



# Harbor Commission

November 13, 2019

## Title 17 - Harbor Code Review Proposed Code Amendments



# Ad-Hoc Committee Background

- Harbor Commission formed an Ad-Hoc Committee in 2018 to review Title 17.
- Purpose: Conduct a thorough review of the existing code, identifying potential areas for modification.
- Ad-Hoc Committee has met twenty-five (25) times in order to develop their recommendations.

## Ad-Hoc Committee Members



**Bill Kenny**

Ad-Hoc Committee Chair  
Harbor Commissioner  
first appointed 6/14



**Paul Blank**

Harbor Commissioner  
first appointed 6/12



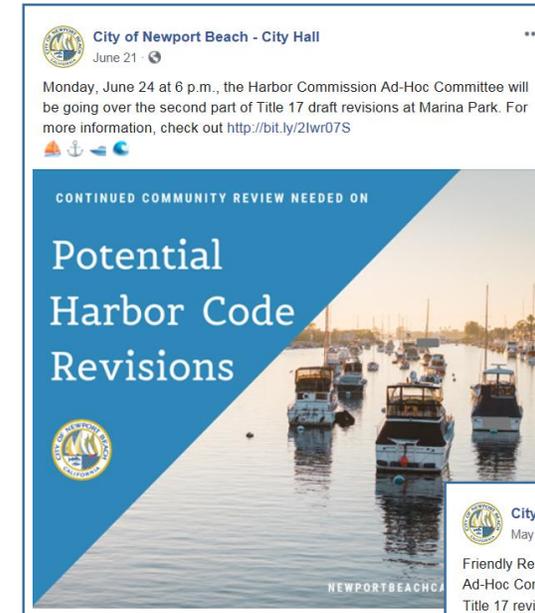
**Don Yahn**

Harbor Commissioner  
first appointed 6/18

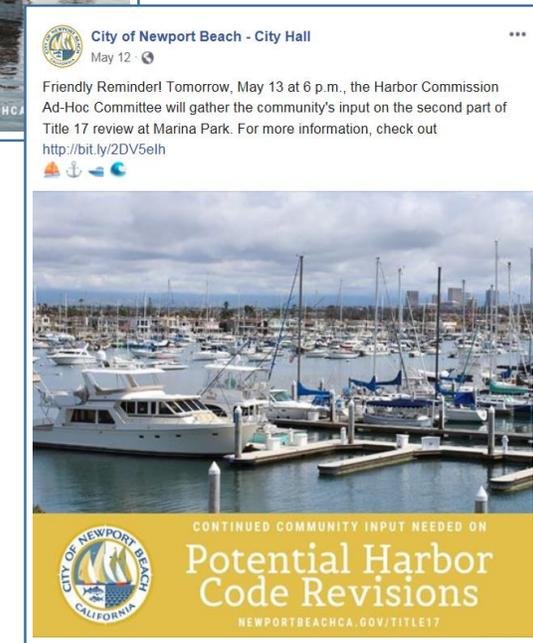


# Public Participation / Input

- Public participation was established as a key goal in the conducting the Title 17 review.
- To facilitate community input, the Ad-Hoc Committee organized a series of meetings allowing for an in-depth and thoughtful review of the entire Code.



*Examples of social media posts, used as part of the public information campaign.*





# Public Participation / Input

- [www.newportbeachca.gov/title17](http://www.newportbeachca.gov/title17)
- This new page on the City’s website was established to encourage public participation in the review process and to promote transparency with proposed updates to Title 17.
- The web page listed all upcoming public meeting dates associated with the review process, provided links to all public comments from prior public meetings, solicited written comments from those unable to attend the review meetings and provided access to red-line working drafts of proposed updates to the Harbor Code.

**CITY OF NEWPORT BEACH**

HOME CONTACT US REPORT A PROBLEM

GOVERNMENT I AM A... HOW DO I... TRENDING Search...

**TITLE 17 REVIEW**

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**Public Input Invited on Title 17 Revisions**

The Harbor Commission (Commission) is in the process of reviewing Title 17 - Harbor Code of the City's Municipal Code. The Commission formed an Ad-Hoc Committee to conduct a thorough review and to identify the potential for code modifications; however, public participation is a key component in the development of any recommendations for revisions.

