

ATTACHMENT A

RESOLUTION NO. 2020-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING A CITY COUNCIL POLICY H-3 “APPLICATION TO REQUEST MODIFICATION OF MOORING PERMIT TO ACCOMMODATE A LARGER VESSEL”

WHEREAS, the City of Newport Beach (“City”) is governed, in part, by its Charter, Municipal Code, and adopted City Council Policies;

WHEREAS, on November 13, 2019, the Harbor Commission of the City of Newport Beach, reviewed and recommended approval of draft Council Policy H-3 to establish maximum vessel lengths by field and row in approving mooring extensions pursuant to proposed revisions to Title 17 (Harbor Code) of the Newport Beach Municipal Code, specifically, Section 17.60.040(M) (Request To Extend Mooring Length);

WHEREAS, on February 11, 2020, the City Council of the City of Newport Beach (“City Council”) adopted revisions to Title 17, including Section 17.60.040(M) which authorizes offshore mooring permittees to request a mooring permit for a larger vessel, other than the assigned vessel, subject to compliance with the section and council policy; and

WHEREAS, the City Council desires to establish Council Policy H-3 to fairly and consistently consider requests for mooring permits for larger vessels other than the assigned vessel by establishing maximum vessel lengths by field and row within the City’s managed offshore mooring fields.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council hereby adopts Council Policy H-3 “Application to Request Modification of Mooring Permit to Accommodate a Larger Vessel” as shown in Exhibit 1, which is incorporated herein by reference.

Section 2: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the substantive portion of this resolution.

Section 4: Except as expressly modified in this resolution, all other City Council Policies, sections, subsections, terms, clauses and phrases set forth in the Council Policy Manual shall remain unchanged and shall be in full force and effect.

Section 5: The City Council finds the adoption of this resolution and the establishment of City Council Policy H-3 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 6: The resolution shall take effect upon the effective date of Ordinance No. 2020-05 and the City Clerk shall certify the vote adopting the resolution.


ADOPTED this 11th day of February, 2020.

Will O'Neill
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment: Exhibit 1 – City Council Policy H-3

**APPLICATION TO REQUEST MODIFICATION OF MOORING PERMIT TO
ACCOMMODATE A LARGER VESSEL**

Purpose

The City of Newport Beach manages the offshore moorings located on the City's tidelands. In March 2020, Section 17.60.040(M) (Request To Extend Mooring Length) was added to the Newport Beach Municipal Code authorizing offshore mooring permittees to request a mooring permit for a larger vessel, other than the assigned vessel subject to compliance with the section and council policy. The purpose of this policy is to provide a fair and consistent process for approving applications for mooring extensions by establishing maximum vessel lengths by field and row within the City's managed offshore mooring fields. This policy ensures implementation of the City of Newport Beach Municipal Code.

Policy

It is the responsibility of the Harbor Department to maintain and manage the City's mooring fields including maintaining an adequate supply of moorings for all vessel lengths to support the many recreational users in Newport Harbor, optimizing space within the mooring fields for use by permittees and the public while also ensuring adequate maneuverability for all vessels within the City's mooring fields.

Definitions

The definitions of "beam," "fairway," "vessel length," and "vessel width" are set forth in Chapter 17.01 (Definitions) of the Newport Beach Municipal Code. However, for ease of reference, are provided herein. If any conflicts should occur between the definitions or provisions in Title 17 (Harbor Code) of the Newport Beach Municipal Code and the definitions provided herein, Title 17 shall prevail.

Beam. The term "beam" shall mean the width of a vessel. Vessel beams are generally critical at two (2) locations of the boat, at the water line where the boat directly interfaces the dock, and the walking deck. For the purpose of compliance with any measurement requirements, the beam shall be interpreted as the widest point of the vessel which includes all vessel attachments including but not limited to boarding steps, rub rails and fixed fenders.

Fairway. The term "fairway" shall mean an area of water adjacent to slips or mooring buoy locations that feed into a channel, and which is used for direct access to slips or moorings. When associated with slips, the fairway is defined as lying between the outer end of a line of fingers and the nearest obstruction on the opposing side (i.e., other slips, bulkhead, vessels on side ties, etc.). When associated with a mooring area, the fairway is

defined as lying between the outer ends of the mooring buoy on either side of the fairway as delineated by Council Policy.

