



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers-100 Civic Center Dr Pursuant to GC§54953(B): 524 E.
Miraleste CT Palm Springs, CA. 92262

Wednesday, November 13, 2024 - 5:00 PM

Harbor Commission Members:

Scott Cunningham, Chair
Ira Beer, Vice Chair
Marie Marston, Secretary
Steve Scully, Commissioner
Rudy Svrcek, Commissioner
Gary Williams, Commissioner
Don Yahn, Commissioner

Staff Members:

Paul Blank, Harbormaster
Jennifer Biddle, Executive Assistant

The Harbor Commission meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Harbor Commission agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Harbor Commission. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Paul Blank, Harbormaster, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 270-8158 or pblank@newportbeachca.gov.

Questions and comments may be submitted in writing for the Harbor Commission's consideration by sending them to harborfeedback@newportbeachca.gov. To give the Harbor Commission adequate time to review your questions and comments, please submit your written comments no later than 5 p.m. the day prior to the Harbor Commission meeting. All correspondence will be made part of the record.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the Harbor Department 24 hours prior to the scheduled meeting.

1) CALL MEETING TO ORDER

2) ROLL CALL

3) PLEDGE OF ALLEGIANCE

4) PUBLIC COMMENTS

Public comments are invited on non-agenda items. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Harbor Commission has the discretion to extend or shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

5) APPROVAL OF MINUTES

1. Draft Minutes of the October 9, 2024 Harbor Commission Regular Meeting

[10-09-2024 Harbor Commission Regular Meeting Draft Minutes](#)

[10-09-2024 Harbor Commission Regular Meeting Draft Minutes Commissioner Scully Comments](#)

[10-09-2024 Harbor Commission Regular Meeting Draft Minutes Vice Chair Beer Comments](#)

[10-09-2024 Harbor Commission Regular Meeting Draft Minutes Commissioner Marston Comments](#)

6) **CURRENT BUSINESS**

1. **2025 Harbor and Beaches Master Plan - Approve**

Staff will provide an overview of the 2025 Harbor and Beaches Master Plan. The Harbor Commission is requested to approve the plan so it can be forwarded to the Finance Committee in early 2025.

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, 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.

b) Approve the 2025 Harbor and Beaches Master Plan and recommend staff forward to the Finance Committee for consideration.

[Staff Report](#)

[Attachment A - 2025 Harbor and Beaches Master Plan](#)

2. **Consider Amending the Rules of Procedures of the Harbor Commission Related to a Motion for Reconsideration**

Harbor Commission meetings are conducted subject to the "Rules of Procedures of the Harbor Commission" adopted on March 10, 2021. Those rules currently provide for a "motion for reconsideration" at the meeting at which an action is taken. The Commission will consider amending the rules to provide for a "motion for reconsideration" at the current meeting or the subsequent meeting at which the action was taken.

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) Amend the Rules of Procedures of the Harbor Commission Section VIII. VOTING PROCEDURE Item E to allow a Motion for Reconsideration to be made at the current meeting or the subsequent meeting at which the action was taken; and

c) Update future Harbor Commission agendas to reflect the revised language related to a Motion for Reconsideration.

[Staff Report](#)

[Attachment A - Redline Harbor Commission Rules of Procedures](#)

[Attachment B - Clean Version Harbor Commission Rules of Procedures](#)

3. Consider the Proposal for Day Use Moorings in Corona del Mar Cove

Included in the Harbor Commission's 2024 Objectives is objective number 9 the title of which is "Evaluate establishing day moorings off Big Corona Beach." The full Commission will consider a proposal prepared by the subcommittee responsible for that objective

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) Consider a proposal from the subcommittee responsible for current Harbor Commission Objective 9 on establishing day-use moorings in Corona del Mar Cove; and
- c) If approved, direct Staff to forward the proposal to the City Council for approval and funding.

[Staff Report](#)

[Attachment A - Proposal for day Moorings in Corona del Mar Cove](#)

4. Report on Conversion to Helical Anchor System for Moorings

The City currently has 16 moorings for which it is responsible for the semi-annual inspection and maintenance of the tackle. Interest has been expressed in potentially converting the ground tackle on these moorings from traditional weights and chains to more environmentally friendly helical anchor systems. This report will update the Commission on a pilot project to convert three City moorings in the C mooring field to the helical anchor system.

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) Receive and file

OR

- c) Recommend the Harbor Department move forward with the pilot project to convert three moorings in the C Mooring field to the helical anchor system.

[Staff Report](#)

[Attachment A - Mooring Pilot Project Design](#)

[Attachment B - Traditional Anchor System Components](#)

[Item No. 6.4 Additional Material Received Public Correspondence 11-13-2024](#)

[Item No. 6.4 Additional Materials Received Public Correspondence 11-13-2024](#)

5. Ad Hoc Committee Updates

Several ad hoc committees have been established to address short term projects outside of the Harbor Commission objectives. This is the time the ad hoc committees will provide an update on their projects.

Recommendation:

a) Find this action exempt from 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; and

b) Receive and file.

[Staff Report](#)

6. Harbor Commission 2024 Objectives

Each ad hoc committee studying their respective Objective within the Commission's 2024 Objectives, will provide a progress update.

Recommendation:

a) Find this action exempt from 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; and

b) Receive and file.

[Staff Report](#)

[Attachment A - Harbor Commission 2024 Objectives](#)

7. Harbormaster Update - October 2024 Activities

The Harbormaster oversees the City Harbor Department and is responsible for the management of the City's mooring fields, enforcement of the municipal code, events permitting, safety and rescue operations, the Marina Park Guest Marina, marine sanitation pump out equipment and public pier maintenance, water quality monitoring and maintenance, impound and disposition of abandoned and unclaimed vessels and public relations and information dissemination on and about Newport Harbor.

This report will update the Harbor Commission on the Harbor Department's recent

activities.

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) Receive and file.

[Staff Report](#)

[Attachment A – Harbor Department Statistics Infographic](#)

[Attachment B – Harbor Department Statistics by Month, Current Year](#)

[Attachment C – Harbor Department Statistics, Year over Year Comparison](#)

[Attachment D – Harbor Department Definitions](#)

7) **MOTION FOR RECONSIDERATION**

A motion to reconsider the vote on any action taken by the Harbor Commission at this meeting may be made only by one of the Commission Members who voted with the prevailing side.

8) **COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**

9) **MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON THE FUTURE**

10) **11) DATE AND TIME FOR NEXT MEETING: Wednesday, December 11, 2024 at 5 p.m. (Note: Location change to OASIS Senior Center)**

11) **ADJOURNMENT**

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach
Wednesday, October 9, 2024
5 p.m.

1. CALL MEETING TO ORDER

The meeting was called to order at 5:01 p.m.

2. ROLL CALL

PRESENT: Ira Beer, Vice Chair
Marie Marston, Secretary
Steve Scully, Commissioner
Rudy Svrcek, Commissioner
Gary Williams, Commissioner
Don Yahn, Commissioner

ABSENT: Scott Cunningham, Chair (Excused)

Staff Members: Paul Blank, Harbormaster
Jennifer Biddle, Administrative Assistant
Chris Miller, Public Works Administrative Manager
Jose Montoya, Deputy City Attorney
Cynthia Shintaku, Administrative Assistant
Rosalinda Gonzalez, Assistant to the Assistant City Manager

3. PLEDGE OF ALLEGIANCE – Led by Commissioner Williams

4. PUBLIC COMMENTS (NON-AGENDA ITEMS)

Vice Chair Beer opened public comments.

Adam Leverenz thanked Commissioners Yahn and Svrcek for their presentation to the City Council on alternative plans for Lower Castaways. He praised Commissioner Yahn for a strong presentation and noted the public's preference for placing the pool elsewhere. He encouraged the commissioners to keep pushing the effort, suggesting they connect with local school districts to build support. Leverenz highlighted that, unlike a pool, harbor-dependent resources are a better fit for the proposed site.

Seeing no others wishing to speak, Vice Chair Beer closed public comments on non-agenda items.

5. APPROVAL OF MINUTES

1. Draft Minutes of the August 14, 2024 Harbor Commission Regular Meeting

Vice Chair Beer opened public comments. Seeing none, Vice Chair Beer closed public comments.

Commissioner Scully moved to approve the August 14, 2024 Harbor Commission Regular Meeting minutes, as amended. Seconded by Commissioner Williams. The motion carried by the following roll call vote:

Ayes: Marston, Scully, Williams, Yahn, Beer
Nays: None
Abstain: None
Absent: Cunningham (excused)

6. PUBLIC HEARING

1. Appeal of Harbormaster's Decision to Deny Robalo 180 Vessel Assignment and Variance to Onshore Mooring S-124

Recommendation:

- a) Determine that the 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

AND

- b) Hold an appeal of denial hearing and, if justified, adopt Resolution No. HC2024-03 affirming the Harbormaster's decision to deny the variance and vessel assignment request to Mooring S-124.

OR

- c) Hold an appeal of denial hearing, amend, or rescind the Harbormaster's decision and allow the vessel assignment to Mooring S-124 after making all of the requisite findings pursuant to Newport Beach Municipal Code Section 17.05.140.D.2.

Harbormaster Paul Blank thanked the appellant for their patience and cooperation. He explained that on September 5, 2024, the permittee requested a pre-approval and variance to assign an 18-foot 4-inch Robalo 180 vessel to onshore mooring S-124 on Balboa Island. Since the vessel exceeded the 18-foot limit, he denied the request on September 10. The permittee appealed on September 11, and public hearing notices were sent on September 26.

Harbormaster Blank emphasized his duty to enforce Newport Beach's Title 17, which restricts mooring vessels longer than 18 feet. He could not approve the variance because it did not meet the necessary requirements, such as not impacting public safety and preserving property rights. After reviewing the vessel and mooring terms, he upheld his decision to deny the request due to the vessel exceeding the length limit.

Vice Chair Beer opened the floor for questions for staff.

The commission and staff discussed whether the boat's manufacturer included the outboard engine in its listed length. It was confirmed that the swim step is included, but not the outboard engine. Commissioner Yahn asked if removing or modifying the swim step could bring the boat within the 18-foot limit, and Harbormaster Blank explained that any such changes would need official documentation from the manufacturer, DMV, or Coast Guard.

Questions arose about other boats exceeding the 18-foot limit. Harbormaster Blank confirmed that 11 boats in the harbor exceed the limit, all assigned before his tenure, with no current plans to change these assignments. However, new or transferred assignments must now comply with the 18-foot rule, with no exceptions unless officially documented.

Secretary Marston clarified that the permit listing a 14-foot vessel on the mooring referred to a prior assignment, not the current request for a longer boat.

Commissioner Williams asked if the swim step could be modified to meet the length requirement, and Blank replied that any modifications would need verification from an official source, like the manufacturer or DMV.

Vice Chair Beer noted that swim steps on newer boats are often integral to the hull, making modification difficult. He asked if the 18-foot policy was strictly enforced. Blank confirmed this and reiterated that, moving forward, all onshore mooring assignments must comply with the 18-foot limit.

Vice Chair Beer asked the commissioners if any had engaged in ex-Parte communications with the appellant or neighbors, or made site visits. All confirmed they had not.

Vice Chair Beer opened the public hearing.

Casey Jones, the appellant, argued that he is not asking for special treatment and that approving his appeal would not harm the harbor, public safety, or violate the code's intent. He presented two photos of his Robalo 180, which is marketed as an 18-foot boat, showing it on mooring S-84, blending in with similar boats. Jones noted that the swim step extends just over four inches and questioned why it's included in the length while the engine, which extends further, is not.

Mr. Jones claimed that the staff report applied offshore rules to his shore mooring case, and since the code rounds lengths to the nearest foot, the Robalo 180 should count as 18 feet. He pointed out that other boats over 18 feet have been approved, setting a precedent, and that the report undercounts such boats. He argued the Robalo 180 would not create safety issues or break the code and urged the Harbor Commission to approve his appeal.

Commissioners discussed the appeal, with Commissioner Yahn clarifying that the cited code applies to offshore moorings and asking if the appellant was using it for onshore moorings. The appellant noted that the code only specifies boat length for offshore moorings and does not address onshore moorings.

They reviewed photos of the boat, particularly the ladder. When asked if the ladder could be shortened, the appellant said they had not considered it. Commissioner Svrcek suggested shortening it and asked if the boat's overall length (LOA) could be reconsidered. The appellant requested flexibility, as the ladder fits within the engine's range, and the boat is marketed as 18 feet despite the 4-inch extension.

Commissioner Williams felt that challenging the manufacturer's LOA, listed as 18 feet 4 inches, was unnecessary, given its precise measurement.

Vice Chair Beer agreed the boat was not a safety risk but noted the appellant had not met all requirements for a variance. He emphasized that the code caps mooring length at 18 feet and any exception would need an amendment. He asked if the appellant had considered an offshore mooring; the appellant had not and argued that lengths should be rounded, treating the boat as 18 feet. Vice Chair Beer reaffirmed that the 18-foot 4-inch measurement by the manufacturer must be followed under the code.

Vice Chair Beer opened public comments.

Jim Moser noted that staff microphones were not working, potentially affecting the meeting's minutes. He questioned whether this appeal was a variance request or a misunderstanding of the code's interpretation. He agreed with the appellant on the unclear basis of the 18-foot limit and suggested clarifying code section 17.60.040(M) on mooring lengths. Moser argued that if a strict limit was intended, the code should specify "over 18 feet zero inches" and define "length overall" (LOA). He noted that residential pier owners face less strict requirements than moorings.

Mr. Leverenz addressed the commission, saying that removing the swim step would not comply with Title 17, which defines boat length by the U.S. Coast Guard, DMV, or manufacturer. He suggested revisiting Title 17 for flexibility, allowing exceptions like offshore moorings. He argued it is unreasonable to deny a boat over a small extension and called for Title 17 updates for fairness.

