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# **NEWPORT BEACH**

## **City Council Staff Report**

February 11, 2020  
Agenda Item No. 7

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** Grace K. Leung, City Manager - 949-644-3001,  
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**TITLE:** Ordinance No. 2020-5: Changes to the Newport Beach Municipal Code, Title 17 – Harbor Code

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**ABSTRACT:**

The City Council requested the Harbor Commission review Title 17 (Harbor Code) of the Newport Beach Municipal Code in February 2018. The City Council considered and approved the proposed changes at the January 28, 2020 meeting with the exception of placing a limit on live-aboards in commercial marinas. Ordinance 2020-5 reflects the changes approved by City Council on January 28, 2020.

**RECOMMENDATION:**

- a) 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
- b) Conduct second reading and adopt Ordinance No. 2020-5, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 17 (Harbor Code) and Other Related Provisions of the Newport Beach Municipal Code Making Comprehensive Revisions Including, but not limited to, Updating Definitions, Regulating Marine Sanitation Devices to Protect Against Discharge of Waste in Newport Harbor, Amending Requirements for Mooring Sub-Permits, Adding a Procedure to Allow Mooring Length Extensions and Modifying and/or Adding Procedures for Issuance of Permits, Appeals/Calls for Review and Revocations.*

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**DISCUSSION:**

At the request of City Council, the Harbor Commission was tasked with reviewing and recommending updates to Title 17 – Harbor Code of the City's Municipal Code in light of the City's new Harbor Department and increased service levels. The City Council held a public hearing on January 28, 2020 to consider the proposal, which passed with one minor change. The City Council removed reference to limiting the number of live-aboards in commercial marinas and asked the Harbor Commission to review this issue again.

Attachment A is Ordinance No. 2020-5 and Attachment B is the redline version.

**ENVIRONMENTAL REVIEW:**

Staff recommends the City Council 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:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

**ATTACHMENTS:**

Attachment A – Ordinance No. 2020-5  
Attachment B – Ordinance No. 2020-5 (redline)