Vessel Length. The term “vessel length” shall include the following:

- a. Length Overall as published by the manufacturer of a particular vessel (LOA).
- b. Adjusted Length Overall (Adjusted LOA) is the LOA plus the length including all vessel attachments which may include bowsprits, swim steps or stern mounted dinghies or other objects affixed to the vessel adding to the LOA.
- c. In the event the LOA cannot be obtained from the published manufacturer specifications, then the LOA shall be determined by first, a United States Coast Guard (USCG) documentation certificate, or if none is available then second, by a state issued registration document, or if none is available, then third by other official documentation certifying the LOA of the vessel acceptable to the Harbormaster at his or her discretion.

Vessel Width. The term “vessel width” shall have the same meaning as “beam” defined above.

The definition of “row” for purposes of implementing council policy H-3 is the following:

Row. The “row” term shall mean a line parallel or nearly parallel to moored boats separated by a fairway.

Procedures

The procedure to apply for a mooring extension, application review process, reviewing authority, findings necessary for issuance of a permit and other related requirements are set forth in Section 17.60.040(M) of the Newport Beach Municipal Code. An applicant should follow the steps provided in that section when applying for a mooring extension. However, the following provisions provides some additional details on the reviewing authority, establishes maximum vessel lengths by field and row, and the process for granting exceptions to the maximum vessel lengths.

Maximum Vessel Lengths by Field and Row

An application for mooring extension may not exceed the maximum vessel length, by field and row set forth in Attachment A except as authorized below.

Reviewing Authority

If the applicant requests an extension not greater than five (5) feet of the existing permitted vessel and the request for extension does not exceed the maximum length set forth in Attachment A, the Harbormaster may approve the request for mooring extension subject to making the findings set forth in Section 17.60.040(M)(3) of the Newport Beach Municipal Code.

If the applicant requests an extension greater than five (5) feet of the existing permitted vessel and the request for extension does not exceed the maximum length set forth in Attachment A, the Harbor Commission may approve the request for mooring extension subject to making the findings set forth in Section 17.60.040(M)(3) of the Newport Beach Municipal Code.

Notwithstanding the maximum vessel lengths set forth in Attachment A, the Harbor Commission may grant an exception to the maximum vessel lengths set forth in Attachment A if: 1) the mooring is an end-tie, 2) the mooring is a safe distance from the channel, public beaches and other moorings, and 3) granting a mooring extension will not negatively impact navigation, public access, and neighboring moorings.

Conditions of Approval

Any permit approved pursuant to council policy H-3 shall be conditioned upon the requirements set forth in Section 17.60.040(M)(4) of the Newport Beach Municipal Code.

Amendments

The City Council authorizes the Harbor Commission to periodically review the Maximum Vessel Lengths in City Mooring Fields and Maps Depicting Maximum Vessel Lengths In City Mooring Fields set forth in Attachments A and B and propose revisions to this council policy H-3 as necessary.

Attachment A -Maximum Vessel Lengths In City Mooring Fields

Attachment B - Maps Depicting Maximum Vessel Lengths In City Mooring Fields



ATTACHMENT A **CITY OF NEWPORT BEACH** **MAXIMUM VESSEL LENGTHS** **IN CITY MOORING FIELDS**

MOORING FIELD/ROW	MAXIMUM MOORING LENGTH IN ROW AS OF 2/12/20	MAXIMUM LENGTH BASED UPON SITE CONDITIONS ¹
A-01	45	40
A-02	55	45
A-03	45	40
A-04	50	50
A-05	60	45
A-06	50	45
A-07	50	45
A-08	95	90
A-09	80	55
A-10	50	50
A-11	45	45
A-12	55	50
A-13	50	50
A-14	45	45
A-15	60	40
A-16	65	65
A-17	55	55
A-18	45	45
A-19	50	50
A-20	50	45
A-21	70	50
A-22	55	50
A-23	55	50
A-24	50	45
A-25	75	50
A-26	50	50
A-27	50	50
A-28	55	40

¹Exceptions to maximum vessel length may be granted as provided in Council Policy H-3.