Mr. Jones argued for clarity in the code, suggesting it should use standard rounding, which would qualify his boat for an 18-foot mooring. He emphasized he was not asking for special treatment, noting his boat is similar to the one previously moored there. He expressed frustration, feeling penalized for seeking approval rather than forgiveness.

Vice Chair Beer closed the public hearing.

Vice Chair Beer asked Deputy City Attorney Jose Montoya if the motion could be discussed after being made. Deputy City Attorney Montoya confirmed that Vice Chair Beer could entertain a motion and then open the floor for comments.

Commissioner Scully moved to adopt Resolution HC 2403, affirming the Harbormaster's decision to deny the variance and vessel assignment request for mooring S-124, and noted that the motion was exempt from the California Environmental Quality Act (CEQA). Seconded by Commissioner Williams.

Commissioner Williams began by saying he understood the applicant's frustration, given that other boats over 18 feet are on moorings. He questioned why rule enforcement waits for transfers and disagreed with considering a boat with an 18-foot, 4-inch length as 18 feet. He asked the Harbormaster to explain this approach.

Harbormaster Blank explained that the Harbor Department enforces rules only when complaints are filed; otherwise, no action is taken.

Vice Chair Beer agreed with Commissioner Williams, noting that approving this request could set a precedent, allowing more oversized boats on moorings. He emphasized the need to follow established rules.

Commissioner Williams, initially uncertain, supported enforcing consistent rules in the future, even for those "grandfathered" in. He proposed considering whole-foot rounding to address the small measurement margin, without changing the rules but interpreting them fairly. He asked for legal counsel's input on Title 17.

Harbormaster Blank suggested that if the Commission wished to overturn his decision, they clarify that boats up to 18 feet 6 inches be rounded down to 18 feet, and over 18 feet 7 inches be rounded up to 19 feet. Commissioner Williams supported amending the motion to include this guideline and invited input from other commissioners.

Commissioner Scully thanked Mr. Jones, acknowledging the quality of the presentation. As a boater, he recognized the vessel's appeal but reminded the commission of the importance of precise measurements. He cited past cases where the commission upheld rules based on inches and feet and expressed concern that making exceptions would lead to larger boats in the harbor. Noting his own experience with similar restrictions, he emphasized the need to maintain the 18-foot limit, saying the 18-foot 4-inch boat does not qualify. He supported upholding the denial as it aligns with established rules.

Vice Chair Beer agreed, addressing points raised by Commissioner Yahn. He noted that while legal documents can be interpreted differently, the code's intent has been applied consistently. Allowing a margin of several inches would conflict with established procedures. He mentioned that an ad

hoc committee is reviewing Title 17, with recommendations requiring thorough review and City Council approval, a process that can take over a year. He stressed that changes should follow the established process, not be made unilaterally in this discussion, and called for the vote.

Commissioner Scully moved to adopt Resolution HC 2403, affirming the Harbormaster's decision to deny the variance and vessel assignment request for mooring S-124, and noted that the motion was exempt from the California Environmental Quality Act (CEQA). Seconded by Commissioner Williams. The motion carried by the following roll call vote:

Ayes: Marston, Scully, Williams, Beer
Nays: Yahn
Abstain: None
Absent: Cunningham (excused)

7. CURRENT BUSINESS

1. General Plan Harbor & Bay Element Update

Recommendation:

- 1) Receive and file.

General Plan Vision Statement Ad Hoc – Commissioners Scully and Marston (08-09-2023)

Harbormaster Blank informed the commissioners that Curtis Black from the General Plan Advisory Committee would give a presentation on updating the Harbor and Bay sections of the City's General Plan. He noted that the current plan, approved in 2006, includes Chapter 4, which addresses these elements under the commission's jurisdiction. This meeting is the commission's first chance to participate in the update process. He briefly summarized a 2017 Planning Commission presentation that focused on Newport Harbor's long-term welfare and collaboration with stakeholders, highlighting waterfront businesses and services that were underserved at the time, and invited commissioners to consider if these issues are still relevant.

Curtis Black highlighted that the General Plan guides City goals and policies, with the Harbor and Bay Element focused on recreation, natural resources, and commercial boating. While the 2006 plan led to creating the Harbor Department, much is now outdated, making the commission's input crucial. The update, started in 2023, includes background analysis and community engagement, aiming for completion by 2025. He reviewed key themes from 2006, such as harbor resource management, boating, and public access, noting that goals like dredging and zoning policies remain relevant. He also mentioned planning for sea level rise. He invited the commission to provide feedback directly or through a subcommittee and to participate in public hearings and feedback sessions.

Commissioner Scully thanked Mr. Black for the presentation and noted Mr. Moser's suggestion to form an ad hoc committee to enhance the Harbor Commission's role in the general plan update. Scully and Secretary Marston are on this committee and aim to integrate the Harbormaster's vision into the plan, contributing long-term ideas, some from as far back as 2006.

Commissioner Yahn was enthusiastic, seeing a strong alignment between the Harbor Commission's work and the General Plan's goals, and looked forward to the ad hoc committee's efforts.

Secretary Marston, drawing on her experience with the General Plan Advisory Committee, asked if the new plan would build on or entirely redefine the 2006 goals, emphasizing the committee's role in aligning with the General Plan update.

Mr. Black explained that the General Plan would be re-envisioned with new goals based on community feedback, retaining some elements from 2006. Workshops are planned for November, with feedback

needed by early 2024, and he encouraged collaboration between the ad hoc committee and the Harbor and Bay subcommittee.

Commissioner Williams suggested scheduling a formal check-in with the General Plan Advisory Committee in early 2024. Commissioner Svrcek asked if feedback could come from all commissioners or just the ad hoc committee.

Vice Chair Beer proposed adding another commissioner to the ad hoc committee, given the plan's importance, and recommended regular updates and collaborative discussions to provide unified recommendations.

The Harbormaster noted that a 2016 subcommittee review of the General Plan had led to recommendations but no amendments.

Vice Chair Beer called for commissioners to join the ad hoc committee. Commissioner Yahn volunteered to be on the ad hoc committee.

Vice Chair Beer opened public comments.

Mr. Leverenz pointed out a typo in the General Plan text, which currently reads, "encourage development of waterfront facilities that displace water-dependent uses," but should read "that do not displace water-dependent uses," as per Mr. Black's comments.

Mr. Moser reminded the commission that last year he alerted them to ongoing work on the General Plan update, focusing then on the Vision Statement. He suggested renaming the ad hoc committee from "General Plan Vision Statement Ad Hoc Committee" to "General Plan Update Ad Hoc Committee" for broader focus, as the Vision Statement guides larger policy work.

He noted that some 2006 policies were followed, while others, like maintaining shipyards, were not. He also questioned the policy on tidelands revenue, which currently suggests all costs be repaid by users. He argued that this is inconsistent with other public spaces, like beaches, which are maintained without direct fees. He suggested that harbor costs, which benefit all Newport Beach properties, should not fall solely on users. Finally, he mentioned that public workshops for the General Plan update, including one for the Harbor and Bay Element, are scheduled for December and promised to keep the committee updated.

Vice Chair Beer closed public comments.

Vice Chair Beer moved to rename the ad hoc committee as the General Plan Update for the Harbor and Bay Element and to increase the committee's membership from two to three commissioners, to provide the necessary input to the commission and feedback on the General Plan Advisory process, and is exempt from CEQA. Seconded by Commissioner Williams who clarified that the third commissioner would be Commissioner Yahn.

The motion was then put to a vote and carried with unanimous approval, 6-0.

Balboa Ferry Ad Hoc – Commissioners Scully, Svrcek and Yahn (05-10-2023)

Commissioner Svrcek shared details from his conversation with Joe Beek, who has been working on various grant applications to replace the ferries with electric ones—a \$12 million project needing multiple grants. They discussed the challenges of securing grants and possibly delaying one ferry replacement until late 2025. Svrcek also noted the complexities of setting up charging infrastructure, requiring coordination with the city, Southern California Edison, and property owners.

Commissioner Yahn added that he discussed power and infrastructure challenges with Seymour Beek and wants more ad hoc committee members involved. He and Commissioner Scully plan to hold a meeting to

address these issues. He also reported presenting to the California Air Resource Board (CARB) Director, with city representatives and Assemblywoman Diane Dixon, to advocate against mandatory ferry electrification.

Public Dock Utilization Ad Hoc – Commissioners Beer, Svrcek, and Williams (04-10-2024)
 No update.

Vice Chair Beer opened public comments. Seeing none, Vice Chair Beer closed public comments.

There was no further action taken on this item and it was received and filed.

2. Ad Hoc Committee Updates

Recommendation:

- 1) Find this action exempt from 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; and
- 2) Receive and file.

1.	Conduct annual review of Title 17 and recommend updates to City Council where necessary (Commissioner Yahn).
	<u>Update:</u> <i>No report.</i>
2.	Collaborate with the Water Quality/Coastal Tidelands Committee to partner on areas within the Harbor that both Commission/Committees intersect (Commissioners: Svrcek, Scully)
	<u>Update:</u> <i>No report.</i>
3.	Successful implementation of the mooring reconfiguration initiative, including design, testing, permitting, execution, and monitoring (Commissioner: Beer).
	<u>Update:</u> <i>Harbormaster Blank reported the City is on a 90-day pause on its application related to the reconfiguration at the request of the California Coastal Commission.</i>
4.	Collaborate with Parks, Beaches, and Recreation Commission and Staff to evaluate the best use for Lower Castaway and make a recommendation to City Council (Commissioners: Marston, Svrcek).
	<u>Update:</u> <i>Commissioner Svrcek reported attending a City Council study session on the Lower Castaways, where the City recommended a public pool facility and presented a comprehensive architectural plan, including completed designs, elevation images, building floor plans, perspective images, fly-around videos, a traffic study, timelines, and cost estimates. The construction costs were projected at \$47 million, with an estimated annual operating cost of \$2.5 million. The City Council approved a \$500,000 expenditure to advance the pool plan. He encouraged those interested in providing input to review the plan on the City's website and monitor upcoming City Council agendas, as the plan is moving forward rapidly. Commissioner Yahn expressed satisfaction in seeing the ad hoc committee's efforts acknowledged and commended the culmination of their work in representing the Harbor Commission's voice.</i>
5.	Work with staff to identify opportunities to add additional Harbor Services (Restrooms, additional pump out stations, dock space, Shore Boat Service, Boat Launch Ramp, and development of the mobile app) (Commissioners: Marston, Yahn)
	<u>Update:</u> <i>Harbormaster Blank reported he has not met yet with a potential water taxi operator and noted they are not a local operator.</i>
6.	Continue with the participation of businesses, nonprofits, and the Harbor Department with a Newport Harbor Safety Committee to promote best practices and address safety issues on the water (Commissioner: Scully).

	<u>Update:</u>	<i>No report.</i>
7.		Review Harbor Department responsibilities, evaluate the Department's readiness and effectiveness to deliver Harbor services as necessary for normal operations and during emergencies and make recommendations as determined necessary (Commissioner: Scully, Williams).
	<u>Update:</u>	<i>Commissioner Scully noted that the new electric Harbor Patrol Services boat looks outstanding and is a great addition to the department.</i>
8.		Work with City Staff on an update of the market Rent to be charged for onshore and offshore moorings (Commissioner: Cunningham, Beer).
	<u>Update:</u>	<i>No report.</i>
9.		Evaluate establishing day moorings off Big Corona Beach (Commissioner: Williams).
	<u>Update:</u>	<i>Commissioner Scully reported drafting an outline of a motion for the Harbor Commission's review will be reviewed at the next meeting.</i>
10.		Support staff in all efforts related to the dredge completion of the Federal Navigation channels in addition to the upcoming agency renewals of Regional General Permit (RGP54) shallow water dredging permit. (Commissioners: Cunningham, Svrcek)
	<u>Update:</u>	<i>Harbormaster Blank reported that a team is actively working to finalize the plan on the potential to barge dredging material to another port, though specific details are not yet available.</i>

Vice Chair Beer opened public comments.

Mr. Leverenz requested that the CDM proposal for Helix Moorings be added to the next meeting agenda, with clarification on whether the moorings are intended for day-use, overnight use, or other purposes, and asked for any City licensing details.

Mr. Moser referred to Item No. 9, suggesting the City Council might benefit from understanding the Harbor Commission's role, as the proposal is outside the harbor. He praised the presentation to the City Council on the Lower Castaways (Item No. 4) but noted it implied a formal recommendation despite the ad hoc committee disbanding before a vote. He added that zoning issues were not covered, pointing out that building a pool would need a zoning change, with Coastal Commission approval required since a pool is not coastal-dependent. This may make the Harbor Commission hesitant to approve it.

Seeing no others wishing to speak on this item, Vice Chair Beer closed public comments.

There was no further action taken on this item and it was received and filed.

3. Harbor Commission 2024 Objectives

- a) Find this action exempt from 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; and
- b) Receive and file.

4. Harbormaster Update – August and September 2024 Activities**Recommendation:**

- 1) 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
- 2) Receive and file.

Harbormaster Blank provided updates on recent Harbor Department activities, including the new electric patrol vessel, a successful underwater cleanup at Marina Park, an unusual vessel seizure, diesel spill response, ongoing abatements, the 29th Street Public Dock opening, improved signage at Rhine Wharf, increased enforcement, vessel rescues, fire responses, a reckless sailing incident, and added solar lights on navigation aids. He mentioned an upcoming small vessel auction at Marina Park, with anchorage usage up from last year.

During the discussion, commissioners inquired about the electric patrol vessel's battery performance, which was better than expected, and the new \$28 fee for city-owned mooring waitlist applications as of July 1. Secretary Marston and Commissioner Williams thanked the Harbormaster for the detailed report and praised the department's efforts.

Vice Chair Beer opened public comments. Seeing none, Vice Chair Beer closed public comments.

There was no further action taken on this item and it was received and filed.

8. MOTION FOR RECONSIDERATION

None.

Harbormaster Blank noted that the language concerning the offer for reconsideration is inconsistent with the current meeting rules. He confirmed that this issue will be addressed and revised at the next meeting.

9. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Commissioner Svrcek shared an experience from the bay cleanup, where Apex divers found a boat cover on the bay floor that an octopus with 50 eggs had turned into a habitat. This inspired him to consider creating artificial habitats in the bay to support marine life. He plans to contact companies specializing in artificial reefs to explore similar harbor projects. Vice Chair Beer advised consulting staff on environmental requirements, permits, and agency approvals.

Commissioner Svrcek also raised a concern about the historic Pavilion building, built in 1906, where ridge line lights were removed during recent roof work. He suggested exploring options to restore the lights, now more affordable with LED technology, and invited ideas from other commissioners.

Commissioner Yahn announced that on October 23, the Orange County Taxpayers Association will hold its "Roses and Radishes" awards at the Hyatt Regency in Irvine. He was invited by Assemblywoman Dixon to join her as she presents an award to the Balboa Island Ferry.

10. MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT (NON-DISCUSSION ITEM)

Commissioner Scully requested that Item No. 9, regarding offshore moorings, be added to the agenda, with Vice Chair Beer recommending that Mr. Moser's comments be considered.

Commissioner Svrcek requested an agenda item to discuss adding public dock access to Bayside Shopping Center on Bayside Drive, highlighting how it would allow boaters to dock and enjoy nearby restaurants, grocery stores, and other amenities.

11. DATE AND TIME FOR NEXT MEETING:

The next regular meeting is scheduled for Wednesday, November 13, 2024, at 5 p.m.

12. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:46 p.m.

DRAFT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach
Wednesday, October 9, 2024
5 p.m.

1. CALL MEETING TO ORDER

The meeting was called to order at 5:01 p.m.

2. ROLL CALL

PRESENT: Ira Beer, Vice Chair
Marie Marston, Secretary
Steve Scully, Commissioner
Rudy Svrcek, Commissioner
Gary Williams, Commissioner
Don Yahn, Commissioner

ABSENT: Scott Cunningham, Chair (Excused)

Staff Members: Paul Blank, Harbormaster
Jennifer Biddle, Administrative Assistant
Chris Miller, Public Works Administrative Manager
Jose Montoya, Deputy City Attorney
Cynthia Shintaku, Administrative Assistant
Rosalinda Gonzalez, Assistant to the Assistant City Manager

3. PLEDGE OF ALLEGIANCE – Led by Commissioner Williams

4. PUBLIC COMMENTS (NON-AGENDA ITEMS)

Vice Chair Beer opened public comments.

Adam Leverenz thanked Commissioners Yahn and Svrcek for their presentation to the City Council on alternative plans for Lower Castaways. He praised Commissioner Yahn for a strong presentation and noted the public's preference for placing the pool elsewhere. He encouraged the commissioners to keep pushing the effort, suggesting they connect with local school districts to build support. Leverenz highlighted that, unlike a pool, harbor-dependent resources are a better fit for the proposed site.

Seeing no others wishing to speak, Vice Chair Beer closed public comments on non-agenda items.

5. APPROVAL OF MINUTES

1. Draft Minutes of the August 14, 2024 Harbor Commission Regular Meeting

Vice Chair Beer opened public comments. Seeing none, Vice Chair Beer closed public comments.

Commissioner Scully moved to approve the August 14, 2024 Harbor Commission Regular Meeting minutes, as amended. Seconded by Commissioner Williams. The motion carried by the following roll call vote:

Ayes: Marston, Scully, Williams, Yahn, Beer
Nays: None
Abstain: None
Absent: Cunningham (excused)

6. PUBLIC HEARING

1. Appeal of Harbormaster's Decision to Deny Robalo 180 Vessel Assignment and Variance to Onshore Mooring S-124

Recommendation:

- a) Determine that the 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

AND

- b) Hold an appeal of denial hearing and, if justified, adopt Resolution No. HC2024-03 affirming the Harbormaster's decision to deny the variance and vessel assignment request to Mooring S-124.

OR

- c) Hold an appeal of denial hearing, amend, or rescind the Harbormaster's decision and allow the vessel assignment to Mooring S-124 after making all of the requisite findings pursuant to Newport Beach Municipal Code Section 17.05.140.D.2.

Harbormaster Paul Blank thanked the appellant for their patience and cooperation. He explained that on September 5, 2024, the permittee requested a pre-approval and variance to assign an 18-foot 4-inch Robalo 180 vessel to onshore mooring S-124 on Balboa Island. Since the vessel exceeded the 18-foot limit, he denied the request on September 10. The permittee appealed on September 11, and public hearing notices were sent on September 26.

Harbormaster Blank emphasized his duty to enforce Newport Beach's Title 17, which restricts mooring vessels longer than 18 feet. He could not approve the variance because it did not meet the necessary requirements, such as not impacting public safety and preserving property rights. After reviewing the vessel and mooring terms, he upheld his decision to deny the request due to the vessel exceeding the length limit.

Vice Chair Beer opened the floor for questions for staff.

The commission and staff discussed whether the boat's manufacturer included the outboard engine in its listed length. It was confirmed that the swim step is included, but not the outboard engine. Commissioner Yahn asked if removing or modifying the swim step could bring the boat within the 18-foot limit, and Harbormaster Blank explained that any such changes would need official documentation from the manufacturer, DMV, or Coast Guard.

Questions arose about other boats exceeding the 18-foot limit. Harbormaster Blank confirmed that 11 boats in the harbor exceed the limit, all assigned before his tenure, with no current plans to change these assignments. However, new or transferred assignments must now comply with the 18-foot rule, with no exceptions unless officially documented.

Secretary Marston clarified that the permit listing a 14-foot vessel on the mooring referred to a prior assignment, not the current request for a longer boat.

Commissioner Williams asked if the swim step could be modified to meet the length requirement, and Blank replied that any modifications would need verification from an official source, like the manufacturer or DMV.

Vice Chair Beer noted that swim steps on newer boats are often integral to the hull, making modification difficult. He asked if the 18-foot policy was strictly enforced. Blank confirmed this and reiterated that, moving forward, all onshore mooring assignments must comply with the 18-foot limit.

Vice Chair Beer asked the commissioners if any had engaged in ex-Parte communications with the appellant or neighbors, or made site visits. All confirmed they had not.

Vice Chair Beer opened the public hearing.

Casey Jones, the appellant, argued that he is not asking for special treatment and that approving his appeal would not harm the harbor, public safety, or violate the code's intent. He presented two photos of his Robalo 180, which is marketed as an 18-foot boat, showing it on mooring S-84, blending in with similar boats. Jones noted that the swim step extends just over four inches and questioned why it's included in the length while the engine, which extends further, is not.

Mr. Jones claimed that the staff report applied offshore rules to his shore mooring case, and since the code rounds lengths to the nearest foot, the Robalo 180 should count as 18 feet. He pointed out that other boats over 18 feet have been approved, setting a precedent, and that the report undercounts such boats. He argued the Robalo 180 would not create safety issues or break the code and urged the Harbor Commission to approve his appeal.

Commissioners discussed the appeal, with Commissioner Yahn clarifying that the cited code applies to offshore moorings and asking if the appellant was using it for onshore moorings. The appellant noted that the code only specifies boat length for offshore moorings and does not address onshore moorings.

They reviewed photos of the boat, particularly the ladder. When asked if the ladder could be shortened, the appellant said they had not considered it. Commissioner Svrcek suggested shortening it and asked if the boat's overall length (LOA) could be reconsidered. The appellant requested flexibility, as the ladder fits within the engine's range, and the boat is marketed as 18 feet despite the 4-inch extension.

Commissioner Williams felt that challenging the manufacturer's LOA, listed as 18 feet 4 inches, was unnecessary, given its precise measurement.

Vice Chair Beer agreed the boat was not a safety risk but noted the appellant had not met all requirements for a variance. He emphasized that the code caps mooring length at 18 feet and any exception would need an amendment. He asked if the appellant had considered an offshore mooring; the appellant had not and argued that lengths should be rounded, treating the boat as 18 feet. Vice Chair Beer reaffirmed that the 18-foot 4-inch measurement by the manufacturer must be followed under the code.

Vice Chair Beer opened public comments.

Jim Moser noted that staff microphones were not working, potentially affecting the meeting's minutes. He questioned whether this appeal was a variance request or a misunderstanding of the code's interpretation. He agreed with the appellant on the unclear basis of the 18-foot limit and suggested clarifying code section 17.60.040(M) on mooring lengths. Moser argued that if a strict limit was intended, the code should specify "over 18 feet zero inches" and define "length overall" (LOA). He noted that residential pier owners face less strict requirements than moorings.

Mr. Leverenz addressed the commission, saying that removing the swim step would not comply with Title 17, which defines boat length by the U.S. Coast Guard, DMV, or manufacturer. He suggested revisiting Title 17 for flexibility, allowing exceptions like offshore moorings. He argued it is unreasonable to deny a boat over a small extension and called for Title 17 updates for fairness.

Mr. Jones argued for clarity in the code, suggesting it should use standard rounding, which would qualify his boat for an 18-foot mooring. He emphasized he was not asking for special treatment, noting his boat is similar to the one previously moored there. He expressed frustration, feeling penalized for seeking approval rather than forgiveness.

Vice Chair Beer closed the public hearing.

Vice Chair Beer asked Deputy City Attorney Jose Montoya if the motion could be discussed after being made. Deputy City Attorney Montoya confirmed that Vice Chair Beer could entertain a motion and then open the floor for comments.

Commissioner Scully moved to adopt Resolution HC 2403, affirming the Harbormaster's decision to deny the variance and vessel assignment request for mooring S-124, and noted that the motion was exempt from the California Environmental Quality Act (CEQA). Seconded by Commissioner Williams.

Commissioner Williams began by saying he understood the applicant's frustration, given that other boats over 18 feet are on moorings. He questioned why rule enforcement waits for transfers and disagreed with considering a boat with an 18-foot, 4-inch length as 18 feet. He asked the Harbormaster to explain this approach.

Harbormaster Blank explained that the Harbor Department enforces rules only when complaints are filed; otherwise, no action is taken.

Vice Chair Beer agreed with Commissioner Williams, noting that approving this request could set a precedent, allowing more oversized boats on moorings. He emphasized the need to follow established rules.

Commissioner Williams, initially uncertain, supported enforcing consistent rules in the future, even for those "grandfathered" in. He proposed considering whole-foot rounding to address the small measurement margin, without changing the rules but interpreting them fairly. He asked for legal counsel's input on Title 17.

Harbormaster Blank suggested that if the Commission wished to overturn his decision, they clarify that boats up to 18 feet 6 inches be rounded down to 18 feet, and over 18 feet 7 inches be rounded up to 19 feet. Commissioner Williams supported amending the motion to include this guideline and invited input from other commissioners.

Commissioner Scully thanked Mr. Jones, acknowledging the quality of the presentation. As a boater, he recognized the vessel's appeal but reminded the commission of the importance of precise measurements. He cited past cases where the commission upheld rules based on inches and feet and expressed concern that making exceptions would lead to larger boats ~~in the harbor~~ being moored on shore. Noting his own experience with similar restrictions, he emphasized the need to maintain the 18-foot limit, saying the 18-foot 4-inch boat does not qualify. He supported upholding the denial as it aligns with established rules.

Vice Chair Beer agreed, addressing points raised by Commissioner Yahn. He noted that while legal documents can be interpreted differently, the code's intent has been applied consistently. Allowing a margin of several inches would conflict with established procedures. He mentioned that an ad

hoc committee is reviewing Title 17, with recommendations requiring thorough review and City Council approval, a process that can take over a year. He stressed that changes should follow the established process, not be made unilaterally in this discussion, and called for the vote.

Commissioner Scully moved to adopt Resolution HC 2403, affirming the Harbormaster's decision to deny the variance and vessel assignment request for mooring S-124, and noted that the motion was exempt from the California Environmental Quality Act (CEQA). Seconded by Commissioner Williams. The motion carried by the following roll call vote:

Ayes: Marston, Scully, Williams, Beer
Nays: Yahn
Abstain: None
Absent: Cunningham (excused)

7. CURRENT BUSINESS

1. General Plan Harbor & Bay Element Update

Recommendation:

- 1) Receive and file.

General Plan Vision Statement Ad Hoc – Commissioners Scully and Marston (08-09-2023)

Harbormaster Blank informed the commissioners that Curtis Black from the General Plan Advisory Committee would give a presentation on updating the Harbor and Bay sections of the City's General Plan. He noted that the current plan, approved in 2006, includes Chapter 4, which addresses these elements under the commission's jurisdiction. This meeting is the commission's first chance to participate in the update process. He briefly summarized a 2017 Planning Commission presentation that focused on Newport Harbor's long-term welfare and collaboration with stakeholders, highlighting waterfront businesses and services that were underserved at the time, and invited commissioners to consider if these issues are still relevant.

Curtis Black highlighted that the General Plan guides City goals and policies, with the Harbor and Bay Element focused on recreation, natural resources, and commercial boating. While the 2006 plan led to creating the Harbor Department, much is now outdated, making the commission's input crucial. The update, started in 2023, includes background analysis and community engagement, aiming for completion by 2025. He reviewed key themes from 2006, such as harbor resource management, boating, and public access, noting that goals like dredging and zoning policies remain relevant. He also mentioned planning for sea level rise. He invited the commission to provide feedback directly or through a subcommittee and to participate in public hearings and feedback sessions.

Commissioner Scully thanked Mr. Black for ~~the his~~ presentation and noted Mr. Moser's suggestion to form an ad hoc committee to ~~enhance-insure that~~ the Harbor Commission's ~~contributes to role in~~ the general plan update. Scully and Secretary Marston are on this committee and aim to integrate the ~~Harbormaster's Harbor Commissions vision into the plan, goals and the Harbor Department into the long term planning of the General Plan. -contributing long-term ideas, some from as far back as 2006.~~

Commissioner Yahn was enthusiastic, seeing a strong alignment between the Harbor Commission's work and the General Plan's goals, and looked forward to the ad hoc committee's efforts.

