



CITY OF

NEWPORT BEACH

City Council Staff Report

May 10, 2022
Agenda Item No. 3

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2022-9: Amending the Newport Beach Municipal Code
Pertaining to Live-Aboards, On-Shore Moorings, and Other
Miscellaneous Provisions

ABSTRACT:

For the City Council's consideration is the adoption of Ordinance No. 2022-9, which reflects changes to Title 17 and the Newport Beach Municipal Code intended to assist staff and the Harbor Commission when considering operations, permitting and code enforcement in Newport Harbor. The ordinance was introduced and considered at the City Council's April 26, 2022 regular meeting.

RECOMMENDATION:

- a) Find this project statutorily 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
- b) Conduct second reading and adopt Ordinance No. 2022-9, *An Ordinance of the City Council of Newport Beach, California, Amending Sections 1.12.020, 17.10.060, 17.25.010, 17.25.020, 17.40.030, 17.45.020, 17.60.040, 17.65.010 and 17.70.050 of the Newport Beach Municipal Code Pertaining to Live-Aboards, On-Shore Moorings, and Miscellaneous Provisions.*

DISCUSSION:

At its April 26, 2022, meeting, the City Council introduced and passed to second reading Ordinance No. 2022-9, which if adopted, would amend the Newport Beach Municipal Code to support various harbor-related operational improvements. If adopted, the ordinance and associated code amendments would become effective June 9, 2022.

The recommended revisions to the NBMC include amending the provisions for mooring, and live-aboards; amending the regulations regarding noise, speed limits, pier use, and fueling; and amending the City of Newport Beach's ability to enforce the provisions of Title 17, including establishing fines for specific infractions related to abandoning vessels in Newport Harbor. It should be noted that the proposed amendments before the City Council exclude any changes for raft-ups, which will return to the Council for consideration at a later date.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of this ordinance.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council 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, Chapter 3, because it has no potential for resulting in 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 City Council considers the item).

ATTACHMENT:

Attachment – Ordinance No. 2022-9