CITY OF NEWPORT BEACH **MAXIMUM VESSEL LENGTHS** **IN CITY MOORING FIELDS**

MOORING FIELD/ROW	MAXIMUM MOORING LENGTH IN ROW AS OF 2/12/20	MAXIMUM LENGTH BASED UPON SITE CONDITIONS ¹
B-01	55	45
B-02	40	40
B-03	45	45
B-04	45	45
B-05	60	40
B-06	50	50
B-07	50	45
B-08	60	40
B-09	60	50
B-10	40	40
B-11	55	55
B-12	45	45
B-13	45	40
B-14	45	40
B-15	65	40
B-16	40	40
B-17	50	40
B-18	45	40
B-19	45	45

¹Exceptions to maximum vessel length may be granted as provided in Council Policy H-3.



CITY OF NEWPORT BEACH **MAXIMUM VESSEL LENGTHS** **IN CITY MOORING FIELDS**

MOORING FIELD/ROW	MAXIMUM MOORING LENGTH IN ROW AS OF 2/12/20	MAXIMUM LENGTH BASED UPON SITE CONDITIONS ¹
C-01	75	75
C-02	60	55
C-03	75	50
C-04	45	40
C-05	50	45
C-06	50	45
C-07	55	50
C-08	50	45
C-09	55	40

¹Exceptions to maximum vessel length may be granted as provided in Council Policy H-3.



CITY OF NEWPORT BEACH **MAXIMUM VESSEL LENGTHS** **IN CITY MOORING FIELDS**

MOORING FIELD/ROW	MAXIMUM MOORING LENGTH IN ROW AS OF 2/12/20	MAXIMUM LENGTH BASED UPON SITE CONDITIONS ¹
D-01	50	30
D-02	45	40
D-03	30	30
D-04	40	40
D-05	50	50
D-06	40	40
D-07	45	45
D-08	30	30
D-09	40	45
D-10	45	40
D-11	40	40
D-12	40	45
D-13	60	45
D-14	40	40
D-15	50	40
D-16	50	50
D-17	40	45
D-18	50	50
D-19	50	50
D-20	60	45
D-21	50	50
D-22	40	40
D-23	45	40
D-24	40	40
D-25	40	40
D-26	50	50
D-27	65	50

¹Exceptions to maximum vessel length may be granted as provided in Council Policy H-3.



CITY OF NEWPORT BEACH **MAXIMUM VESSEL LENGTHS** **IN CITY MOORING FIELDS**

MOORING FIELD/ROW	MAXIMUM MOORING LENGTH IN ROW AS OF 2/12/20	MAXIMUM LENGTH BASED UPON SITE CONDITIONS ¹
F-01	70	50
F-02	50	50
F-03	75	50
F-04	50	50
F-05	45	45
F-06	60	50
F-07	60	50
F-08	65	50
F-09	60	60
F-10	65	65

¹Exceptions to maximum vessel length may be granted as provided in Council Policy H-3.



CITY OF NEWPORT BEACH MAXIMUM VESSEL LENGTHS IN CITY MOORING FIELDS

MOORING FIELD/ROW	MAXIMUM MOORING LENGTH IN ROW AS OF 2/12/20	MAXIMUM LENGTH BASED UPON SITE CONDITIONS ¹
H-01	60	60
H-02	65	60
H-03	60	50
H-04	50	45
H-05	50	40
H-06	50	40
H-07	50	45
H-08	60	50

¹Exceptions to maximum vessel length may be granted as provided in Council Policy H-3.



CITY OF NEWPORT BEACH **MAXIMUM VESSEL LENGTHS** **IN CITY MOORING FIELDS**

MOORING FIELD/ROW	MAXIMUM MOORING LENGTH IN ROW AS OF 2/12/20	MAXIMUM LENGTH BASED UPON SITE CONDITIONS ¹
J-01	50	45
J-02	70	50
J-03	45	45
J-04	50	40
J-05	40	40
J-06	55	40
J-07	50	45
J-08	50	40
J-09	70	50
J-10	70	50
J-11	55	50

¹Exceptions to maximum vessel length may be granted as provided in Council Policy H-3.