Secretary Marston, drawing on her experience with the General Plan Advisory Committee, asked if the new plan would build on or entirely redefine the 2006 goals, emphasizing the committee's role in aligning with the General Plan update.

Mr. Black explained that the General Plan would be re-envisioned with new goals based on community feedback, retaining some elements from 2006. Workshops are planned for November, with feedback

needed by early 2024, and he encouraged collaboration between the ad hoc committee and the Harbor and Bay subcommittee.

Commissioner Williams suggested scheduling a formal check-in with the General Plan Advisory Committee in early 2024. Commissioner Svrcek asked if feedback could come from all commissioners or just the ad hoc committee.

Vice Chair Beer proposed adding another commissioner to the ad hoc committee, given the plan's importance, and recommended regular updates and collaborative discussions to provide unified recommendations.

The Harbormaster noted that a 2016 subcommittee review of the General Plan had led to recommendations but no amendments.

Vice Chair Beer called for commissioners to join the ad hoc committee. Commissioner Yahn volunteered to be on the ad hoc committee.

Vice Chair Beer opened public comments.

Mr. Leverenz pointed out a typo in the General Plan text, which currently reads, "encourage development of waterfront facilities that displace water-dependent uses," but should read "that do not displace water-dependent uses," as per Mr. Black's comments.

Mr. Moser reminded the commission that last year he alerted them to ongoing work on the General Plan update, focusing then on the Vision Statement. He suggested renaming the ad hoc committee from "General Plan Vision Statement Ad Hoc Committee" to "General Plan Update Ad Hoc Committee" for broader focus, as the Vision Statement guides larger policy work.

He noted that some 2006 policies were followed, while others, like maintaining shipyards, were not. He also questioned the policy on tidelands revenue, which currently suggests all costs be repaid by users. He argued that this is inconsistent with other public spaces, like beaches, which are maintained without direct fees. He suggested that harbor costs, which benefit all Newport Beach properties, should not fall solely on users. Finally, he mentioned that public workshops for the General Plan update, including one for the Harbor and Bay Element, are scheduled for December and promised to keep the committee updated.

Vice Chair Beer closed public comments.

Vice Chair Beer moved to rename the ad hoc committee as the General Plan Update for the Harbor and Bay Element and to increase the committee's membership from two to three commissioners, to provide the necessary input to the commission and feedback on the General Plan Advisory process, and is exempt from CEQA. Seconded by Commissioner Williams who clarified that the third commissioner would be Commissioner Yahn.

The motion was then put to a vote and carried with unanimous approval, 6-0.

Balboa Ferry Ad Hoc – Commissioners Scully, Svrcek and Yahn (05-10-2023)

Commissioner ~~Svrcek~~ Scully shared details from his conversation with Joe Beek, who has been working on various grant applications to replace the ferries with electrified ones, ~~—a~~ which is a \$12 million project needing multiple government grants. They discussed the challenges of securing these grants and the amount of time it takes to be awarded one. This will most likely delay the replacement of the first ferry, possibly delaying one ferry replacement until late 2025. ~~Svrcek~~ Commissioner Scully also noted the complexities of setting up charging infrastructure, requiring coordination with the city, Southern California Edison, and surrounding property owners.

Commissioner Yahn added that he discussed power and infrastructure challenges with Seymour Beek and wants more ad hoc committee members involved. He and Commissioner Scully plan to hold a meeting to address these issues. He also reported presenting to the California Air Resource Board (CARB) Director, with city representatives and Assemblywoman Diane Dixon, to advocate against mandatory ferry electrification.

Public Dock Utilization Ad Hoc – Commissioners Beer, Svrcek, and Williams (04-10-2024)
 No update.

Vice Chair Beer opened public comments. Seeing none, Vice Chair Beer closed public comments.

There was no further action taken on this item and it was received and filed.

2. Ad Hoc Committee Updates

Recommendation:

- 1) Find this action exempt from 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; and
- 2) Receive and file.

1.	Conduct annual review of Title 17 and recommend updates to City Council where necessary (Commissioner Yahn).
	<u>Update:</u> <i>No report.</i>
2.	Collaborate with the Water Quality/Coastal Tidelands Committee to partner on areas within the Harbor that both Commission/Committees intersect (Commissioners: Svrcek, Scully)
	<u>Update:</u> <i>No report.</i>
3.	Successful implementation of the mooring reconfiguration initiative, including design, testing, permitting, execution, and monitoring (Commissioner: Beer).
	<u>Update:</u> <i>Harbormaster Blank reported the City is on a 90-day pause on its application related to the reconfiguration at the request of the California Coastal Commission.</i>
4.	Collaborate with Parks, Beaches, and Recreation Commission and Staff to evaluate the best use for Lower Castaway and make a recommendation to City Council (Commissioners: Marston, Svrcek).
	<u>Update:</u> <i>Commissioner Svrcek reported attending a City Council study session on the Lower Castaways, where the City recommended a public pool facility and presented a comprehensive architectural plan, including completed designs, elevation images, building floor plans, perspective images, fly-around videos, a traffic study, timelines, and cost estimates. The construction costs were projected at \$47 million, with an estimated annual operating cost of \$2.5 million. The City Council approved a \$500,000 expenditure to advance the pool plan. He encouraged those interested in providing input to review the plan on the City's website and monitor upcoming City Council agendas, as the plan is moving forward rapidly. Commissioner Yahn expressed satisfaction in seeing the ad hoc committee's efforts acknowledged and commended the culmination of their work in representing the Harbor Commission's voice.</i>
5.	Work with staff to identify opportunities to add additional Harbor Services (Restrooms, additional pump out stations, dock space, Shore Boat Service, Boat Launch Ramp, and development of the mobile app) (Commissioners: Marston, Yahn)
	<u>Update:</u> <i>Harbormaster Blank reported he has not met yet with a potential water taxi operator and noted they are not a local operator.</i>

6.	Continue with the participation of businesses, nonprofits, and the Harbor Department with a Newport Harbor Safety Committee to promote best practices and address safety issues on the water (Commissioner: Scully).
	<u>Update:</u> <i>No report.</i>
7.	Review Harbor Department responsibilities, evaluate the Department's readiness and effectiveness to deliver Harbor services as necessary for normal operations and during emergencies and make recommendations as determined necessary (Commissioner: Scully, Williams).
	<u>Update:</u> <i>Commissioner Scully noted that the new electric Harbor Patrol Services boat looks outstanding and is a great addition to the department.</i>
8.	Work with City Staff on an update of the market Rent to be charged for onshore and offshore moorings (Commissioner: Cunningham, Beer).
	<u>Update:</u> <i>No report.</i>
9.	Evaluate establishing day moorings off Big Corona Beach (Commissioner: Williams).
	<u>Update:</u> <i>Commissioner Scully reported drafting an outline of a motion for the Harbor Commission's review will be reviewed at the next meeting.</i>
10.	Support staff in all efforts related to the dredge completion of the Federal Navigation channels in addition to the upcoming agency renewals of Regional General Permit (RGP54) shallow water dredging permit. (Commissioners: Cunningham, Svrcek)
	<u>Update:</u> <i>Harbormaster Blank reported that a team is actively working to finalize the plan on the potential to barge dredging material to another port, though specific details are not yet available.</i>

Vice Chair Beer opened public comments.

Mr. Leverenz requested that the CDM proposal for Helix Moorings be added to the next meeting agenda, with clarification on whether the moorings are intended for day-use, overnight use, or other purposes, and asked for any City licensing details.

Mr. Moser referred to Item No. 9, suggesting the City Council might benefit from understanding the Harbor Commission's role, as the proposal is outside the harbor. He praised the presentation to the City Council on the Lower Castaways (Item No. 4) but noted it implied a formal recommendation despite the ad hoc committee disbanding before a vote. He added that zoning issues were not covered, pointing out that building a pool would need a zoning change, with Coastal Commission approval required since a pool is not coastal-dependent. This may make the Harbor Commission hesitant to approve it.

Seeing no others wishing to speak on this item, Vice Chair Beer closed public comments.

There was no further action taken on this item and it was received and filed.

3. Harbor Commission 2024 Objectives

- a) Find this action exempt from 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; and
- b) Receive and file.

4. Harbormaster Update – August and September 2024 Activities**Recommendation:**

- 1) 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
- 2) Receive and file.

Harbormaster Blank provided updates on recent Harbor Department activities, including the new electric patrol vessel, a successful underwater cleanup at Marina Park, an unusual vessel seizure, diesel spill response, ongoing abatements, the 29th Street Public Dock opening, improved signage at Rhine Wharf, increased enforcement, vessel rescues, fire responses, a reckless sailing incident, and added solar lights on navigation aids. He mentioned an upcoming small vessel auction at Marina Park, with anchorage usage up from last year.

During the discussion, commissioners inquired about the electric patrol vessel's battery performance, which was better than expected, and the new \$28 fee for city-owned mooring waitlist applications as of July 1. Secretary Marston and Commissioner Williams thanked the Harbormaster for the detailed report and praised the department's efforts.

Vice Chair Beer opened public comments. Seeing none, Vice Chair Beer closed public comments.

There was no further action taken on this item and it was received and filed.

8. MOTION FOR RECONSIDERATION

None.

Harbormaster Blank noted that the language concerning the offer for reconsideration is inconsistent with the current meeting rules. He confirmed that this issue will be addressed and revised at the next meeting.

9. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Commissioner Svrcek shared an experience from the bay cleanup, where Apex divers found a boat cover on the bay floor that an octopus with 50 eggs had turned into a habitat. This inspired him to consider creating artificial habitats in the bay to support marine life. He plans to contact companies specializing in artificial reefs to explore similar harbor projects. Vice Chair Beer advised consulting staff on environmental requirements, permits, and agency approvals.

Commissioner Svrcek also raised a concern about the historic Pavilion building, built in 1906, where ridge line lights were removed during recent roof work. He suggested exploring options to restore the lights, now more affordable with LED technology, and invited ideas from other commissioners.

Commissioner Yahn announced that on October 23, the Orange County Taxpayers Association will hold its "Roses and Radishes" awards at the Hyatt Regency in Irvine. He was invited by Assemblywoman Dixon to join her as she presents an award to the Balboa Island Ferry.

10. MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT (NON-DISCUSSION ITEM)

Commissioner Scully requested that Item No. 9, regarding offshore moorings, be added to the agenda, with Vice Chair Beer recommending that Mr. Moser's comments be considered.

Commissioner Svrcek requested an agenda item to discuss adding public dock access to Bayside Shopping Center on Bayside Drive, highlighting how it would allow boaters to dock and enjoy nearby restaurants, grocery stores, and other amenities.

11. DATE AND TIME FOR NEXT MEETING:

The next regular meeting is scheduled for Wednesday, November 13, 2024, at 5 p.m.

12. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:46 p.m.

DRAFT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach
Wednesday, October 9, 2024
5 p.m.

1. CALL MEETING TO ORDER

The meeting was called to order at 5:01 p.m.

2. ROLL CALL

PRESENT: Ira Beer, Vice Chair
Marie Marston, Secretary
Steve Scully, Commissioner
Rudy Svrcek, Commissioner
Gary Williams, Commissioner
Don Yahn, Commissioner

ABSENT: Scott Cunningham, Chair (Excused)

Staff Members: Paul Blank, Harbormaster
Jennifer Biddle, Administrative Assistant
Chris Miller, Public Works Administrative Manager
Jose Montoya, Deputy City Attorney
Cynthia Shintaku, Administrative Assistant
Rosalinda Gonzalez, Assistant to the Assistant City Manager

3. PLEDGE OF ALLEGIANCE – Led by Commissioner Williams

4. PUBLIC COMMENTS (NON-AGENDA ITEMS)

Vice Chair Beer opened public comments.

Adam Leverenz thanked Commissioners Yahn and Svrcek for their presentation to the City Council on alternative plans for Lower Castaways. He praised Commissioner Yahn for a strong presentation and noted the public's preference for placing the pool elsewhere. He encouraged the commissioners to keep pushing the effort, suggesting they connect with local school districts to build support. Leverenz highlighted that, unlike a pool, harbor-dependent resources are a better fit for the proposed site.

Seeing no others wishing to speak, Vice Chair Beer closed public comments on non-agenda items.

5. APPROVAL OF MINUTES

1. Draft Minutes of the August 14, 2024 Harbor Commission Regular Meeting

Vice Chair Beer opened public comments. Seeing none, Vice Chair Beer closed public comments.

Commissioner Scully moved to approve the August 14, 2024 Harbor Commission Regular Meeting minutes, as amended. Seconded by Commissioner Williams. The motion carried by the following roll call vote:

Ayes: Marston, Scully, Williams, Yahn, Beer
Nays: None
Abstain: None
Absent: Cunningham (excused)

6. PUBLIC HEARING

1. Appeal of Harbormaster's Decision to Deny Robalo 180 Vessel Assignment and Variance to Onshore Mooring S-124

Recommendation:

- a) Determine that the 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

AND

- b) Hold an appeal of denial hearing and, if justified, adopt Resolution No. HC2024-03 affirming the Harbormaster's decision to deny the variance and vessel assignment request to Mooring S-124.

OR

- c) Hold an appeal of denial hearing, amend, or rescind the Harbormaster's decision and allow the vessel assignment to Mooring S-124 after making all of the requisite findings pursuant to Newport Beach Municipal Code Section 17.05.140.D.2.

Harbormaster Paul Blank thanked the appellant for their patience and cooperation. He explained that on September 5, 2024, the permittee requested a pre-approval and variance to assign an 18-foot 4-inch Robalo 180 vessel to onshore mooring S-124 on Balboa Island. Since the vessel exceeded the 18-foot limit, he denied the request on September 10. The permittee appealed on September 11, and public hearing notices were sent on September 26.

