

**CITY OF NEWPORT BEACH
HARBOR COMMISSION STAFF REPORT**

Agenda Item No. 1
September 16, 2009

TO: HARBOR COMMISSION

FROM: Harbor Resources Division
Chris Miller, Harbor Resources Manager
(949) 644-3043, cmiller@newportbeachca.gov

SUBJECT: AERIE Dock Structure at 201-207 Carnation Avenue – Continue Item

ISSUE

The AERIE applicant has requested that the Harbor Permit / Approval in Concept appeal be continued to the date certain Harbor Commission meeting on October 14, 2009.

RECOMMENDATION

The Harbor Commission may:

1. Continue the AERIE appeal to the October 14, 2009 Harbor Commission meeting.

DISCUSSION

The AERIE applicant has requested that the appeal which was brought forth by an opponent to the project, be continued until the October 14, 2009 regular Harbor Commission meeting date. The applicant's reason is because two Commissioners will be absent from the September 16 meeting. All Commissioners are expected to be present in October.

PUBLIC NOTICE

This meeting has been publicly noticed via a mailer (to the residents and occupants within a 310' radius of the project) along with a jobsite posting on August 27, 2009. It was also posted on the City's website on September 11, 2009.

This agenda item has been noticed according to the Ralph M Brown Act (72 hours in advance of the public meetings at which the Harbor Commission considers the item). It was also posted on the City's website.

ENVIRONMENTAL REVIEW

The Harbor Commission's approval to continue the item does not require environmental review.

Prepared by:

Chris Miller
Harbor Resources Manager

Attachments: Exhibit 1: Public Notice

Exhibit 1 Public Notice

Public Outreach 310' Radius from Project

Mailing Labels

Current Tool Function:
Buffer

Address Text
 Park

Buffer Selection for Labels

↓

Buffer
 Create labels for
 Site Address

distance of FEET

Rec	Tag	AP Number	Resident	Address	Street	City	State	Zip
1	F3A_064	052 013 12	RESIDENT	207	CARNATION AVE	NEWPORT BEACH	CA	92625
2	F3A_078	052 013 18	RESIDENT	107	BAYSIDE PL	NEWPORT BEACH	CA	92625



CITY OF NEWPORT BEACH

HARBOR RESOURCES

PUBLIC NOTICE

201 - 207 Carnation Avenue Dock Replacement Project

The project applicant at 201 – 207 Carnation Avenue (AERIE) is proposing a project which includes replacement of an existing two slip dock system capable of berthing four vessels, with a system capable of berthing up to nine vessels. In addition, the upland property will be rebuilt with 8 condominiums.

The Harbor Commission previously considered this project on July 8, 2009 and the City Council subsequently approved the project on July 14. Harbor Resources then issued an Approval in Concept / Harbor Permit on July 31.

On August 13, there was a request to appeal the Harbor Permit to the Harbor Commission. Therefore, the Harbor Commission will hear this matter on:

**Wednesday, September 16, 2009
6:00 PM
City Hall Council Chambers
3300 Newport Boulevard**

The Harbor Commission agenda and staff report will be available online by September 11, 2009 at <http://www.newportbeachca.gov/index.aspx?page=963>

Chris Miller, Harbor Resources Manager
cmiller@newportbeachca.gov
August 27, 2009

CITY OF NEWPORT BEACH
HARBOR COMMISSION STAFF REPORT

Agenda Item No. 2
September 16, 2009

TO: HARBOR COMMISSION

FROM: Harbor Resources Division (City Manager's Office)
Shannon Levin, (949) 644-3041
shannon@newportbeachca.gov

SUBJECT: Bluewater Grill, 630 Lido Park Drive – Harbor Permit Appeal

ISSUE:

In July 2009 City staff was notified that a shade structure was constructed on the patio / pier of Bluewater Grill without prior approval and permits. According to the Harbor Development Regulations no permanent structures are allowed on patios/piers, therefore, the applicant was informed that Harbor Resources would not issue a Harbor Permit. The applicant has appealed to the Harbor Commission to reconsider and issue a permit for the shade structure.

RECOMMENDATION:

1. The Harbor Commission may approve the applicant's appeal and advise Harbor Resources to grant a Harbor Permit for the structure.
2. The Harbor Commission may deny the applicant's request and require the structure to be removed.

BACKGROUND:

In 1972 Harbor Permit 221-632 was approved for the construction of a pier, 34' x 26', with an 8' wide "L" shaped float bayward of the pier. The pier area is currently used as an outdoor dining patio for the Bluewater Grill, and the walkway around the patio allows access from Lido Park Drive across Bluewater Grill to the other local establishments on the south side of the Rhine Channel.