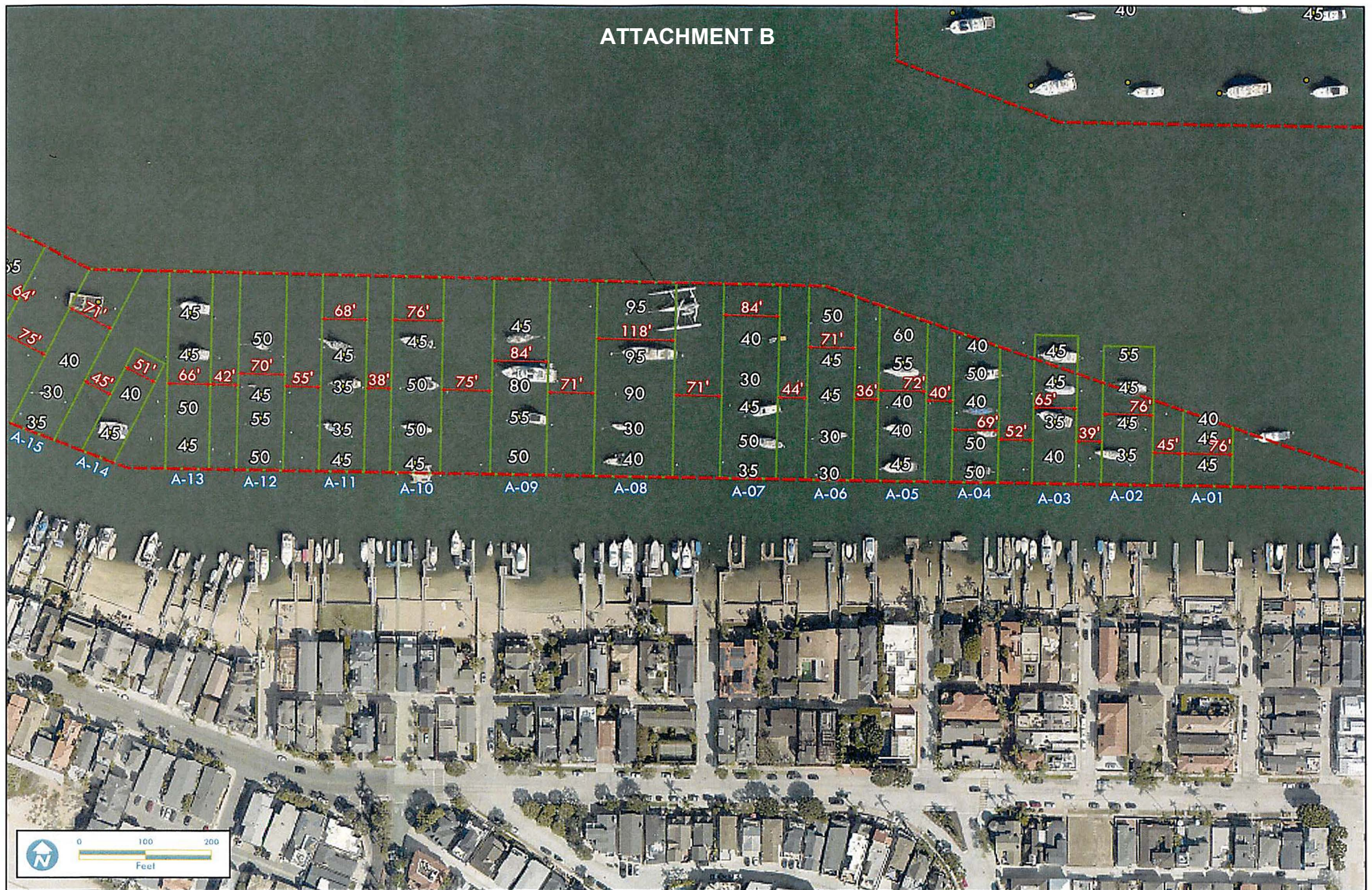


CITY OF NEWPORT BEACH **MAXIMUM VESSEL LENGTHS** **IN CITY MOORING FIELDS**

MOORING FIELD/ROW	MAXIMUM MOORING LENGTH IN ROW AS OF 2/12/20	MAXIMUM LENGTH BASED UPON SITE CONDITIONS ¹
K-01	50	50
K-02	60	45
K-03	50	45
K-04	50	45
K-05	50	45
K-06	40	40
K-07	50	45
K-08	50	50
K-09	50	50
K-10	45	45
K-11	65	65

¹Exceptions to maximum vessel length may be granted as provided in Council Policy H-3.