Harbormaster Blank emphasized his duty to enforce Newport Beach's Title 17, which restricts mooring vessels longer than 18 feet. He could not approve the variance because it did not meet the necessary requirements, such as not impacting public safety and preserving property rights. After reviewing the vessel and mooring terms, he upheld his decision to deny the request due to the vessel exceeding the length limit.

Vice Chair Beer opened the floor for questions for staff.

The commission and staff discussed whether the boat's manufacturer included the outboard engine in its listed length. It was confirmed that the swim step is included, but not the outboard engine. Commissioner Yahn asked if removing or modifying the swim step could bring the boat within the 18-foot limit, and Harbormaster Blank explained that any such changes would need official documentation from the manufacturer, DMV, or Coast Guard.

Questions arose about other boats exceeding the 18-foot limit. Harbormaster Blank confirmed that 11 boats in the harbor exceed the limit, all assigned before his tenure, with no current plans to change these assignments. However, new or transferred assignments must now comply with the 18-foot rule, with no exceptions unless officially documented.

Secretary Marston clarified that the permit listing a 14-foot vessel on the mooring referred to a prior assignment, not the current request for a longer boat.

Commissioner Williams asked if the swim step could be modified to meet the length requirement, and Blank replied that any modifications would need verification from an official source, like the manufacturer or DMV.

Vice Chair Beer noted that swim steps on newer boats are often integral to the hull, making modification difficult. He asked if the 18-foot policy was strictly enforced. Blank confirmed this and reiterated that, moving forward, all onshore mooring assignments must comply with the 18-foot limit.

Vice Chair Beer asked the commissioners if any had engaged in ex-Parte communications with the appellant or neighbors, or made site visits. All confirmed they had not.

Vice Chair Beer opened the public hearing.

Casey Jones, the appellant, argued that he is not asking for special treatment and that approving his appeal would not harm the harbor, public safety, or violate the code's intent. He presented two photos of his Robalo 180, which is marketed as an 18-foot boat, showing it on mooring S-84, blending in with similar boats. Jones noted that the swim step extends just over four inches and questioned why it's included in the length while the engine, which extends further, is not.

Mr. Jones claimed that the staff report applied offshore rules to his shore mooring case, and since the code rounds lengths to the nearest foot, the Robalo 180 should count as 18 feet. He pointed out that other boats over 18 feet have been approved, setting a precedent, and that the report undercounts such boats. He argued the Robalo 180 would not create safety issues or break the code and urged the Harbor Commission to approve his appeal.

Commissioners discussed the appeal, with Commissioner Yahn clarifying that the cited code applies to offshore moorings and asking if the appellant was using it for onshore moorings. The appellant noted that the code only specifies boat length for offshore moorings and does not address onshore moorings.

They reviewed photos of the boat, particularly the ladder. When asked if the ladder could be shortened, the appellant said they had not considered it. Commissioner Svrcek suggested shortening it and asked if the boat's overall length (LOA) could be reconsidered. The appellant requested flexibility, as the ladder fits within the engine's range, and the boat is marketed as 18 feet despite the 4-inch extension.

Commissioner Williams felt that challenging the manufacturer's LOA, listed as 18 feet 4 inches, was unnecessary, given its precise measurement.

Vice Chair Beer agreed the boat ~~was~~ does not appear to be a safety risk but noted the appellant had not met all requirements for a ~~variance~~ variance and referenced in addition to there being no justification to providing special privileges to the appellant that are not provided to some 400 other onshore mooring permittees, none of the other requirements have been properly addressed. He emphasized that the code caps mooring length at 18 feet and any exception would need an amendment. Vice Chair Beer stated the manufacturer specification confirms the LOA does exceed 18-feet and He asked if the appellant had considered an offshore mooring; the appellant had not and argued that lengths should be rounded, treating the boat as 18 feet. Vice Chair Beer reaffirmed that the 18-foot 4-inch measurement by the manufacturer must be followed under the code; and further advised that the rule for both onshore and offshore moorings does not round to the nearest foot and is strictly enforced as a "not to exceed" length overall (LOA) as defined in Title 17 of the civil code.

Vice Chair Beer opened public comments.

Jim Moser noted that staff microphones were not working, potentially affecting the meeting's minutes. He questioned whether this appeal was a variance request or a misunderstanding of the code's interpretation. He agreed with the appellant on the unclear basis of the 18-foot limit and suggested clarifying code section 17.60.040(M) on mooring lengths. Moser argued that if a strict limit was intended, the code should specify "over 18 feet zero inches" and define "length overall" (LOA). He noted that residential pier owners face less strict requirements than moorings.

Mr. Leverenz addressed the commission, saying that removing the swim step would not comply with Title 17, which defines boat length by the U.S. Coast Guard, DMV, or manufacturer. He suggested revisiting Title 17 for flexibility, allowing exceptions like offshore moorings. He argued it is unreasonable to deny a boat over a small extension and called for Title 17 updates for fairness.

Mr. Jones argued for clarity in the code, suggesting it should use standard rounding, which would qualify his boat for an 18-foot mooring. He emphasized he was not asking for special treatment, noting his boat is similar to the one previously moored there. He expressed frustration, feeling penalized for seeking approval rather than forgiveness.

Vice Chair Beer closed the public hearing.

Vice Chair Beer asked Deputy City Attorney Jose Montoya if the motion could be discussed after being made. Deputy City Attorney Montoya confirmed that Vice Chair Beer could entertain a motion and then open the floor for comments.

Commissioner Scully moved to adopt Resolution HC 2403, affirming the Harbormaster's decision to deny the variance and vessel assignment request for mooring S-124, and noted that the motion was exempt from the California Environmental Quality Act (CEQA). Seconded by Commissioner Williams.

Commissioner Williams began by saying he understood the applicant's frustration, given that other boats over 18 feet are on moorings. He questioned why rule enforcement waits for transfers and disagreed with considering a boat with an 18-foot, 4-inch length as 18 feet. He asked the Harbormaster to explain this approach.

Harbormaster Blank explained that the Harbor Department enforces rules only when complaints are filed; otherwise, no action is taken.

Vice Chair Beer agreed with Commissioner Williams, noting that approving this request could set a precedent, allowing more permittees to apply for oversized boats on moorings. He emphasized the need to follow established rules that strictly limit vessel length overall (LOA) on residential piers and both onshore and offshore moorings while not further restricting the open water accessible to the public.

Commissioner Williams, initially uncertain, supported enforcing consistent rules in the future, even for those "grandfathered" in. He proposed considering whole-foot rounding to address the small measurement margin, without changing the rules but interpreting them fairly. He asked for legal counsel's input on Title 17.

Harbormaster Blank suggested that if the Commission wished to overturn his decision, they clarify that boats up to 18 feet 6 inches be rounded down to 18 feet, and over 18 feet 7 inches be rounded up to 19 feet. Commissioner Williams supported amending the motion to include this guideline and invited input from other commissioners.

Commissioner Scully thanked Mr. Jones, acknowledging the quality of the presentation. As a boater, he recognized the vessel's appeal but reminded the commission of the importance of precise measurements. He cited past cases where the commission upheld rules based on inches

and feet and expressed concern that making exceptions would lead to larger boats in the harbor. Noting his own experience with similar restrictions, he emphasized the need to maintain the 18-foot limit, saying the 18-foot 4-inch boat does not qualify. He supported upholding the denial as it aligns with established rules.

Vice Chair Beer agreed, addressing points raised by Commissioner Yahn. He noted that while legal documents can be interpreted differently, the code's intent to restrict the vessel LOA to its permitting berthing has been applied consistently in the past to other mooring applicants and suggested those same rules and intent be followed now. Allowing a margin of several inches would conflict with established procedures and past rulings. He mentioned that an ad hoc committee is currently reviewing Title 17, with any recommendations requiring thorough review at open meetings of the Harbor Commission along with public comment followed by a recommendation by the Harbor Commission for ultimate and City Council approval, a process that can take over a year. He stressed that changes to Title 17 should follow the established process, not be made unilaterally in this discussion, and called for the vote.

Commissioner Scully moved to adopt Resolution HC 2403, affirming the Harbormaster's decision to deny the variance and vessel assignment request for mooring S-124, and noted that the motion was exempt from the California Environmental Quality Act (CEQA). Seconded by Commissioner Williams. The motion carried by the following roll call vote:

Ayes: Marston, Scully, Williams, Beer
Nays: Yahn
Abstain: None
Absent: Cunningham (excused)

7. CURRENT BUSINESS

1. General Plan Harbor & Bay Element Update

Recommendation:

- 1) Receive and file.

General Plan Vision Statement Ad Hoc – Commissioners Scully and Marston (08-09-2023)

Harbormaster Blank informed the commissioners that Curtis Black from the General Plan Advisory Committee would give a presentation on updating the Harbor and Bay sections of the City's General Plan. He noted that the current plan, approved in 2006, includes Chapter 4, which addresses these elements under the commission's jurisdiction. This meeting is the commission's first chance to participate in the update process. He briefly summarized a 2017 Planning Commission presentation that focused on Newport Harbor's long-term welfare and collaboration with stakeholders, highlighting waterfront businesses and services that were underserved at the time, and invited commissioners to consider if these issues are still relevant.

Curtis Black highlighted that the General Plan guides City goals and policies, with the Harbor and Bay Element focused on recreation, natural resources, and commercial boating. While the 2006 plan led to creating the Harbor Department, much is now outdated, making the commission's input crucial. The update, started in 2023, includes background analysis and community engagement, aiming for completion by 2025. He reviewed key themes from 2006, such as harbor resource management, boating, and public access, noting that goals like dredging and zoning policies remain relevant. He also mentioned planning for sea level rise. He invited the commission to provide feedback directly or through a subcommittee and to participate in public hearings and feedback sessions.

Commissioner Scully thanked Mr. Black for the presentation and noted Mr. Moser's suggestion to form an ad hoc committee to enhance the Harbor Commission's role in the general plan update. Scully and

Secretary Marston are on this committee and aim to integrate the Harbormaster's vision into the plan, contributing long-term ideas, some from as far back as 2006.

Commissioner Yahn was enthusiastic, seeing a strong alignment between the Harbor Commission's work and the General Plan's goals, and looked forward to the ad hoc committee's efforts.

Secretary Marston, drawing on her experience with the General Plan Advisory Committee, asked if the new plan would build on or entirely redefine the 2006 goals, emphasizing the committee's role in aligning with the General Plan update.

Mr. Black explained that the General Plan would be re-envisioned with new goals based on community feedback, retaining some elements from 2006. Workshops are planned for November, with feedback needed by early 2024, and he encouraged collaboration between the ad hoc committee and the Harbor and Bay subcommittee.

Commissioner Williams suggested scheduling a formal check-in with the General Plan Advisory Committee in early 2024. Commissioner Svrcek asked if feedback could come from all commissioners or just the ad hoc committee.

Vice Chair Beer proposed adding another commissioner to the ad hoc committee, given the plan's importance, and recommended regular updates and collaborative discussions to provide unified recommendations.

The Harbormaster noted that a 2016 subcommittee review of the General Plan had led to recommendations but no amendments.

Vice Chair Beer called for commissioners to join the ad hoc committee. Commissioner Yahn volunteered to be on the ad hoc committee.

Vice Chair Beer opened public comments.

Mr. Leverenz pointed out a typo in the General Plan text, which currently reads, "encourage development of waterfront facilities that displace water-dependent uses," but should read "that do not displace water-dependent uses," as per Mr. Black's comments.

Mr. Moser reminded the commission that last year he alerted them to ongoing work on the General Plan update, focusing then on the Vision Statement. He suggested renaming the ad hoc committee from "General Plan Vision Statement Ad Hoc Committee" to "General Plan Update Ad Hoc Committee" for broader focus, as the Vision Statement guides larger policy work.

He noted that some 2006 policies were followed, while others, like maintaining shipyards, were not. He also questioned the policy on tidelands revenue, which currently suggests all costs be repaid by users. He argued that this is inconsistent with other public spaces, like beaches, which are maintained without direct fees. He suggested that harbor costs, which benefit all Newport Beach properties, should not fall solely on users. Finally, he mentioned that public workshops for the General Plan update, including one for the Harbor and Bay Element, are scheduled for December and promised to keep the committee updated.

Vice Chair Beer closed public comments.

Vice Chair Beer moved to rename the ad hoc committee as the General Plan Update for the Harbor and Bay Element and to increase the committee's membership from two to three commissioners, to provide the necessary input to the commission and feedback on the General Plan Advisory process, and is exempt from CEQA. Seconded by Commissioner Williams who clarified that the third commissioner would be Commissioner Yahn.

The motion was then put to a vote and carried with unanimous approval, 6-0.

Balboa Ferry Ad Hoc – Commissioners Scully, Svrcek and Yahn (05-10-2023)

Commissioner Svrcek shared details from his conversation with Joe Beek, who has been working on various grant applications to replace the ferries with electric ones—a \$12 million project needing multiple grants. They discussed the challenges of securing grants and possibly delaying one ferry replacement until late 2025. Svrcek also noted the complexities of setting up charging infrastructure, requiring coordination with the city, Southern California Edison, and property owners.

Commissioner Yahn added that he discussed power and infrastructure challenges with Seymour Beek and wants more ad hoc committee members involved. He and Commissioner Scully plan to hold a meeting to address these issues. He also reported presenting to the California Air Resource Board (CARB) Director, with city representatives and Assemblywoman Diane Dixon, to advocate against mandatory ferry electrification.

Public Dock Utilization Ad Hoc – Commissioners Beer, Svrcek, and Williams (04-10-2024)

No update.

Vice Chair Beer opened public comments. Seeing none, Vice Chair Beer closed public comments.

There was no further action taken on this item and it was received and filed.

2. Ad Hoc Committee Updates

Recommendation:

- 1) Find this action exempt from 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; and
- 2) Receive and file.

