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NEWPORT BEACH

Harbor Commission Staff Report

June 12, 2018
Agenda Item No. 6.3

TO: HARBOR COMMISSION

FROM: Carol Jacobs, Assistant City Manager - 949-644-3313,
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TITLE: Proposed Amendment to Title 17, the Harbor Code, Regarding Offshore Mooring Extensions

ABSTRACT:

The Harbor Commission established their 2018 Goals and Objectives last year. Goal 3.2 is to “Establish policies for modifications to mooring sizes”. As part of this objective, an analysis of all mooring fields under City management was completed. As a result of that analysis, the Harbor Commission subcommittee is recommending changes to Title 17 to establish maximum lengths of vessels in each row of each mooring field.

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 proposed changes to the Newport Beach Municipal Code and recommend to the City Council for approval.

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 in the Harbor and approximately 800 are offshore moorings. Over the past several years, the Harbor Department has received a number of requests for mooring extensions and determined that the City’s Municipal Code did not have a process or method to grant a mooring extension request. This item requests that the Harbor

Commission review and recommend to the City Council adding Section 17.60.040(M) Extension of Length of Assigned Vessel to Offshore Moorings (Attachment A).

At the Harbor Commission meeting of October 10, 2018, the Harbor Commission received a report on the past practice of managing requests for mooring extensions within the City's managed mooring fields. The Commission created a subcommittee consisting of Commissioner Beer and Drayton to develop recommendations for requests for offshore moorings. The subcommittee worked with the City's Harbor Department and Information Technology staff to determine the existing mooring vessel configurations within each field and row. As the subcommittee discovered, there is no best practice for establishing maximum lengths and vessel mixes within mooring fields. In addition, mooring fields are often odd shaped and conditions in each field may vary based on field conditions.

The subcommittee's goals in establishing the maximum lengths is threefold: 1) to ensure the fields are safe and have adequate maneuverability; 2) to maximize the space within the mooring fields in the most effective manner possible and 3) provide staff and the community with guidance for mooring extension requests.

The subcommittee developed a general methodology to establish the maximum size vessels within each row of each mooring field. The maximum lengths were calculated allowing for approximately three boat lengths for maneuverability. Once those distances were determined, the subcommittee then reviewed those lengths with conditions in the fields and revised the three boat length methodology to suit field conditions. The proposed language is Attachment A.

In addition to the Ordinance change, staff has prepared a Harbor Policy that implements the language in the ordinance. The purpose of the policy is to give the Harbor Department and the community clear direction on how mooring extensions may be approved.

The draft policy (Attachment B) will require the Harbormaster to review each request to make a determination if the boat length extension is appropriate for each specific mooring. There are several places in the mooring fields in which the fairway within the field is very narrow, is irregular or the row is adjacent to a public beach or restricted navigational areas and the Harbormaster must use judgement to ensure the boat will not infringe on other mooring permittees.

As the proposed language is new to Title 17, should the Harbor Commission approve the changes, this will be incorporated into the full Harbor Commission recommendations to the City Council.

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 – Proposed Ordinance – Title 17

Attachment B – Harbor Policy