ATTACHMENT B



A-Mooring (Mooring Size Analysis)



City of Newport Beach
GIS Division
March 04, 2019



A-Mooring (Mooring Size Analysis)



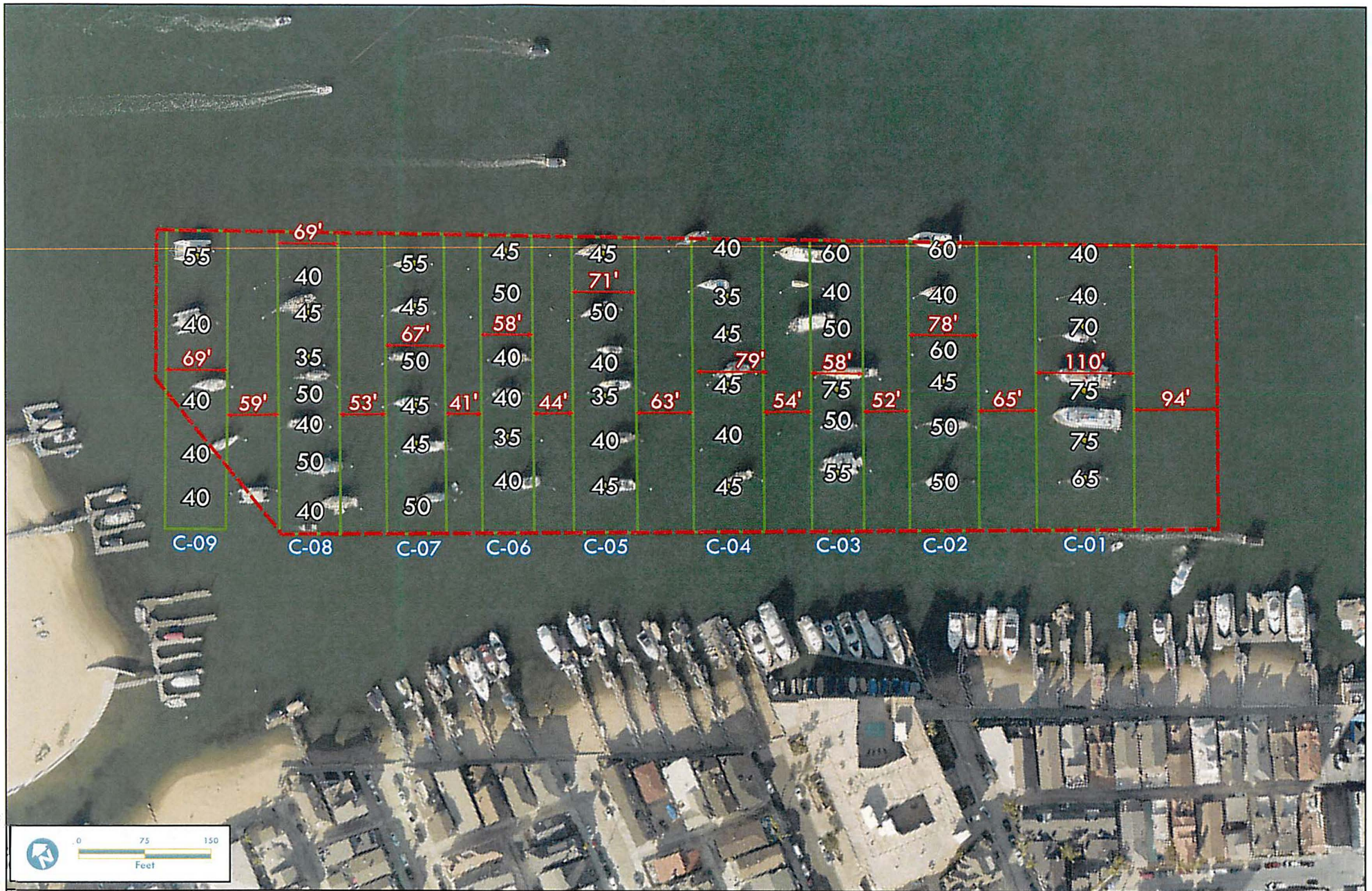
City of Newport Beach
GIS Division
March 04, 2019



B-Mooring (Mooring Size Analysis)