1.	Conduct annual review of Title 17 and recommend updates to City Council where necessary (Commissioner Yahn).	<u>Update:</u>	<i>No report.</i>
2.	Collaborate with the Water Quality/Coastal Tidelands Committee to partner on areas within the Harbor that both Commission/Committees intersect (Commissioners: Svrcek, Scully)	<u>Update:</u>	<i>No report.</i>
3.	Successful implementation of the mooring reconfiguration initiative, including design, testing, permitting, execution, and monitoring (Commissioner: Beer).	<u>Update:</u>	<i>Harbormaster Blank reported the City is on a 90-day pause on its application related to the reconfiguration at the request of the California Coastal Commission.</i>
4.	Collaborate with Parks, Beaches, and Recreation Commission and Staff to evaluate the best use for Lower Castaway and make a recommendation to City Council (Commissioners: Marston, Svrcek).	<u>Update:</u>	<i>Commissioner Svrcek reported attending a City Council study session on the Lower Castaways, where the City recommended a public pool facility and presented a comprehensive architectural plan, including completed designs, elevation images, building floor plans, perspective images, fly-around videos, a traffic study, timelines, and cost estimates. The construction costs were projected at \$47 million, with an estimated annual operating cost of \$2.5 million. The City Council approved a \$500,000 expenditure to advance the pool plan. He encouraged those interested in providing</i>

		<i>input to review the plan on the City's website and monitor upcoming City Council agendas, as the plan is moving forward rapidly. Commissioner Yahn expressed satisfaction in seeing the ad hoc committee's efforts acknowledged and commended the culmination of their work in representing the Harbor Commission's voice.</i>
5.		Work with staff to identify opportunities to add additional Harbor Services (Restrooms, additional pump out stations, dock space, Shore Boat Service, Boat Launch Ramp, and development of the mobile app) (Commissioners: Marston, Yahn)
	<u>Update:</u>	<i>Harbormaster Blank reported he has not met yet with a potential water taxi operator and noted they are not a local operator.</i>
6.		Continue with the participation of businesses, nonprofits, and the Harbor Department with a Newport Harbor Safety Committee to promote best practices and address safety issues on the water (Commissioner: Scully).
	<u>Update:</u>	<i>No report.</i>
7.		Review Harbor Department responsibilities, evaluate the Department's readiness and effectiveness to deliver Harbor services as necessary for normal operations and during emergencies and make recommendations as determined necessary (Commissioner: Scully, Williams).
	<u>Update:</u>	<i>Commissioner Scully noted that the new electric Harbor Patrol Services boat looks outstanding and is a great addition to the department.</i>
8.		Work with City Staff on an update of the market Rent to be charged for onshore and offshore moorings (Commissioner: Cunningham, Beer).
	<u>Update:</u>	<i>No report.</i>
9.		Evaluate establishing day moorings off Big Corona Beach (Commissioner: Williams).
	<u>Update:</u>	<i>Commissioner Scully reported drafting an outline of a motion for the Harbor Commission's review will be reviewed at the next meeting.</i>
10.		Support staff in all efforts related to the dredge completion of the Federal Navigation channels in addition to the upcoming agency renewals of Regional General Permit (RGP54) shallow water dredging permit. (Commissioners: Cunningham, Svrcek)
	<u>Update:</u>	<i>Harbormaster Blank reported that a team is actively working to finalize the plan on the potential to barge dredging material to another port, though specific details are not yet available.</i>

Vice Chair Beer opened public comments.

Mr. Leverenz requested that the CDM proposal for Helix Moorings be added to the next meeting agenda, with clarification on whether the moorings are intended for day-use, overnight use, or other purposes, and asked for any City licensing details.

Mr. Moser referred to Item No. 9, suggesting the City Council might benefit from understanding the Harbor Commission's role, as the proposal is outside the harbor. He praised the presentation to the City Council on the Lower Castaways (Item No. 4) but noted it implied a formal recommendation despite the ad hoc committee disbanding before a vote. He added that zoning issues were not covered, pointing out that building a pool would need a zoning change, with Coastal Commission approval required since a pool is not coastal-dependent. This may make the Harbor Commission hesitant to approve it.

Seeing no others wishing to speak on this item, Vice Chair Beer closed public comments.

There was no further action taken on this item and it was received and filed.

3. Harbor Commission 2024 Objectives

- a) Find this action exempt from 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; and
- b) Receive and file.

DRAFT

4. Harbormaster Update – August and September 2024 Activities**Recommendation:**

- 1) 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
- 2) Receive and file.

Harbormaster Blank provided updates on recent Harbor Department activities, including the new electric patrol vessel, a successful underwater cleanup at Marina Park, an unusual vessel seizure, diesel spill response, ongoing abatements, the 29th Street Public Dock opening, improved signage at Rhine Wharf, increased enforcement, vessel rescues, fire responses, a reckless sailing incident, and added solar lights on navigation aids. He mentioned an upcoming small vessel auction at Marina Park, with anchorage usage up from last year.

During the discussion, commissioners inquired about the electric patrol vessel's battery performance, which was better than expected, and the new \$28 fee for city-owned mooring waitlist applications as of July 1. Secretary Marston and Commissioner Williams thanked the Harbormaster for the detailed report and praised the department's efforts.

Vice Chair Beer opened public comments. Seeing none, Vice Chair Beer closed public comments.

There was no further action taken on this item and it was received and filed.

8. MOTION FOR RECONSIDERATION

None.

Harbormaster Blank noted that the language concerning the offer for reconsideration is inconsistent with the current meeting rules. He confirmed that this issue will be addressed and revised at the next meeting.

9. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Commissioner Svrcek shared an experience from the bay cleanup, where Apex divers found a boat cover on the bay floor that an octopus with 50 eggs had turned into a habitat. This inspired him to consider creating artificial habitats in the bay to support marine life. He plans to contact companies specializing in artificial reefs to explore similar harbor projects. Vice Chair Beer advised consulting staff on environmental requirements, permits, and agency approvals.

Commissioner Svrcek also raised a concern about the historic Pavilion building, built in 1906, where ridge line lights were removed during recent roof work. He suggested exploring options to restore the lights, now more affordable with LED technology, and invited ideas from other commissioners.

Commissioner Yahn announced that on October 23, the Orange County Taxpayers Association will hold its "Roses and Radishes" awards at the Hyatt Regency in Irvine. He was invited by Assemblywoman Dixon to join her as she presents an award to the Balboa Island Ferry.

10. MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT (NON-DISCUSSION ITEM)

Commissioner Scully requested that Item No. 9, regarding offshore moorings, be added to the agenda, with Vice Chair Beer recommending that Mr. Moser's comments be considered.

Commissioner Svrcek requested an agenda item to discuss adding public dock access to Bayside Shopping Center on Bayside Drive, highlighting how it would allow boaters to dock and enjoy nearby restaurants, grocery stores, and other amenities.

11. DATE AND TIME FOR NEXT MEETING:

The next regular meeting is scheduled for Wednesday, November 13, 2024, at 5 p.m.

12. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:46 p.m.

DRAFT

Biddle, Jennifer

Subject: FW: Draft Minutes of the October 9, 2024 Harbor Commission Regular Meeting

From: Marston, Marie <Mmarston@newportbeachca.gov>
Sent: November 13, 2024 9:18 AM
To: Biddle, Jennifer <JBiddle@newportbeachca.gov>
Subject: Re: Draft Minutes of the October 9, 2024 Harbor Commission Regular Meeting

Good morning Jennifer -

My only comment on the minutes from October is that Jim Mosher's name is misspelled in numerous places.

Marie

From: Biddle, Jennifer <JBiddle@newportbeachca.gov>
Sent: Friday, November 8, 2024 2:35 PM
Subject: Draft Minutes of the October 9, 2024 Harbor Commission Regular Meeting

Hello Commissioners,

Attached please find the draft minutes from the Harbor Commission regular meeting of **10/09/2024** for your review.

The "track changes" option has been enabled. If you have any changes, please update and send back to me to be included with the agenda for consideration at the November 13, 2024 meeting.

Thanks so much!



Jennifer Biddle
Executive Assistant
City Manager's Office
Office: 949-644-3001

100 Civic Center Drive
Newport Beach, CA 92660





NEWPORT BEACH

Harbor Commission Staff Report

November 13, 2024
Agenda Item No. 6.1

TO: HARBOR COMMISSION

FROM: Chris Miller, Public Works Administrative Manager, 949-644-3043
cmiller@newportbeachca.gov

TITLE: 2025 Harbor and Beaches Master Plan – Approve

ABSTRACT:

Staff will provide an overview of the 2025 Harbor and Beaches Master Plan. The Harbor Commission is requested to approve the plan so it can be forwarded to the Finance Committee in early 2025.

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, 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.
- b) Approve the 2025 Harbor and Beaches Master Plan and recommend staff forward to the Finance Committee for consideration.

DISCUSSION:

The City Council directs the Harbor Commission to assist in developing the Harbor and Beaches Master Plan (Plan) which identifies future, larger, capital projects and the funding mechanisms to achieve those goals. The Plan is designed to be a “living document” which provides a roadmap for harbor and beach-based projects yet still maintaining the flexibility to adjust as needed. The City’s Capital Improvement Program pulls the projects identified in the Plan into the City’s proposed annual budget each year.

The Harbor Commission is requested to approve the Plan so it can be forwarded to the City Council’s Finance Committee for review.

Attached is the current proposed 2025 Plan which includes updates throughout. The Harbor Commission may propose changes or updates to the Plan including adding or deleting projects identified in the Potential Projects section.

FISCAL IMPACT:

There is no fiscal impact related to this item. The projects listed in the Plan will be individually approved during the City's annual budget cycle.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action exempt from 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 Harbor Commission considers the item).

ATTACHMENTS:

Attachment A – 2025 Harbor and Beaches Master Plan

Ref #	Project	Category	YR Built	Last Refurb.	Units Measurement	Total Units	Today's Unit Cost	Current Age:	Estimated Useful Life	Years to Start	Project Estimate	FY Design Start	FY Const Start	FV Cost Est @2.5%	External		Notes
												Year	Year	Growth	Contributions	Net Proposed Cost	
9	Dredging (Lower Federal Bay Channels): Ongoing Maintenance	Dredging	1935	2012	CY	1,200,000	\$19	**	30	1	\$22,800,000	2017	2025	\$22,800,000	\$10,000,000	\$12,800,000	Every 5-7 years
25	Bathymetry Survey (Newport Island Channels)	Dredging	0	2021	EA	1	\$75,000	**	5	2	\$75,000	2026	2026	\$78,797		\$78,797	Every 5 years
43	Dredging (Balboa Yacht Basin)	Dredging	1921	1985	CY	25,600	\$70	38	40	4	\$1,792,000	2026	2028	\$1,978,033		\$1,978,033	Every 40 years
48	Dredging (Upper Bay Catch Basins)	Dredging	0	2009	CY	500,000	\$30	14	20	10	\$15,000,000	2031	2034	\$19,201,268	\$19,201,268	\$0	Every 25 years
49	Dredging (Upper Bay Channels)	Dredging	0	2009	CY	250,000	\$30	14	21	10	\$7,500,000	2031	2034	\$9,600,634	\$9,600,634	\$0	Every 25 years
	SUBTOTAL										\$48,667,000			\$55,355,844	\$38,801,902	\$16,553,942	
	FERRY & WHARF REPAIR / REPLACE																
35	Ferry Landing, Bulkhead & Restroom (Agate Ave)	Bulkhead	1930	0	EA	1	\$1,500,000	93	80	4	\$1,500,000	2026	2028	\$1,655,719		\$1,655,719	
36	Ferry Landing & Bulkhead (Palm St)	Bulkhead	1930	0	EA	1	\$1,500,000	93	80	4	\$1,500,000	2026	2028	\$1,655,719		\$1,655,719	
	SUBTOTAL										\$3,000,000			\$3,311,439	\$0	\$3,311,439	
	WATER QUALITY																
20	Water Quality: TMDL Compliance (Ongoing)	Water Quality	0	0	EA	1	\$200,000	**	Ongoing	1	\$200,000	2025	2025	\$205,000		\$205,000	Annual
33	Vessel Sewage Pumpout Replacement (5 units)	Water Quality	1980's	2021	EA	5	\$23,000	3	7	4	\$115,000	2027	2028	\$126,938	\$86,250	\$40,688	Every 7 years
	SUBTOTAL										\$315,000			\$331,938	\$86,250	\$245,688	
	BEACH NOURISHMENT - HARBOR & OCEAN																
22	Ocean Beach: Sand Nourishment (Ongoing)	Sand	0	0	CY	1,000,000	\$15	**	20	4	\$15,000,000	2025	2028	\$16,557,193	\$12,417,895	\$4,139,298	
44	Surfside/Sunset Ocean Beach: Sand Nourishment (Stage 14)	Sand	1964	2024	LS	1	\$300,000	0	7	4	\$300,000	2025	2028	\$331,144		\$331,144	Every 5-6 years
51	Bay Beaches: Sand Nourishment (Ongoing)	Sand	0	2024	LS	1	\$125,000	**	Ongoing	1	\$125,000	2025	2025	\$128,125		\$128,125	Annual
	SUBTOTAL										\$15,425,000			\$17,016,462	\$12,417,895	\$4,598,567	
	MISCELLANEOUS																
79	Mooring Field Optimization (C-Field pilot)	Moorings	1940's	0	LS	1	\$450,000	**	**	2	\$450,000	2024	2026	\$472,781		\$472,781	
	SUBTOTAL										\$450,000			\$472,781	\$0	\$472,781	
	GRAND TOTAL										\$364,290,075			\$462,783,836	\$51,306,047	\$411,477,789	(25,334,575)
																	\$248,640,517
	COMPLETED																
38	Balboa Island Bulkhead (South & North): Extend Cap	Bulkhead	1930	0	LF	7,000	\$100	94	20		\$0	2015	2018	\$0		\$0	
40	Balboa Island Bulkhead (West): Extend Cap	Bulkhead	1930	0	LF	1,300	\$100	94	20		\$0	2015	2018	\$0		\$0	
50	Edgewater Bulkhead: Extend Cap	Bulkhead	2017		LF	145	\$303	7	20		\$0	2017	2017	\$0		\$0	
1	Arches Drain: Dry Weather Diversion	Drain	2017	0	LS	1	\$860,000	7	80	1	\$0	2017	2019	\$0	\$839,500	\$0	Moved out of activ
3	Oil Collection Center (BYB)	Water Quality	0	0	LS	1	\$100,000	**	15	1	\$0	2018	2020	\$0		\$0	Moved out of activ
5	Public Swim Float (10th St)	Piers	0	0	EA	1	\$30,000	**	20	1	\$0	2018	2020	\$0		\$0	Moved out of activ
6	Public Swim Float (Ruby Ave)	Piers	0		EA	1	\$30,000	**	20	1	\$0	2018	2020	\$0		\$0	Moved out of activ
7	Oil Collection Center (Corp Yard)	Water Quality	0	0	EA	1	\$20,000	0	0	1	\$0	2018	2021	\$0		\$0	Moved out of activ
8	Bulkhead (American Legion): Repair	Bulkhead	1957	0	LS	1	\$1,200,000	66	40	1	\$0	2019	2023	\$0		\$0	Moved out of activ
29	Public Pier (29th St): Pier, Gangway & Float	Piers	2024	0	EA	1	\$250,000	**	25	1	\$250,000	2022	2025	\$256,250		\$256,250	Every 25 years
	TOTAL						\$1,040,503				\$0			\$0	\$0	\$0	
	POTENTIAL PROJECTS																
A	Mooring Helical Anchor Upgrade (Onshore and Offshore)		1940's		EA	1,500	\$7,500			Incremental (TBD)	\$11,250,000	2024	TBD				Cost per anchor (2 per each)
B	Multiple Vessel Mooring System (City Moorings)	Moorings			EA	6	\$45,000	**	20		\$270,000	2024	TBD	\$270,000		\$270,000	
C	Public Pier (Promontory Bay)	Piers	0		LS	1	\$600,000				\$600,000	2025	TBD				
80	Lower Castaways: Aquatic Center		0	0													
	TOTAL						\$52,500				\$11,520,000			\$270,000	\$0	\$270,000	
	** denotes "unknown".																



