

ENCROACHMENTS AND BAY ACCESS ON BUENA VISTA BOULEVARD-
EDGEWATER AVENUE BETWEEN BAY AVENUE AND FERNANDO STREET

It is recognized that Buena Vista Boulevard and Edgewater Avenue, between Bay Avenue and Fernando Street, because of their geographical location, are used mainly to provide non-vehicular access and views to the waters of Newport Bay.

The following policy regarding street encroachments and bay access has been developed to (1) provide for the existing public use of the bay beaches and waters and (2) encourage the maintenance by private property owners of the existing park-like surroundings.

BUENA VISTA - BAY AVENUE TO EDGEWATER

The street right-of-way in this reach varies from 30' to 35.88' in width, with private property on both sides of the public way. Improvements allowed at this location shall consist of the following:

- A. A six-foot wide public sidewalk along the inland side of the right-of-way line maintained by the City.
- B. Landscaping and park-like improvements in the remaining portion of the right-of-way shall be allowed if installed and maintained by the adjoining property owners. Low-level walls or curbing required for tidal protection will be allowed. Private improvements such as walls, fences, gates, signs and living areas such as cabanas and other roofed structures shall not be allowed except on the private property bayward of the street right-of-way.
- C. Access to private piers and floats shall be allowed where a harbor permit has been granted, but such access structures shall not be expanded beyond the permit dimensions.

EDGEWATER AVENUE - BUENA VISTA TO ISLAND AVENUE

The street right-of-way in this reach is 40' wide with private property on the inland side. The bay side is improved with a privately constructed bulkhead.

Improvements allowed at this location shall consist of the following:

- A. A six-foot wide public sidewalk along the inland side of the right-of-way line maintained by the City.
- B. Landscaping and park-like improvements in the remaining portion of the right-of-way (between the sidewalk and the bulkhead) shall be allowed if installed and maintained by the adjoining property owner. Private improvements such as fences, gates, signs, and living areas shall not be allowed.
- C. Access to private piers and floats shall be allowed where a harbor permit has been granted, but such access structures shall not be expanded beyond the permit dimensions.
- D. Such benches and view sites within the public way that may be approved by the Parks, Beaches and Recreation Department.

EDGEWATER AVENUE - ISLAND AVENUE TO ALVARADO STREET

The street right-of-way in this reach is 40' wide with private property on the inland side. The bay side is improved with a sloping beach leading to the waters of the bay. Improvements allowed at this location shall consist of the following:

- A. A six-foot wide public sidewalk along the inland side of the right-of-way maintained by the City.
- B. The remaining portion of the right-of-way shall be reserved as a public beach and no private improvements, impediments or boat storage shall be allowed except for access to piers and floats where a harbor or a mooring permit has been granted, but such access structures shall not be expanded beyond the permit dimensions. Any existing permits to encroach on the right-of-way shall be rescinded.

EDGEWATER AVENUE - ALVARADO STREET TO FERNANDO STREET

The street right-of-way in this reach is 50' wide. The bay side is improved with a sloping beach leading to the waters of the bay. The private lots bayward of the public right-of-way are under water.

Improvements allowed at this location shall consist of the following:

- A. A six-foot wide public sidewalk along the inland side of the right-of-way maintained by the City.
- B. The remaining portion of the right-of-way shall be reserved as a public beach and no private improvements, impediments or boat storage shall be allowed except for access to piers and floats where a harbor permit has been granted, but such access structures shall not be expanded beyond the permit dimensions.

Landscaping improvements conforming to this policy shall be installed only in accordance with an approved plan which has been approved by the General Services Department and a permit issued by the Public Works Department. A blanket revocable permit will be issued by the City for the existing landscaping improvements. Any existing improvements not conforming to this policy and not covered by a blanket permit shall be removed pursuant to the procedures established in Chapter 10.50 of the Municipal Code entitled "Public Nuisance Abatement".

Nothing in this policy shall be construed as a waiver by the City of Newport Beach of any rights, title, or interest in the entire street right-of-way covered by this policy.

Adopted - March 14, 1977

Reaffirmed - January 24, 1994

Amended - May 8, 2001