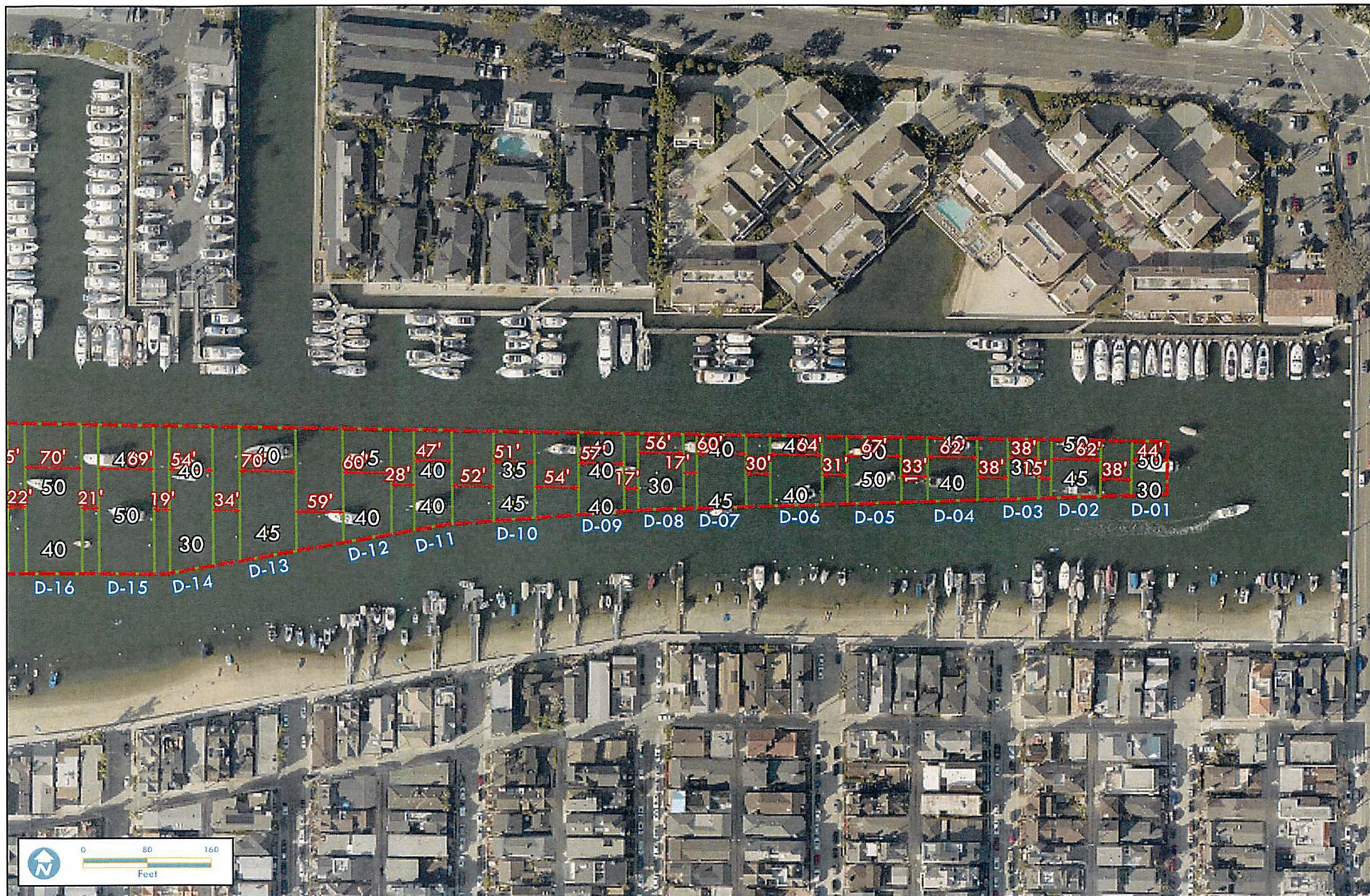
City of Newport Beach
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March 04, 2019



C-Mooring (Mooring Size Analysis)



City of Newport Beach
GIS Division
March 04, 2019



D-Mooring (Mooring Size Analysis)



City of Newport Beach
GIS Division
March 04, 2019



D-Mooring (Mooring Size Analysis)