NEWPORT BEACH

Harbor Commission Staff Report

November 13, 2024
Agenda Item No. 6.2

TO: HARBOR COMMISSION

FROM: Paul Blank, Harbormaster
pblank@newportbeachca.gov
(949) 270-8158

TITLE: Consider Amending the Rules of Procedures of the Harbor Commission Related to a Motion for Reconsideration

ABSTRACT:

Harbor Commission meetings are conducted subject to the “Rules of Procedures of the Harbor Commission” adopted on March 10, 2021. Those rules currently provide for a “motion for reconsideration” at the meeting at which an action is taken. The Commission will consider amending the rules to provide for a “motion for reconsideration” at the current meeting or the subsequent meeting at which the action was taken.

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) Amend the Rules of Procedures of the Harbor Commission Section VIII. VOTING PROCEDURE Item E to allow a Motion for Reconsideration to be made at the current meeting or the subsequent meeting at which the action was taken; and
- c) Update future Harbor Commission agendas to reflect the revised language related to a Motion for Reconsideration.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The City of Newport Beach has established a set of comprehensive rules and procedures to govern the operations and functions of its Harbor Commission as well as other boards, committees, and commissions and the City Council. Adopted on March 10, 2021, the “Rules of Procedures of the Harbor Commission” aim to provide a structured framework for the commission's activities, ensuring efficient and transparent management of the city's harbor and waterfront resources consistent with its charge in Section 713 of the City Charter.

The Harbor Commission is tasked with advising the City Council on matters related to the harbor, harbor beaches, and other waterfront areas within the city's jurisdiction. The commission's responsibilities include but are not limited to, making recommendations on harbor and waterfront policies, overseeing harbor operations and maintenance, and addressing issues concerning public access, safety, and environmental protection.

The rules document outlines the commission's composition, its meeting procedures, decision-making processes, and the responsibilities of its members. It also establishes guidelines for public participation and the management of conflicts of interest.

By formalizing these rules of procedure, the City of Newport Beach demonstrated its commitment to upholding the highest standards of governance and accountability in the stewardship of its valuable harbor and waterfront assets. These guidelines are designed to foster collaboration, transparency, and effective decision-making, ultimately benefiting the residents, businesses, and visitors who rely on and enjoy the city's renowned coastal resources.

Section VIII, Item E of the rules defines when and how a motion for reconsideration can be made at a Harbor Commission meeting. Mistakenly, but without ill intent, the Harbor Commission has included language on its agendas indicating a motion for reconsideration could be made on an action taken at the current meeting or the immediately previous meeting. That language is consistent with the language and rules used by the City Council. That language is however inconsistent with the Harbor Commission's rules. The Harbor Commission will consider making the language and procedures consistent with those used by the City Council.

The Harbor Commission may amend its Rules of Procedure to be consistent with City Council Policy A-1 which allows motions for reconsideration on actions taken at the same meeting or at a previous meeting.

The current version of Section VIII, Item E reads:

Except for a tie vote, a motion to reconsider any action taken by the Harbor Commission must be made at the same meeting at which the action was taken and may only be made by one of the Harbor Commission members who voted with the prevailing side.

The proposed version of Section VIII, Item E reads (emphasis added for ease of readability):

Except for a tie vote, a motion to reconsider any action taken by the Harbor Commission must be made at the same meeting **or the subsequent meeting** at which the action was taken and may only be made by one of the Harbor Commission members who voted with the prevailing side.

The process to amend the Commission's Rules of Procedures is outlined in Section XV., Amendment of Rules and includes the following requirements:

- A. These rules may be proposed to be amended or added to by four (4) affirmative votes of the Harbor Commission at a regular meeting pursuant to the procedures in Section XV.B.
- B. No amendment of or addition or deletion of these rules shall be made unless notice in writing of the proposed amendment or addition shall be filed with the Ex-Officio Secretary at the regular meeting next preceding the meeting at which the motion to change is made.
- C. The Ex-Officio Secretary shall forward a copy of any amended, added or deleted rules to the City Clerk.

Requirement B above was met at the October 9, 2024, Harbor Commission meeting and included written notification to the Harbormaster who serves as the Ex-Officio Secretary. If approved, the proposed, amended version of the rules will be provided to the City Clerk as specified in requirement C above.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission 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, Division 6, Chapter 3, because it has no potential for resulting in a 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 Harbor Commission considers the item).

ATTACHMENTS:

- Attachment A – Redline Harbor Commission Rules of Procedures
- Attachment B – Clean Version Harbor Commission Rules of Procedures

RULES OF PROCEDURES OF THE
HARBOR COMMISSION

CITY OF NEWPORT BEACH, CALIFORNIA

I. TITLE

The official title of this Commission shall be “Harbor Commission of the City of Newport Beach, California.”

II. MEMBERSHIP AND TERM

Pursuant to Section 713 of the City Charter, the Harbor Commission shall consist of seven members appointed and approved by the City Council. Each member shall serve a term of four years, such terms to be on a staggered basis. Pursuant to the City Council Policy A-2, Commission appointments can be extended beyond one term when in the judgment of the Council, a reappointment would recognize and extend an unusual contribution by the incumbent. In no event will individual appointments to the Commission exceed two consecutive full terms, exclusive of appointments to fill unexpired terms. The Harbormaster, City staff and the City Attorney, or their representatives, are advisors to the Commission and do not have a vote.

III. OFFICERS

A. The offices of the Commission shall be:

1. Chair, whose duties shall be to preside at all meetings, and to call all special meetings, appoint committees, and perform all other proper duties of a presiding officer.
2. Vice Chair, who in the absence of the Chair, or his/her inability to act, shall preside at all meetings and perform all other duties of the Chair.
3. Secretary, who in the absence of the Chair and Vice Chair, or their inability to act, shall preside at all meetings and perform all other duties of the Chair. The Secretary shall also keep a written record of all business transacted by the Commission, prepare the agenda of regular and special meetings arrange proper and legal notice of hearings, attend to correspondence of the Commission, and such other duties as are normally carried out by a Secretary. In his/her absence, the Secretary may delegate his/her duties to the Harbormaster, and the Harbormaster shall be known as the Ex-Officio Secretary of the Harbor Commission. The Harbormaster shall designate a City employee to serve as the Recording Secretary.

B. The Chair, Vice Chair, and Secretary shall be elected at the annual meeting of the Commission or an adjournment of that meeting and shall hold office for a period of

one (1) year or until their successors are elected. In the event an office becomes vacant, a successor shall be elected to fill the remainder of the unexpired term.

IV. ADVISORS

The Chair may, with consent of the Harbor Commission, request the attendance at Harbor Commission meetings of any officer or employee of the City to assist the Commission in its deliberations in an advisory capacity.

V. LOCATION OF MEETINGS

The Harbor Commission shall hold all of its meetings, whether the same shall be a regular or special meeting or study session, in the council chambers of the City Council, or in any such other place after notice duly given, within the corporate limits of the City.

VI. TIME OF MEETINGS

- A. The annual meeting of the Commission shall be the first regular meeting in July of each year.
- B. Regular meetings of the Commission shall be held on the second Wednesday of each month. These meetings shall commence at the hour of 5:00 p.m. except that the Chair may call for said meetings to commence at an earlier hour when it is determined that the Commission's workload warrants such earlier starting time. When this schedule conflicts with holidays or the mandates of priority projects, the Commission may alter this schedule as set forth in sections E and F below. Proper notice of such meeting shall be given according to the requirements of applicable law.
- C. In addition to regular meetings, the Harbor Commission may convene a study session to hear reports from the staff and review, discuss, and debate general harbor matters of interest to the City preceding any regularly scheduled meeting when the Harbor Commission Chair makes the determination that a study session is warranted. No official action will be taken at a study session.

During a study session, the Harbor Commission may also become informed about any matter within the jurisdiction of the Harbor Commission. No approval of any type may be given at a study session and none may be inferred. No question, comment, or suggestion by any member of the Harbor Commission, positive or negative, will be deemed to create any indication the Harbor Commission will approve or disapprove an item.

- D. No agenda item shall be introduced after the hour of 9:30 p.m. Furthermore, any item introduced and being discussed by 9:30 p.m. and not concluded by 10:00 p.m. shall be continued by the Harbor Commission to another date. The intent and purpose of this policy is to facilitate maximum public participation and to encourage a reasonable hour in which the Harbor Commission business is discussed

and to protect against fatigue in discussing and deciding important City issues. The above time periods may be extended by motion approved by majority vote of the Commissioners present.

- E. Any meeting may be adjourned from time to time by the majority vote of the members present.
- F. Special meetings may be held as deemed necessary at the request of the majority of the members of the Commission or by call of the Chair, Vice Chair, or Secretary; notice of such special meetings shall be posted and served upon all members at least 24 hours before the special meeting, and to each local newspaper of general circulation, radio, and television station requesting notice in writing. The notice shall specify the time, place, and matters to be considered at the special meeting, and only the matters specified may be considered.

VII. AGENDAS

- A. As provided herein, an agenda containing a brief description of each item of business to be transacted or discussed shall be posted at a location freely accessible to the public at least 72 hours before each regular meeting. Study session agendas shall be distributed to the public on the same basis as regular agendas.
- B. Any regular, adjourned, and/or special meeting, or study session of the Harbor Commission shall be open to the public and to the maximum extent possible afford the public an opportunity to comment on all matters before the Harbor Commission. Every agenda shall provide an opportunity for members of the public to speak on any off-agenda item of interest to the public.
- C. Any matter in which the Harbor Commission may approve, conditionally approve or disapprove an application or permit shall be accompanied with a resolution outlining the reasons for the approval or denial of such application or permit.
- D. No action may be taken on an off-agenda item unless (i) a majority of those Commissioner present determine that an emergency situation exists; or (ii) two-thirds of the Commissioners, or all of the Commissioners if less than two-thirds are present, determine there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda; or (iii) the item was included in a properly posted agenda for a prior meeting occurring not more than five days prior to the meeting at which the action is taken and the matter was continued to the meeting at which action is taken. It is inevitable that subjects will arise, either during the course of consideration of agenda items or during public comment, on which no action can be taken because the circumstances outlined in (i) through (iii) above do not exist. In such event, the Chair shall have the power to refer the matter to staff, or to place the item on the agenda of a future meeting, or both.

VIII. VOTING PROCEDURE

- A. At any meeting of the Harbor Commission four (4) members of said Commission shall constitute a quorum for the transaction of business. Every Commissioner should vote unless disqualified by reason of a conflict of interest. A Commissioner who abstains from voting is counted as being present and in effect consents that a majority of those present and voting shall decide the question voted upon.
- B. Any vote of the Commission, including a roll call vote, may be registered by the members by answering “YES” for an affirmative vote, or “NO” for a negative vote upon the member’s name being called by the Recording Secretary, or by pressing a switch to cause a green light to show for an affirmative vote, or a red- light to show for a negative vote upon a vote being called for by the Chair. The result of any vote registered by means of a lighting system shall be audibly announced by the Recording Secretary and recorded in the minutes as the vote. If a member is present and does not cast a vote as described above, that member shall be considered as abstaining. In case of emergency or problems with the vote registering lighting system, the Chair may determine any other reasonable manner to vote and register votes on any matters on any agenda.
- C. Any Commissioner who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Chair state this determination and the nature of such disqualification in open meeting. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Commissioner affected, be decided by the other members of the Commission. A Commissioner who is disqualified by reason of a conflict of interest in any matter shall not remain in the council chambers during the debate and vote on such matter and shall request permission of the Chair to depart until the item is closed. A Commissioner stating such disqualification shall not be counted as a part of the quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.
- D. Any tie vote shall constitute a lost motion and may be reconsidered at the same meeting at which the action was taken, by a motion offered by any Harbor Commissioner who voted on the matter. If there is no action by an affirmative vote, the result is denial.
- E. Except for a tie vote, a motion to reconsider any action taken by the Harbor Commission must be made at the same meeting or the subsequent meeting at which the action was taken and may only be made by one of the Harbor Commission members who voted with the prevailing side.

