



# NEWPORT BEACH

## Harbor Commission Staff Report

May 13, 2026  
Agenda Item No. 6.1

**TO:** HARBOR COMMISSION

**FROM:** Jeffrey A. Goldfarb, Harbor Code Enforcement Officer  
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**TITLE:** Hearing on Revocation of Mooring Permit for Mooring E-1A-Clarely Family Trust

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### **ABSTRACT:**

The Permittee of Mooring E-1A, the Clarey Family Trust, (herein the “Permittee”) has repeatedly failed to timely pay its mooring fees. The Permittee has also repeatedly been informed that if it does not timely pay its mooring fees, the City would commence a mooring permit revocation proceeding. In spite of numerous warnings over a 2-year period, the Permittee of Mooring E-1A remains at least 6 months in arrears on its mooring fee payment as of this writing.

### **RECOMMENDATION:**

1. Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
2. Revoke the mooring permit for Mooring E-1A.

### **FUNDING REQUIREMENTS:**

The recommended action will not have a financial impact on the City of Newport Beach.

### **DISCUSSION:**

The Clarey Family Trust, the Permittee for Mooring E-1A, has repeatedly failed to timely pay its mooring fees.

The Harbor Code (Newport Beach Municipal Code (“NBMC”) Title 17), and each signed mooring permit, require mooring Permittees to regularly pay their mooring fees as a condition of retaining their mooring permit. Specifically, NBMC Section 17.60.040(B)(2) requires that mooring Permittees “Agree to be responsible for permit rent, fees, maintenance and repair of mooring equipment.” In addition, on April 25, 2022, the Mooring E-1A Permittee signed a mooring permit for that mooring which included the following language: “[m]ooring Permittee shall be responsible for payment of all permit

rents, fees, costs of maintenance and repair of mooring equipment [condition no. 5],” and “[t]he Mooring Permit may be revoked upon violation or failure to comply with any of the terms and conditions outlined herein or in accordance the provisions of Title 17 of the Newport Beach Municipal Code [condition no. 25].

Mooring permit revocation is listed as the remedy for the failure to pay mooring fees once those fees are in excess of 60-days past due. In that regard, NBMC Section 17.70.030(A)(1) provides in pertinent part that “any permit heretofore or hereafter granted for any structure, work, use or activity under and pursuant to this title may be revoked upon any of the following grounds: ...e. The Permittee has failed for a period of sixty (60) days to pay any rent or fee heretofore or hereafter imposed for the occupancy or use of tidelands, filled tidelands or submerged lands;” “h. The Permittee has breached or failed to comply with the terms or conditions contained in the permit or upon which the permit was granted;” and “j. There has been a violation of any provision of this title, State or Federal law.”

The Permittee for Mooring E-1A has a history of failing to timely pay its mooring fees. On July 18, 2024, Harbor Department staff wrote the Permittee to inform it that it was 5 months in arrears on its mooring permit fees, and gave the Permittee until August 2, 2024 to bring its account current. (Attachment 1.) Having failed to bring the account current by the August 2 deadline, Harbor Department staff were required to send a second letter on August 10, 2024, explaining that if the Permittee did not pay in full by August 24, 2024, its mooring permit would be subject to revocation. (Attachment 2.) The Permittee again failed to pay by the given deadline. Wishing to avoid the need to revoke a permit, Harbor Department Staff sent the Permittee a third letter on September 7, 2024, this time giving the Permittee until September 15, 2024 to bring the account current. (Attachment3.) The Permittee finally brought its account current on September 12, 2024.

This process of failing to pay and the resulting notifications started anew in October, 2024. By March 1, 2025, the Permittee was again 6 months past due on its mooring fees. On March 15, 2025, Harbor Department staff was again required to send a letter to the Permittee threatening to revoke its permit unless it brought the account current by March 30, 2025. (Attachment 4.) The Permittee ultimately paid by the deadline.

By February 2026, the Permittee was again 5 months past due on its mooring fees. Harbor Department staff therefore again sent a written notice to the Permittee requesting that it bring its account current by March 15, 2026 (Attachment 5.). The Permittee did not, necessitating a second letter on March 14, 2026. (Attachment6) This letter explained that the permit for Mooring E-1A would be revoked if the Permittee did not bring the account current by March 29, 2026. As of the date of this writing, the Permittee remains 6 months delinquent on its mooring fees.

Based upon the forgoing facts, the Harbor Department recommends that the Harbor Commission revoke the permit for Mooring E-1A.

**ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in a physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item). The Permittee was provided written notice of this hearing on April 9, 2026 (Attachment 7).

**ATTACHMENTS:**

Attachment A: July 18, 2024 Letter to Permittee

Attachment B: August 10, 2024 Letter to Permittee

Attachment C: September 7, 2024 Letter to Permittee

Attachment D: March 15, 2025 Letter to Permittee

Attachment E: February 28, 2026 Letter to Permittee

Attachment F: March 14, 2026 Letter to Permittee

Attachment G: April 9, 2026 Written notice of Harbor Commission Hearing sent to Permittee