To facilitate public input, the Ad-Hoc Committee has divided Title 17 into three sections to allow an in-depth and thoughtful review of the entire Code. A series of meetings has been scheduled to examine each section that will be discussed twice by the Ad-Hoc Committee as follows:

- The first meeting is intended to garner feedback and solicit comments from the public.
- The second meeting will allow for a review of the draft revisions prior to presentation to the full Commission.

The Harbor Commission will then review and consider the draft revisions and will make a recommendation that the Title 17 revisions be submitted to the City Council for consideration and adoption. Public comments are invited and welcomed at each of these meetings.

The timeline for the review and public meetings are outlined below.

Title 17 Sections for Review	Ad-Hoc Committee and Public Participation Meetings	Harbor Commission Review	City Council Consideration
<ul style="list-style-type: none"> <li>• 17.01 Definitions</li> <li>• 17.05 General Provisions</li> <li>• 17.20 Vessel Launching and Operations</li> <li>• 17.25 Berthing, Mooring and Storage</li> <li>• 17.30 Harbor Use Regulations</li> <li>• 17.35 Harbor Development Regulations</li> </ul>	1. Monday, April 8 2. Monday, May 6  Public Comments from April 8	Wednesday, August 14 City Council Chambers 100 Civic Center Drive Newport Beach, CA 92660 6:30 p.m.	TBD
<ul style="list-style-type: none"> <li>• 17.10 Marine Activities Permits</li> </ul>	TBD	TBD	TBD
<ul style="list-style-type: none"> <li>• 17.40 Live-Aboard</li> <li>• 17.45 Sanitation</li> <li>• 17.50 Harbor Development Permits</li> <li>• 17.55 Dredging Permits</li> <li>• 17.60 Harbor Permits and Leases</li> <li>• 17.65 Appeals</li> <li>• 17.70 Enforcement</li> <li>• New Proposed Sections</li> <li>• 17.01.030 and 17.60.040</li> </ul>	1. Monday, May 13 2. Monday, June 24  Public Comments from May 13	Wednesday, August 14 City Council Chambers 100 Civic Center Drive Newport Beach, CA 92660 6:30 p.m.	TBD

If you are unable to attend the meetings, please submit your written comments to [title17review@newportbeachca.gov](mailto:title17review@newportbeachca.gov).

**Working Draft Revisions**

A working draft of potential revisions to Title 17 are available for viewing below in red-line format. Please note: These are preliminary revisions and do not represent recommendations of the Harbor Commission. Your feedback, comments, and suggestions are invited and encouraged.

- Red line working draft of sections 17.01, 17.05, 17.20, 17.25, 17.30 and 17.35.
- Second working draft of sections 17.01, 17.05, 17.20, 17.25, 17.30 and 17.35.
- Red line working draft of sections 17.40, 17.45, 17.50, 17.55, 17.60, 17.65 and 17.70.
- New proposed draft sections 17.01.030 and 17.60.040
- Second working draft of sections 17.40, 17.45, 17.50, 17.55, 17.60, 17.65 and 17.70.

