

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 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.

The proper procedure for determining whether to approve such exceptions 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. Approvals shall be based upon making all the specific factual findings set forth in Part A.

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.

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:

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;
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, whichever is 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;
 - 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 line does not exist or where the bayward extension of those structures is not clearly limited by the pierhead line, staff may 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 of exactly the same square footage or less, and substantially similar configuration, including updates required to conform to current code and building standards. 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