IX. ORDER OF BUSINESS

- A. The order of business for regular, adjourned, or special meetings shall be:
1. Call to order by the Chair
 2. Roll Call
 3. Pledge of Allegiance
 4. Public Comments
 5. Presentations
 6. Approval of Minutes
 7. Public Hearings
 8. Current Business
 9. Commission Announcements (Non-Discussion Items)
 10. Matters Which Commissioners would like to place on a future Agenda for Discussion, Action or Report (Non-Discussion Items)
 11. Date and Time for Next Meeting
 12. Adjournment
- B. The order of business may be altered at the discretion of the Chair or by a majority vote of the Commissioners.

X. CONDUCT OF MEETINGS

- A. All meetings shall be conducted under the order of parliamentary procedure as specified in the last revised edition of Robert's Rules of Order to the extent that such rules are not in conflict with these Rules of Procedure.
- B. All Commissioners shall address all questions and comments through the Chair.
- C. Persons attending meetings of the Commission will be asked, but not required to identify themselves, sign the sheet at the podium, and address Commissioners or other persons present through the Chair.
- D. Exhibits: All maps, letters, and documents considered by the Commission at any hearing shall become a part of the records of the Commission.

- E. Motions: Any motion may be made by any member of the Commission, including the presiding officer. All motions require a second in order to be considered by the Commission.
- F. Substitute Motions: A substitute motion may be made by any member of the Commission, including the presiding officer, after a motion is on the floor. The substitute motion will suggest a different course of action or the opposite action of the main motion. No more than two substitute motions can be placed on the table for consideration at the same time. If the substitute motion fails, the main motion remains on the floor. If the substitute motion passes, it will cancel out the main motion.
- G. If an applicant submits additional written or printed material for the Harbor Commission's consideration less than seven (7) working days prior to the date of the hearing on the matter, the Harbor Commission may continue the matter and the applicant shall be deemed to have consented to such a continuance.
- H. E-mails: E-mails from Harbor Commissioners requesting minor clarification of factual information provided to Harbor Commissioners by staff for any Harbor Commission agenda item may be answered by the Harbormaster or his/her designee prior to the Harbor Commission meeting at which such agenda item is to be considered. E-mails raising new issues or expanding upon issues addressed in the staff report for an agenda item that, as determined by the Harbormaster, are more appropriately considered by the Harbor Commission at a public meeting will be printed for distribution to Harbor Commissioners at the respective meeting.

E-mails sent directly to Harbor Commissioners after agenda packets have been distributed and before the respective Harbor Commission meeting shall be forwarded to the Harbor Department for printing and/or copying for distribution to Harbor Commissioners at the respective Harbor Commission meeting. Information contained in any such e-mails from a project applicant which the Harbor Commission determines, in a public meeting, may have significant bearing on the agenda item under consideration may be cause for the Harbor Commission to continue such agenda item to allow sufficient time for review and analysis of such information and the applicant shall be deemed to have consented to such a continuance.
- I. Public Comments: Public comments on any agenda item shall be limited to three (3) minutes per speaker, unless a request for a time extension is granted by the Chair.
- J. Use of Electronic Devices: The use of any type of electronic device by a Commissioner during any meeting of the Harbor Commission is intended to solely support the business of the Commission and shall not distract a Commissioner from the meeting. Use of any type of electronic device during any meeting must adhere to the requirements of the Brown Act.

- K. Except as otherwise permitted by law, all mail or written communications from the public/residents/applicants shall be submitted to the Harbor Commission by 5:00 p.m. on the day immediately prior to the meeting at which the Harbor Commission will consider the item that is the subject of the mail or written communications to allow time for the Harbor Commission to adequately consider the mail or written communications.

- L. Public Hearings: For items duly noticed as a public hearing the following procedure shall be followed. The Chair shall set time limits as appropriate to allow for a full, orderly, and efficient hearing.
 - 1. Presentation on the item from the staff.
 - 2. Commissioners' opportunity to ask questions of staff.
 - 3. Presentation (or response) from the applicant/permit holder (and/or their representative) and any third-party appellant on the item.
 - 4. Commissioners' opportunity to ask questions of the applicant/permit holder and third-party appellant.
 - 5. Comments from the public on the item.
 - 6. Commissioners' opportunity to ask additional questions of the applicant/permit holder, staff and third-party appellant.
 - 7. Chair asks the Commission for a motion.
 - 8. Commission deliberates the motion.
 - 9. Commission votes on the motion.

XI. COMMITTEES

The Chair may appoint such committees as may be deemed necessary to carry out the function of the Harbor Commission. Members shall serve at the pleasure of the Chair.

XII. CORRESPONDENCE AND COMMUNICATIONS

It shall be the duty of the Ex-Officio Secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Harbor Commission as hereinbefore stated in the rules of the Newport Beach Harbor Commission.

XIII. ATTENDANCE

- A. Regular attendance at meetings of the Harbor Commission is required of all members to enable the Commission to discharge the duties imposed upon it by law.
- B. A Commissioner absent from three (3) consecutive regular meetings without securing the consent of the Commission, entered upon the minutes, shall be deemed to have resigned. The Ex-Officio Secretary shall notify the City Council of such resignation and request, in the name of the Commission, appointment of a new member to fill the unexpired term of the member resigning.

XIV. POLICY

All matters of policy not covered by law may be adopted as a “Resolution of Policy” and when so adopted shall be considered as the official policy of the Commission.

XV. AMENDMENT OF RULES

- A. These rules may be proposed to be amended or added to by four (4) affirmative votes of the Harbor Commission at a regular meeting pursuant to the procedures in Section XV.B.
- B. No amendment of or addition or deletion of these rules shall be made unless notice in writing of the proposed amendment or addition shall be filed with the Ex-Officio Secretary at the regular meeting next preceding the meeting at which the motion to change is made.
- C. The Ex-Officio Secretary shall forward a copy of any amended, added or deleted rules to the City Clerk.

XVI. MINUTES

- A. The Recording Secretary shall prepare draft minutes for regular, adjourned, and/or special meetings and submit the minutes to the Harbor Commission for review and approval. The minutes shall record all actions of the Harbor Commission and provide a summary record of any Harbor Commission, staff, and/or public questions and comments made during the meeting.
- B. Once approved by the Harbor Commission, the Chair and Secretary shall sign the final minutes.

* * *

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CITY OF NEWPORT BEACH, CALIFORNIA

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- C. In addition to regular meetings, the Harbor Commission may convene a study session to hear reports from the staff and review, discuss, and debate general harbor matters of interest to the City preceding any regularly scheduled meeting when the Harbor Commission Chair makes the determination that a study session is warranted. No official action will be taken at a study session.

During a study session, the Harbor Commission may also become informed about any matter within the jurisdiction of the Harbor Commission. No approval of any type may be given at a study session and none may be inferred. No question, comment, or suggestion by any member of the Harbor Commission, positive or negative, will be deemed to create any indication the Harbor Commission will approve or disapprove an item.

- D. No agenda item shall be introduced after the hour of 9:30 p.m. Furthermore, any item introduced and being discussed by 9:30 p.m. and not concluded by 10:00 p.m. shall be continued by the Harbor Commission to another date. The intent and purpose of this policy is to facilitate maximum public participation and to encourage a reasonable hour in which the Harbor Commission business is discussed

and to protect against fatigue in discussing and deciding important City issues. The above time periods may be extended by motion approved by majority vote of the Commissioners present.

- E. Any meeting may be adjourned from time to time by the majority vote of the members present.
- F. Special meetings may be held as deemed necessary at the request of the majority of the members of the Commission or by call of the Chair, Vice Chair, or Secretary; notice of such special meetings shall be posted and served upon all members at least 24 hours before the special meeting, and to each local newspaper of general circulation, radio, and television station requesting notice in writing. The notice shall specify the time, place, and matters to be considered at the special meeting, and only the matters specified may be considered.

VII. AGENDAS

- A. As provided herein, an agenda containing a brief description of each item of business to be transacted or discussed shall be posted at a location freely accessible to the public at least 72 hours before each regular meeting. Study session agendas shall be distributed to the public on the same basis as regular agendas.
- B. Any regular, adjourned, and/or special meeting, or study session of the Harbor Commission shall be open to the public and to the maximum extent possible afford the public an opportunity to comment on all matters before the Harbor Commission. Every agenda shall provide an opportunity for members of the public to speak on any off-agenda item of interest to the public.
- C. Any matter in which the Harbor Commission may approve, conditionally approve or disapprove an application or permit shall be accompanied with a resolution outlining the reasons for the approval or denial of such application or permit.
- D. No action may be taken on an off-agenda item unless (i) a majority of those Commissioner present determine that an emergency situation exists; or (ii) two-thirds of the Commissioners, or all of the Commissioners if less than two-thirds are present, determine there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda; or (iii) the item was included in a properly posted agenda for a prior meeting occurring not more than five days prior to the meeting at which the action is taken and the matter was continued to the meeting at which action is taken. It is inevitable that subjects will arise, either during the course of consideration of agenda items or during public comment, on which no action can be taken because the circumstances outlined in (i) through (iii) above do not exist. In such event, the Chair shall have the power to refer the matter to staff, or to place the item on the agenda of a future meeting, or both.

VIII. VOTING PROCEDURE

- A. At any meeting of the Harbor Commission four (4) members of said Commission shall constitute a quorum for the transaction of business. Every Commissioner should vote unless disqualified by reason of a conflict of interest. A Commissioner who abstains from voting is counted as being present and in effect consents that a majority of those present and voting shall decide the question voted upon.
- B. Any vote of the Commission, including a roll call vote, may be registered by the members by answering “YES” for an affirmative vote, or “NO” for a negative vote upon the member’s name being called by the Recording Secretary, or by pressing a switch to cause a green light to show for an affirmative vote, or a red- light to show for a negative vote upon a vote being called for by the Chair. The result of any vote registered by means of a lighting system shall be audibly announced by the Recording Secretary and recorded in the minutes as the vote. If a member is present and does not cast a vote as described above, that member shall be considered as abstaining. In case of emergency or problems with the vote registering lighting system, the Chair may determine any other reasonable manner to vote and register votes on any matters on any agenda.
- C. Any Commissioner who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Chair state this determination and the nature of such disqualification in open meeting. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Commissioner affected, be decided by the other members of the Commission. A Commissioner who is disqualified by reason of a conflict of interest in any matter shall not remain in the council chambers during the debate and vote on such matter and shall request permission of the Chair to depart until the item is closed. A Commissioner stating such disqualification shall not be counted as a part of the quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.
- D. Any tie vote shall constitute a lost motion and may be reconsidered at the same meeting at which the action was taken, by a motion offered by any Harbor Commissioner who voted on the matter. If there is no action by an affirmative vote, the result is denial.
- E. Except for a tie vote, a motion to reconsider any action taken by the Harbor Commission must be made at the same meeting or the subsequent meeting at which the action was taken and may only be made by one of the Harbor Commission members who voted with the prevailing side.

IX. ORDER OF BUSINESS

- A. The order of business for regular, adjourned, or special meetings shall be:
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 8. Current Business
 9. Commission Announcements (Non-Discussion Items)
 10. Matters Which Commissioners would like to place on a future Agenda for Discussion, Action or Report (Non-Discussion Items)
 11. Date and Time for Next Meeting
 12. Adjournment
- B. The order of business may be altered at the discretion of the Chair or by a majority vote of the Commissioners.

X. CONDUCT OF MEETINGS

- A. All meetings shall be conducted under the order of parliamentary procedure as specified in the last revised edition of Robert's Rules of Order to the extent that such rules are not in conflict with these Rules of Procedure.
- B. All Commissioners shall address all questions and comments through the Chair.
- C. Persons attending meetings of the Commission will be asked, but not required to identify themselves, sign the sheet at the podium, and address Commissioners or other persons present through the Chair.
- D. Exhibits: All maps, letters, and documents considered by the Commission at any hearing shall become a part of the records of the Commission.

- E. Motions: Any motion may be made by any member of the Commission, including the presiding officer. All motions require a second in order to be considered by the Commission.
- F. Substitute Motions: A substitute motion may be made by any member of the Commission, including the presiding officer, after a motion is on the floor. The substitute motion will suggest a different course of action or the opposite action of the main motion. No more than two substitute motions can be placed on the table for consideration at the same time. If the substitute motion fails, the main motion remains on the floor. If the substitute motion passes, it will cancel out the main motion.
- G. If an applicant submits additional written or printed material for the Harbor Commission's consideration less than seven (7) working days prior to the date of the hearing on the matter, the Harbor Commission may continue the matter and the applicant shall be deemed to have consented to such a continuance.
- H. E-mails: E-mails from Harbor Commissioners requesting minor clarification of factual information provided to Harbor Commissioners by staff for any Harbor Commission agenda item may be answered by the Harbormaster or his/her designee prior to the Harbor Commission meeting at which such agenda item is to be considered. E-mails raising new issues or expanding upon issues addressed in the staff report for an agenda item that, as determined by the Harbormaster, are more appropriately considered by the Harbor Commission at a public meeting will be printed for distribution to Harbor Commissioners at the respective meeting.

E-mails sent directly to Harbor Commissioners after agenda packets have been distributed and before the respective Harbor Commission meeting shall be forwarded to the Harbor Department for printing and/or copying for distribution to Harbor Commissioners at the respective Harbor Commission meeting. Information contained in any such e-mails from a project applicant which the Harbor Commission determines, in a public meeting, may have significant bearing on the agenda item under consideration may be cause for the Harbor Commission to continue such agenda item to allow sufficient time for review and analysis of such information and the applicant shall be deemed to have consented to such a continuance.
- I. Public Comments: Public comments on any agenda item shall be limited to three (3) minutes per speaker, unless a request for a time extension is granted by the Chair.
- J. