



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

November 9, 2022
Agenda Item No. 6.3

TO: HARBOR COMMISSION

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TITLE: Recommendations Resulting from Commission Objective 2.3 to Improve Navigation Safety, Allow for Additional Moorings Within the Fields and Mooring Size Exchanges Requests

ABSTRACT:

At the Harbor Commission meeting of June 12, 2019, the Harbor Commission reviewed proposed amendments regarding offshore mooring extensions in conjunction with their 2018 Goals and Objectives to "Establish policies for modifications to mooring sizes". At that meeting, Commissioner Beer took responsibility for analyzing the mooring field layouts and drafting policies for review and consideration by the Harbor Commission. Commissioner Beer has conducted significant research with the aid of City staff and documented his findings. He continues to put significant effort into a proposal which will include optimizing the mooring field layouts, perhaps allowing for additional moorings as well as providing a pathway and policies for those offshore mooring permittees who wish to adjust the length of the mooring for which they are currently permitted.

This report and presentation will update the Harbor Commission on Commissioner Beer's efforts, process and research. The Commission will be asked to approve recommendations related to optimizing utilization of the mooring fields and allowing mooring permittees to request a permit exchange to mooring of a different size. The recommendations are included in proposed draft ordinance amending City of Newport Municipal Code, Title 17 (attached).

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) Review modify and/or approve changes proposed by the Harbor Commission subcommittee on improvements to the mooring fields and process for requesting a mooring size exchange and forward the recommendations to the City Council for consideration.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

On July 1, 2017, the City took over the management of the City's offshore and onshore mooring fields. The City manages over 1,200 moorings located within the Harbor and approximately 800 of those are offshore moorings in ten mooring fields. Over the next several years, the Harbor Department received a significant number of requests for mooring extensions and determined that neither the City's Municipal Code nor the Harbor Department had a process or method to grant a mooring extension request.

In accordance with the Harbor Commission's charge under Section 713 of the Newport Beach City Charter to advise the City Council on matters relating to the use, control, operation and regulation of Newport Harbor, a subcommittee of the Commission was convened and has worked on recommendations for improvements to the mooring field utilization and a process to accommodate requests from permittees to adjust the size of their permitted moorings.

On October 10, 2018, a subcommittee of the Harbor Commission (Beer and Drayton) was appointed to review the offshore mooring extension process. The subcommittee worked with the City's Harbor Department and Information Technology staff to determine the existing mooring configurations within each row and field. As the subcommittee soon discovered, there was no specific criteria or guidelines for establishing maximum lengths and vessel mixes within mooring fields or the rows of moorings within the fields. In addition, mooring fields are often odd shaped and conditions in each mooring field differ greatly.

When Commissioner Drayton finished his term on the Harbor Commission, Commissioner Beer took responsibility for doing a detailed analysis. His focus included ensuring safe navigation for all users of the harbor in and around the mooring fields, not just the mooring permittees. Other considerations include:

- Grouping vessels of similar size in the same row for the most efficient use of the limited space within each mooring field and potentially opening up space for improved navigation and additional moorings.
- Ensuring the fairways between the rows provide for safe navigation even in adverse conditions
- The narrow fairways between rows are particularly challenging to navigate at lower tide levels
- The fairways between rows are considered navigable water for all mariners, not just the mooring permittees.

Commissioner Beer's objective in optimizing field and row layouts is threefold: 1) to ensure the fields are safe and have adequate maneuverability for all mariners, not just the mooring permittees; 2) to maximize the use of space within the mooring fields in the most effective manner possible and 3) provide staff and the community with guidance for mooring size exchange requests. While the City Council amended Title 17 in 2020 to provide for mooring extensions, the issues of optimizing the mooring fields and their usage remained to be addressed.

Commissioner Beer met with the Newport Mooring Association (NMA) to discuss the objectives stated above and took the NMA's comments into consideration. Those comments included the NMA's position that reducing the width of an existing row resulting in the reduction of boat size to a mooring permittee (even only upon future transfer) would be met with concern; and that the existing list (at that time) of mooring permittees seeking a five-foot extension should have a way of being accommodated. Commissioner Beer considered the NMA comments in addition to those

of other stakeholders, including several mooring permittees, and subsequently developed a general methodology that was based in part by the Newport Harbor Design Standards, to establish the maximum size vessels within each row of each mooring field. The maximum lengths were calculated allowing for approximately 1.5 boat lengths as the primary fairway width for navigation and maneuverability: and approximately 50 feet on center for widths between moorings in the same row. Once those distances were determined, the subcommittee then reviewed those lengths with conditions in the fields and revised the methodology to suit field conditions.

At the October 12 Harbor Commission meeting, further input from the NMA, mooring permittees, other harbor stakeholders, and Commissioners was heard and received. Commissioner Beer extended an additional invitation to the leadership of the NMA to meet and receive their feedback and guidance. That meeting took place at the Harbor Department office on Thursday, October 20 and resulted in action items for the NMA and Commissioner Beer.

Having considered input and feedback from a significant number of stakeholders, Commissioner Beer has prepared policy recommendations on Mooring Row Alignments and the Mooring Size Exchange Process. The purpose of the policy is to provide operational guidelines to support amendments to Title 17. Implementation of the proposed recommendations would require a City ordinance and amending Title 17. A draft proposal for the ordinance along with strikeout versions showing the proposed amendments to Title 17 are attached. Commissioner Beer now seeks approval of the recommendations by the full Harbor Commission. When approved by the Harbor Commission, the Ordinance and code revisions will be forwarded to the City Council with a request to review and adopt.

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 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).

ATTACHMENTS:

Attachment A – Proposal for Mooring Field Reorganization 11.2.22
Attachment B – 17.25.020 strikeout 11.1.22
Attachment C – 17.60.040 strikeout 11.1.22
Attachment D – Feedback Received through 11.2.22