

## ATTACHMENT A

### RESOLUTION NO. 2020-18

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING CITY COUNCIL POLICY H-3 “ESTABLISHMENT OF MAXIMUM VESSEL LENGTH OVERALL (LOA) PURSUANT TO NEWPORT BEACH MUNICIPAL CODE SUBSECTION 17.60.040(M) (REQUEST TO EXTEND MOORING LENGTH)”**

**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 overall in accordance with proposed revisions to Title 17 (Harbor Code) of the Newport Beach Municipal Code, specifically, Subsection 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 Subsection 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 adopt Council Policy H-3 to fairly and consistently consider applications for mooring permits for larger vessels other than the assigned vessel and establish maximum vessel lengths overall 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 “Establishment of Maximum Vessel Length Overall (LOA) Pursuant to Newport Beach Municipal Code Subsection 17.60.040(M) (Request to Extend Mooring Length)” attached hereto as 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 10th day of March, 2020.

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Will O'Neill  
Mayor

**ATTEST:**

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Leilani I. Brown  
City Clerk

**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE



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Aaron C. Harp  
City Attorney

Attachment: Exhibit 1 – City Council Policy H-3

**ESTABLISHMENT OF MAXIMUM VESSEL LENGTH OVERALL (LOA)**  
**PURSUANT TO NEWPORT BEACH MUNICIPAL CODE SUBSECTION**  
**17.60.040(M) (REQUEST TO EXTEND MOORING LENGTH)**

***Purpose***

The City of Newport Beach manages the offshore moorings located on the City's tidelands. In March 2020, Subsection 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 subsection and council policy. The purpose of Council Policy H-3 is to establish the maximum length overall ("LOA") for vessels by field and row within the City's managed offshore mooring fields. This policy ensures implementation of the City of Newport Beach Municipal Code.

***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.

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 Subsection 17.60.040(M) of the Newport Beach Municipal Code.

***Maximum LOA by Field and Row***

An application for mooring extension may not exceed the maximum LOA, by field and row set forth in Attachment A. 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.

***Amendments***

The City Council authorizes the Harbor Commission to periodically review the maximum LOA in City Mooring Fields and Maps Depicting the maximum LOA 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 LOA in City Mooring Fields

















