruction is like-for-like of exactly the same square footage or less, and substantially similar configuration, including any upgrades/updates required to meet/conform to current code and building standards, and if the existing pier or float configuration was previously permitted. Projects that do not meet the criteria for staff approval shall be reviewed in accordance with the other provisions of Title 17.

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 - 06-8, 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