

## 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 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.

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.

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 beyond the pierhead line if it is determined that: (1) the existing pier or float is already physically encroaching beyond the pierhead line; (2) the existing pier or float was legally permitted to encroach beyond the pierhead line; (3) the pier or float will not result in an increase in the physical encroachment beyond the pierhead line that is greater than the existing encroachment; (4) any boat utilizing the pier or float will not extend beyond the project line or line at which it would currently be allowed, whichever is greater; and (5) the pier or float will (i) preserve the diverse uses of the harbor and the waterfront that contribute to the charm and character of Newport Bay, (ii) maintain or enhance public access to the harbor water and waterfront areas, (iii) preserve or enhance the visual character of the

harbor, and (iv) not negatively impact adjacent property owners and 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 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.

*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