In July 2009 the Harbor Resources Division was informed that a structure had been constructed on the patio area of the Bluewater Grill, 630 Lido Park Drive. The structure is an open air arbor with electrical utilities for patio heaters. The Building Department required the unpermitted electrical component be removed immediately. The electrical was disconnected.

The owner was advised by Harbor Resources that no permanent structure shall be permitted on the projecting portion of the patio, NBMC 17.35.020C. Certain structures are permitted such as dock boxes, railings not over 4 feet in height, and relative appurtenances. The subject structure does not fall into any of the permitted categories. Harbor Resources notified the applicant that a Harbor Permit would not be issued.

The applicant was advised that to obtain a permit the Harbor Resources decision must be appealed to the Harbor Commission. The owner/applicant has appealed and requests the Harbor Commission to decide in favor of a permit for the shade structure and electrical utilities. Harbor Resources supports the applicant's request.

ENVIRONMENTAL REVIEW:

The Harbor Commission's approval of this item is categorically exempt from CEQA under section 15301, Class 1, Existing Facilities.

"Class 1 consists of the operation, repair, maintenance, permitting, licensing, or minor alternation of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

PUBLIC NOTICE:

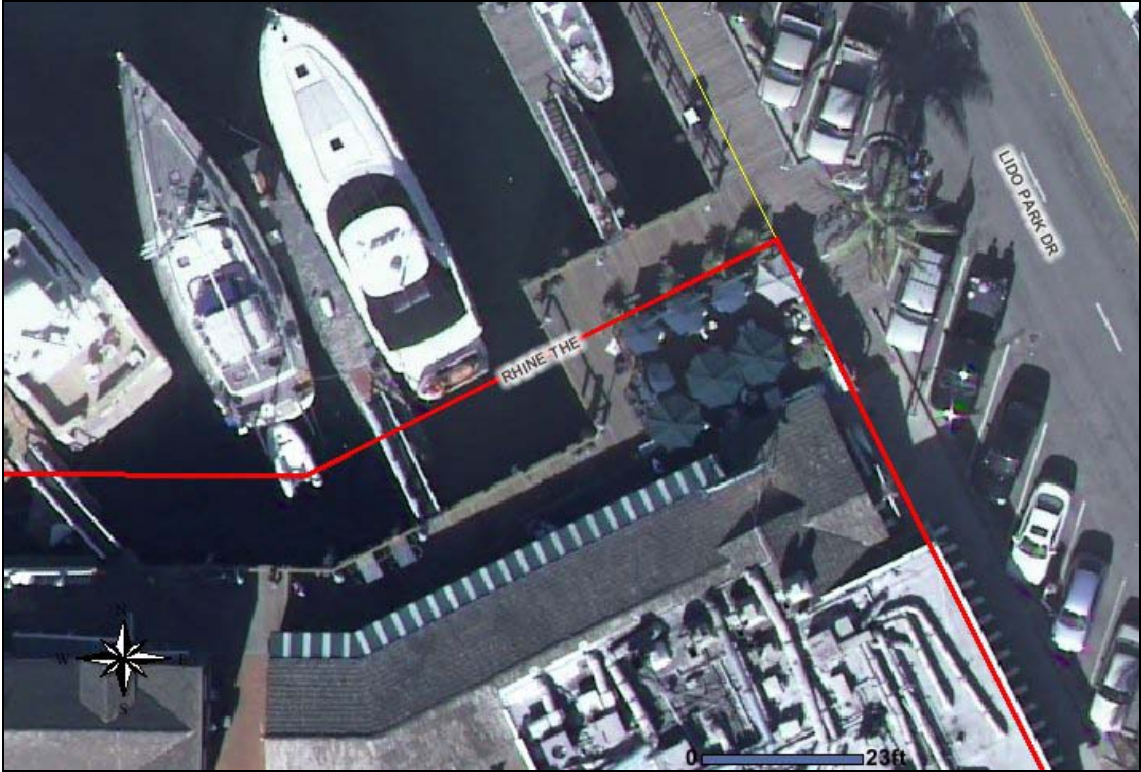
This agenda item has been noticed according to the Ralph M Brown Act (72 hours in advance of the public meetings at which the Harbor Commission considers the item).

Prepared by:

Shannon Levin
Harbor Resources Supervisor

Attachments: photographs

Aerial View, Bluewater Grill (2006)



Bluewater Grill, Patio Structure



Bluewater Grill, Patio Structure



Bluewater Grill, Patio Structure



Bluewater Grill, Patio Structure