**Contact Us**

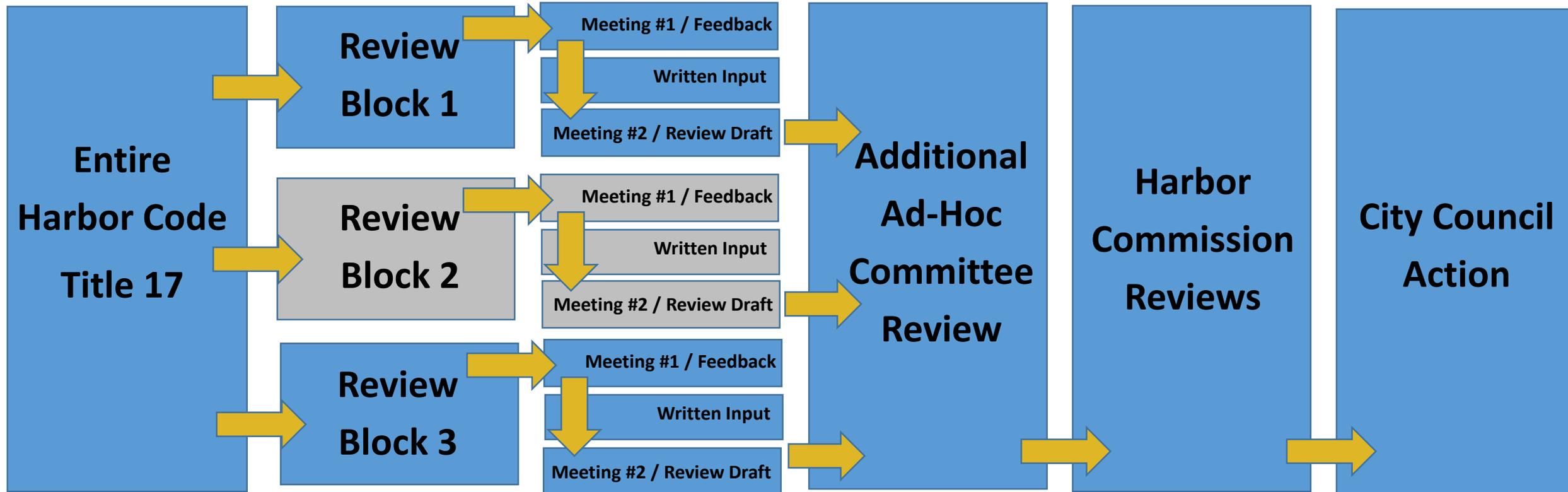
If you have questions regarding the Harbor Commission's review of Title 17, please contact the Harbor Department at 949-270-8150 or email [title17review@newportbeachca.gov](mailto:title17review@newportbeachca.gov).

Free viewers are required for some of the attached documents. They can be downloaded by clicking on the icons below.



# Public Participation / Input

- The structure established to collect public input was as follows:



*Public review of the entire code at once was not deemed practical*

*Major sections of the Code were divided into two review blocks*

*Two public meetings were hosted for each content block. In addition written input was collected*

*Ad-Hoc Committee develops recommendations*

*Harbor Commission finalizes recommendations*

*City Council considers recommendations*



# Public Participation / Input

- Public Participation Meetings were held on...
  - Monday, April 8<sup>th</sup> (block one)
  - Monday, May 6<sup>th</sup> (block one)
  - Monday, May 13<sup>th</sup> (block two)
  - Monday, June 24<sup>th</sup> (block two)
  - Monday, October 21<sup>st</sup> (block three)
  - Wednesday, October 30<sup>th</sup> (block three)



*Boaters, community members, mooring permittees and others in attendance at the April 8<sup>th</sup> Title 17 Review meeting. (Photo courtesy of Sara Hall)*



# Content in 'Review Block One' Public Meetings

- Code Sections reviewed as part of the first block of public participation meetings included...
  - Definitions (17.01)
  - General Provisions (17.05)
  - Berthing, Mooring and Storage (17.25)
  - Harbor Use Regulations (17.30)
  - Harbor Development Regulations (17.35)



# Content in 'Review Block Two' Public Meetings

- Code Sections reviewed as part of the second block of public participation meetings included...
  - Live-Aboard (17.40)
  - Sanitation (17.45)
  - Harbor Development Permits (17.50)
  - Dredging Permits (17.55)
  - Harbor Permits and Leases (17.60)
  - Appeals (17.65)
  - Enforcement (17.70)



# Content in 'Review Block Three' Public Meetings

- Code Sections reviewed as part of the third block of public participation meetings included...
  - Marine Activities Permits (17.10)



# Some Key Topic Areas Identified for the Title 17 Review

- Creating a public hearing process
- Clarification of how long a dinghy may be tied to a dock
- Live-aboard boater/vessel requirements
- Administering requests for mooring size extensions
- Number of allowable overnight stays for non live-aboard boaters
- Clarifying appeals processes
- Harbor water quality issues



# Recommendations: General Provisions (17.05)

- Updates to Duties of the Harbormaster
- Updates to Duties of the Public Works Director
- Updates to Duties of Community Development Director
- Inclusion of public hearing requirements.



