



CITY OF NEWPORT BEACH

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December 15, 2021

DELIVERED VIA FIRST CLASS REGULAR MAIL AND EMAIL

Swift Slip Dock and Pier Builders, Inc.
6351 Industry Way
Westminster, CA 92683

RE: 503 Edgewater Place (Plan check #2023-2021) – Notice of Harbor Commission Decision

Mr. Swift,

On December 8, 2021, the Harbor Commission approved the commercial dock construction project located at 503 Edgewater Place (Plan check #2023-2021). The project includes removing the existing floating dock, (8) marina pile, and (2) gangways, and installing a new floating dock, (8) concrete pile, a 6'x6' landing and a 5'x62' gangway.

Newport Beach Municipal Code Section 17.50.040(B) requires that a notice of decision shall be provided to the applicant and shall be posted on the City's website for fourteen (14) calendar days. If no appeal or call for review of the decision is filed within the fourteen (14) calendar days, the decision is final. An Approval in Concept shall not be issued until the appeal period or call for review expires.

Please contact me if you have any questions or comments regarding this notice of decision.

Regards,

Chris Miller
Public Works Manager

RESOLUTION NO. HC2021-005

A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING IN CONCEPT A RESIDENTIAL DOCK RECONFIGURATION AT 503 EDGEWATER PLACE

THE HARBOR COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. The owner of the property at 503 Edgewater Place has applied for a permit to reconfigure their commercial dock system by replacing the gangway landing, gangway, and dock system with a U-shaped float ("Project"). With the reconfiguration, the dock system will continue to extend beyond the pierhead line.
2. Title 17 of the Newport Beach Municipal Code (NBMC) prohibits piers and floats from extending beyond the pierhead line unless approved in compliance with Council Policy.
3. A public hearing was held on December 8, 2021, in the Council Chambers located at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and NBMC Section 17.05.140(B). Evidence, both written and oral, was presented to, and considered by, the Harbor Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 (CEQA Guidelines) because it has no potential to have a significant effect on the environment. The replacement commercial dock system is in the same location and is substantially the same size and purpose as the dock system it replaces and the overwater coverage of the new dock system is less than the existing overwater coverage (2,175 square feet compared to 3,152 square feet).

SECTION 3. REQUIRED FINDINGS.

The Harbor Commission hereby adopts the following findings (the referenced Attachments are found in the Staff Report):

1. Council Policy H-1(I)(A). The existing pier or float is currently encroaching bayward beyond the pierhead line.

Facts in Support of Findings: The existing float currently encroaches bayward beyond the pierhead line.

2. Council Policy H-1(I)(B). The existing pier or float was previously permitted to encroach bayward beyond the pierhead line or is in substantial conformance with the existing City-issued permit.

Facts in Support of Findings: The existing dock configuration was approved by the City in 1992 to encroach bayward beyond the pierhead line as evidenced by Attachment B.

3. Council Policy H-1(I)(C). The pier or float will not encroach any further bayward beyond the pierhead line than the existing encroachment.

Facts in Support of Findings: As depicted in Attachment C, the proposed float encroaches bayward beyond the pierhead line a distance shorter than the existing float encroaches.

4. Council Policy H-1(I)(D). 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.

Facts in Support of Findings: The proposed float encroaches bayward beyond the pierhead line a distance shorter than the existing float and no farther than the project line. The proposed dock system is slightly canted to the west so that the east finger extends to the project line, but the west finger does not. Therefore, a condition of the permit will be that vessels do not extend beyond the project line.

5. Council Policy H-1 (I)(E)(1). The pier or float will preserve the diverse uses in Newport Harbor and the waterfront that contribute to the charm and character of Newport Harbor.

Facts in Support of Findings: The Project use and configuration conforms to the provisions of the NBMC, applicable policies and the City of Newport Beach Waterfront Project Guidelines and Standards Harbor Design Criteria Commercial and Residential Facilities. The Project use and configuration is also compatible with the existing, surrounding commercial docks.

6. Council Policy H-1 (I)(E)(2). The pier or float will maintain or enhance public access to Newport Harbor's waterways and waterfront areas.

Facts in Support of Findings: Public access to the harbor waterways and waterfront areas will be maintained because the proposed float extends bayward a distance less than the existing float extends.

7. Council Policy H-1 (I)(E)(3). The pier or float will preserve or enhance the visual character of Newport Harbor.

Facts in Support of Findings: The Project conforms to the provisions of the NBMC, applicable policies and the City of Newport Beach Waterfront Project Guidelines and Standards Harbor Design Criteria Commercial and Residential Facilities. The Project use and configuration is also compatible with the existing, surrounding commercial docks.

8. Council Policy H-1 (I)(E)(4). The pier or float will not negatively impact adjacent property owners, harbor views, navigation, and future harbor dredging.

Facts in Support of Findings: The Project conforms to the provisions of the NBMC, applicable policies and the City of Newport Beach Waterfront Project Guidelines and Standards Harbor Design Criteria Commercial and Residential Facilities. The Project is wholly within the prolongation of the property lines of 503 Edgewater Place. Navigation will not be negatively impacted.

9. Council Policy H-1 (I)(E)(5). The pier or float will be aesthetically consistent and compatible with its surroundings.

Facts in Support of Findings: The Project use and configuration is compatible with the existing, surrounding commercial docks.

10. NBMC Section 17.50.030. The Project conforms to the provisions of the NBMC, Harbor Design Criteria, and applicable standards and policies in conjunction with plan reviews by the Public Works Department.

Facts in Support of Findings: The Project conforms to the provisions of the NBMC, applicable policies and the City of Newport Beach Waterfront Project Guidelines and Standards Harbor Design Criteria Commercial and Residential Facilities.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED BY THE HARBOR COMMISSION OF THE CITY OF NEWPORT BEACH:

1. In accordance with the above determination, this project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines because it has no potential to have a significant effect on the environment.
2. The Project, a dock system reconfiguration at 503 Edgewater Place is approved in concept with a condition of the permit that vessels do not extend beyond the project line.
3. This action shall become final and effective fourteen days following the date of adoption of this Resolution unless within such time an appeal or call for review is made in accordance with the provisions of NBMC Chapter 17.65 (Appeals or Calls for Review).

PASSED, APPROVED, AND ADOPTED THIS 8th DAY OF DECEMBER, 2021.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
William Kenney, Chair

BY: _____
Steve Scully, Secretary