



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

June 12, 2019
Agenda Item No. 6.4

TO: HARBOR COMMISSION

FROM: Carol Jacobs, Assistant City Manager, 949-644-3313
cjacobs@newportbeachca.gov

TITLE: Consideration of Revision to Title 17 – Live-Aboard Definition

ABSTRACT:

The City Council requested that the Harbor Commission Review Title 17- Harbor Code, of the Newport Beach Municipal Code in February of 2018. The Harbor Commission appointed an ad hoc subcommittee comprised of Commissioners Kenny, Blank and Yahn. The ad hoc subcommittee is requesting the Harbor Commission review the definition of live-aboard.

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) Provide direction to staff on any recommendations to the City Council.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION

At the request of City Council, the Harbor Commission was tasked with revising and updating Title 17- Harbor Code. The purpose of this revision was to review the code in light of the City's new Harbor Department and increased service levels.

The Harbor subcommittee held two public meetings during the review of Title 17 from Chapter 17.01 (Definitions) through 17.35 (Harbor Development Regulations). The meetings were held on April 8, 2019 and May 6, 2019.

At the first public meeting, the representation of those in attendance was heavily weighted toward mooring permittees. A healthy discussion ensued regarding the definition of a Live-Aboard. The

current definition is found in section 17.01.030 – Definitions of Terms – L3 – *“Live-Aboard. The term “live-aboard” shall mean the use or occupancy of a vessel as a domicile for a period exceeding seventy-two (72) hours in any thirty (30) day period.”*

Many of those in attendance thought that the three-night stay was too restrictive and many in the audience requested that they wanted more days to enjoy their boats on their moorings. The consensus was eleven or twelve nights per month, which would basically allow permittees to spend every weekend on their boats.

During the second outreach meeting, a number of homeowners raised concerns that permittees staying on their boats at night can cause issues and diminishes the quiet enjoyment of their homes.

When the subcommittee reviewed the comments from both perspectives, it was uncomfortable in making a recommendation to the Harbor Commission due to the very strong feelings of both the homeowners and permittees and believe this issue should be heard by the full Harbor Commission so that each side may express their concerns and issues on the subject.

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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING REQUIREMENT:

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).