## Recommendations: Berthing, Mooring, Storage (17.25)

- Expanded authority for Harbormaster to install temporary sea lion deterrent measures, in the event permittee cannot be reached.



*In the event the permittee (boat owner) cannot be reached to promptly address sea lion deterrents, recommendations would allow Harbor Department staff install temporary deterrents at owner's expense.*



# Recommendations: Harbor Development (17.35)

- Proposed updates call for additional public notice requirements in situations where modifications are proposed to Harbor structures.
- One such recommendation clarifies notification requirements to owners or long-term lessees of abutting upland properties when proposed pier and float projects encroach in front of these properties.

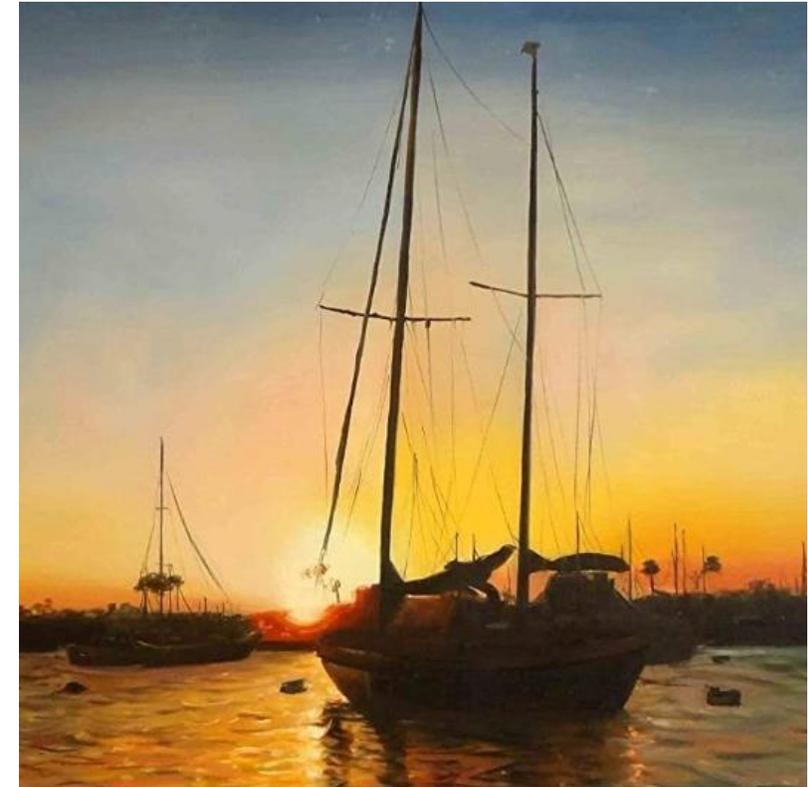


*Public notice requirements for proposed Harbor Development projects were updated as part of the recommended changes to Title 17.*



# Recommendations: Number of Overnight Stays

- The number of allowable overnight stays for non-live aboard vessels was the focus of significant discussion during the review process.
- While several alternatives were considered, ultimately no changes were recommended to the current standard, which permits up to three overnight stays per month, by non-live aboard off-shore mooring permittees.
- Guest boaters making use of the department's sub-permit process will continue to be granted up to 15 overnight stays in a twelve month period. Recommendation would allow for exceptions to be considered by the Harbormaster on a case by case basis.