City of Newport Beach
GIS Division
March 04, 2019



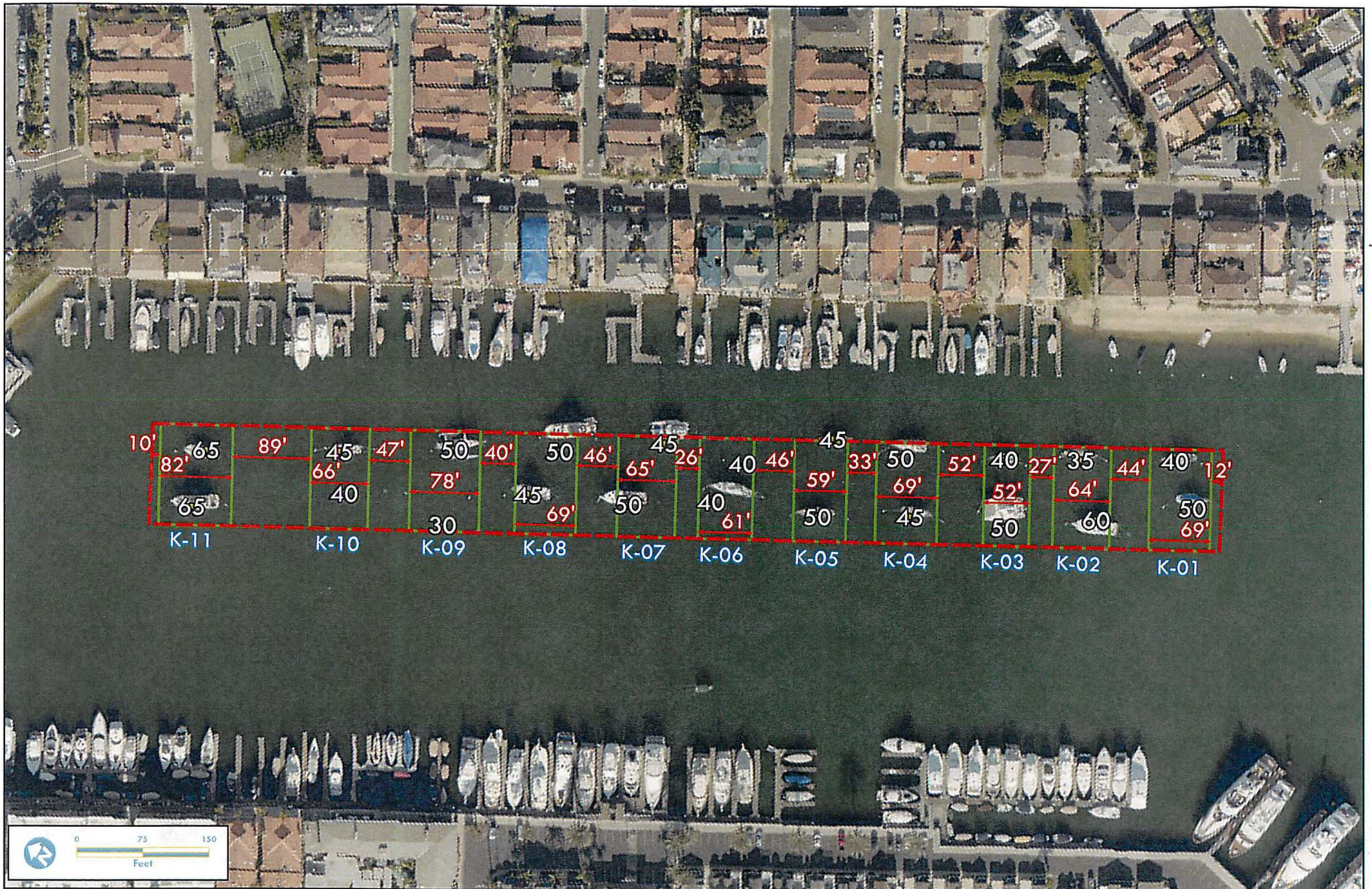
F-Mooring (Mooring Size Analysis)



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H-Mooring (Mooring Size Analysis)



MooringSize_Analysis.mxd

K-Mooring (Mooring Size Analysis)



City of Newport Beach
GIS Division
March 04, 2019