


Notice of Exemption

To: County Clerk County of Orange Public Services Division Santa Ana, CA 92702	From: City of Newport Planning Division 100 Civic Center Drive P.O. Box 1768 Newport Beach, CA 92658-8915 (949) 644-3200	
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Project Title: Ordinance No. 2024-15 and Resolution Nos. 2024-46 & 2024-47: Harbor Commission Recommendations and Alternative Recommendations for Rental Rates for Moorings

Project Applicant: City of Newport Beach, 100 Civic Center Drive, Newport Beach CA 92660
Attention: Lauren Wooding Whitlinger (949) 644-3236

Project Location – Specific: Newport Harbor, Newport Beach CA

Project Location – City: Newport Beach **Project Location – County:** Orange

Description of Nature, Purpose and Beneficiaries of Project: The City of Newport Beach manages the tidelands in Newport Harbor, which includes parts of the harbor used for docking boats (called mooring fields) located beyond the pierhead lines, and areas on the shore for onshore moorings. For exclusive use of the harbor to moor a vessel, the City Council sets fair market value rent for these moorings. On July 9, 2024, the City Council adopted Resolution No. 2024-47 setting fair market value of rent for moorings located upon tidelands in Newport Harbor and introduced Ordinance No. 2024-15 amending Sections 17.60.010, 17.60.020, 17.60.040, and 17.60.045 of the Newport Beach Municipal Code (NBMC) revising the permit requirements and rules related to transferability for mooring permits and licenses in Newport Harbor.

Name of Public Agency Approving Project: City of Newport Beach

Name of Person or Agency Carrying out Project: City of Newport Beach, 100 Civic Center Drive, Newport Beach CA 92660

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Class 1: Existing Facilities (Section 15301) and Class 2: Replacement and Reconstruction (Section 15302)
- Statutory Exemptions. State code number: Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3)

Reasons why project is exempt: The the setting of fair market value rent for moorings located upon tidelands introduction and adoption of this ordinance is not subject to the California 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.

Alternatively, the setting of fair market value rent for moorings and amending regulations for of mooring permits and licenses located upon tidelands is entitled to a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) and Class 2 Categorical Exemption pursuant to Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines. The resolution and ordinance is exempt under Section 15301 because the mooring permits and licenses contemplates the continued use of existing facilities, with no expansion of the proposed use. Section 15302 exempts projects that involve the replacement or reconstruction of existing structures and facilities where the new structure

will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Mooring equipment requires intermittent replacement that would occur regardless of whether the ordinance is adopted. Nothing in the ordinance specifies a wholesale replacement of a permittee's equipment with the City's equipment at the time of conversion from a permit to a license. The Harbormaster is left with the discretion to replace the permittee's equipment with the City's equipment at an interval that coincides with the equipment's normal replacement interval. Since the mooring equipment requires intermittent replacement and the replacement of that equipment would occur on the same site and serve the same purpose, this ordinance is exempt under Section 15302.

Lastly, the setting of fair market value rent and amending regulations for mooring permits and licenses for moorings located upon tidelands is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

Lead Agency

Contact Person/Title: Jaime Murillo, Deputy Community Development Director

Contact Phone No./Ext: (949) 644-3209

If filed by applicant:

- 1. Attach certified document of exemption finding.
- 2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  **Title:** Deputy Community Development Director **Date:** 7/15/24

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.