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NEWPORT BEACH

Harbor Commission Staff Report

January 9, 2019
Agenda Item No. 7.4

TO: HARBOR COMMISSION

FROM: Carol Jacobs, Assistant City Manager - 949-644-3313,
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TITLE: Proposed Language to Amend Title 17 to Allow for Offshore Mooring Extensions

ABSTRACT:

The Harbor Commission established their 2018 Goals and Objectives, Goal 3.2 is to “Establish policies for modifications to mooring sizes”. As part of this objective, the Harbor Commission heard this item on October 10, 2018. The Harbor Commission subcommittee has drafted proposed language for the Harbor Commission to consider in order to allow for offshore mooring extensions.

RECOMMENDATION:

- 1) Find this action exempt from 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.
- 2) Approve the language as proposed or provide modifications. Direct staff to work with the City Attorney’s office to update the Newport Beach Municipal Code.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The City took over management of the moorings over City tidelands in the harbor in July 2017. Since that time, staff has been reviewing all of the policies and procedures related to the harbor and working with the boating community to provide a great harbor experience to all of our harbor users.

Prior to the City taking over management of the moorings, a mooring permittee could request an extension of their existing mooring through the Orange County Sheriff’s Department based on criteria set up between the City and the Orange County Sheriff’s Department. In order to formalize this process, it was recommended by the Harbor Commission through their annual objectives that

Title 17 be amended to allow for extensions and a process be set up through the Harbor Department.

There are 615 offshore moorings managed by the City. The breakdown by mooring size is below.

Length in Feet	Number
20	1
25	2
30	34
35	71
40	181
45	122
50	118
55	24
60	30
65	15
70	4
75	5
80	5
90	1
95	2
Total	615

The Harbor Subcommittee has drafted proposed language to amend Title 17. This new proposed section is shown in Attachment A and creates the following conditions:

- The permittee must be in good standing with the City.
- The permittee must bear the full cost of the request.
- The Harbor Department will determine if the extension works within the existing mooring field (additional administrative procedures will be created for the evaluation of the request).
- Up to 5 feet may be approved by the Harbormaster, additional lengths will require Harbor Commission approval.
- The extension is for the existing permittee only, at the time of transfer, the mooring will be returned to its original length.

The subcommittee believes this will create a fair and unbiased method to allow mooring extensions while at the same time maintaining the appropriate fairways and keeping vessels within the existing mooring fields.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action exempt from 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 Harbor Commission considers the item).

ATTACHMENTS:

Attachment A – Draft language for Mooring Length Modifications