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NEWPORT BEACH

Harbor Commission Staff Report

June 12, 2019
Agenda Item No. 6.2

TO: HARBOR COMMISSION

FROM: Carol Jacobs, Assistant City Manager - 949-644-3313,
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TITLE: Proposed Changes to Title 17 – Harbor Code, Sections 17.01 (Definitions), 17.05 (General Provisions), 17.20 (Vessel Launching and Operation), 17.25 (Berthing, Mooring and Storage), 17.30 (Harbor Use Regulations), 17.35 (Harbor Development Regulations)

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 committee comprising Commissioners Kenny, Blank and Yahn. The proposed changes are being recommended to the full Harbor Commission.

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 recommended changes to Title 17 (Attachment A) and forward the recommendations to the City Council for consideration.

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 Commission created a subcommittee consisting of Commissioners Blank, Kenney and Yahn. The subcommittee worked together for months to review Title 17 and update the code in draft form as they saw necessary. The purpose of this review was to update Title 17 in response to the City creating its own department and updating the code based on how the harbor is

managed under the City's control. The committee felt it important to provide the public with some initial thoughts regarding possible changes to the code. Once the subcommittee reviewed the Code, the committee felt it important to gather input on its initial thoughts to determine if they were on the right track and in alignment with the needs of all harbor users.

The subcommittee embarked on a public outreach campaign to reach all of the stakeholders and garner input from the community. The code is rather lengthy so the subcommittee decided to divide the code into three sections for community review.

The subcommittee created an email address when stakeholders could email comments on the proposed changes to Title17Review@newportbeach.ca.gov. In addition, the subcommittee held two public meetings on April 8, 2019 and May 6, 2019. After the first outreach meeting, the subcommittee met again to review the input provided by the public. The committee went through all of the comments (Attachment B) and developed recommendations on whether to accept, reject or modify the suggestion. At the second meeting, the subcommittee went over their recommendations based on input. The public comments after that meeting are shown in Attachment C. Emails to staff for the Title 17 review, as well as additional correspondence are included in Attachment D.

This staff report and recommendations are the result of a review by the Harbor Commission subcommittee, staff and the community. The following sections are included in this review:

<u>Section</u>	<u>Title</u>
17.01	Definitions
17.05	General Provisions
17.20	Vessel Launching and Operations
17.25	Berthing, Mooring and Storage
17.30	Harbor Use Regulations
17.35	Harbor Development Regulations

Below is a summary of proposed significant changes. Items considered clarifying language and minor changes are not identified below. For specific word changes, see Attachment A.

- **17.01 – Definitions**
 - Minor revision to “Business or Business Activity”
 - Minor revision to “Commercial Fishing Vessel”
 - Revision to term “Fairway”
 - Creation of definition for “Greywater”
 - Revisions to definition of “Mean Lower Low Water”
 - Revision to “Pierhead Line”
 - Revision to “Seaworthy”
 - Revision to “Sub-Permit”
 - Significant revision to “Vessel/length/Width”
- **17.05 - General Provisions**
 - None

- **17.20 – Vessel Launching and Hauling**
 - 17.20.010 – Use of motor craft within 100 feet of launching sites or when swimmers are present
 - Change to use of Grand Canal for human powered vessels from June – September to year round
- **17.25 – Berthing, Mooring and Storage**
 - Changes to Time Limits and Rules for Public Docks
 - Changes to Sea Lion Deterrents
 - Changes to Storage Regulations for unattended vessels
- **17.30 – Harbor Regulations**
 - None
- **17.35 Harbor Development Regulations**
 - None

The subcommittee recommends the Harbor Commission approve the recommended changes to Title 17 and authorize staff to forward the recommended changes to the City Council for consideration.

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 Changes to Title 17
 Attachment B – Public Comments at April 8, 2019 public meeting
 Attachment C – Public Comments at May 8, 2019 public meeting
 Attachment D – Public Correspondence