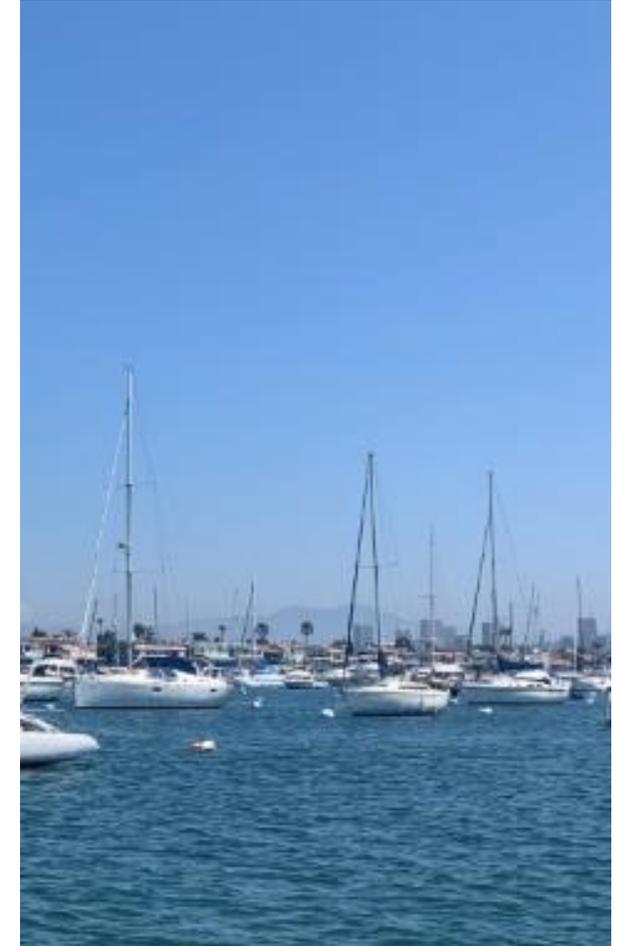


*Modifying the number of allowable overnight stays for non-live-aboard permittees was considered as part of the Title 17 review, but ultimately the current standard of up to three nights per month was recommended unchanged.*



# Recommendations: 17.60 Harbor Permits & Leases

- Allows the City to conduct dye tablet testing on vessels at leased properties.
- Clarifies rules associated with loaning moorings.
- Establishes a methodology for mooring extensions requests.



*Recommended code updates propose establishing methodology for mooring extension requests.*



# Recommendations: Water Quality

- Proposal allows the City to place dye tablets in sanitation device of any visiting vessel (17.45)
- Establishes greywater discharge standards as related to commercial charter fleet
- Requires an operable marine sanitation device and holding tank for vessels considered for live-aboard permits (17.40)
- Requires live-aboard boaters to contract with commercial service provider as well as making service logs available to City for review (17.40)



*Harbor Department staffer conducting a test of one of the Harbor's public pumpout stations.*



# Recommendations: Appeals or Calls for Review

- Provides procedures for the appeal of decisions of the Public Works Director, Community Development Director, Harbormaster and Harbor Commission as related to Title 17 codes.
- Clarifies that Harbor Commission and/or City Council shall serve as the hearing body for the purposes of appeals.
- Recommended updates are intended to provide clear processes for individuals exercising their due process rights to appeal decisions of staff and/or commission.



*Harbor Commission or City Council serve as the hearing body for appeals under Title 17 recommendations.*



## Recommendations: 17.40 Live-Aboards

- Limits live-aboard activities in commercial marinas.
- Revises terms of renewal, in which permittees must be in good standing.
- Requires live-aboards use a commercial pump out service and updates pump-out log requirements.
- Permittee vessels will be subject to dye tablet testing at any time.
- Clarifies trash disposal requirements.



*Harbor Department staffer poses with live-aboard boater, following their 2019 vessel inspection.*



# Recommendations: Mooring Extension Requests

- Vessels are moored in defined fields.
- Extending allowable vessel lengths can impact fairways used by neighboring vessels or otherwise congest the mooring fields.





# Recommendations: Mooring Extension Requests

- Proposal allows Harbormaster to amend off-shore permits up to five feet in length (provided established criteria are met).
- Extension requests beyond five feet in length require consideration by Harbor Commission.
- Conditions outlined in recommendations, guard against using mooring extension process as a means to conduct speculative activities – intended less to accommodate vessel length requirements, and instead to increase the perceived value of the permitted mooring.



*Recommendations provide for an understandable methodology associated with considering mooring extension requests.*



# Harbor Commission

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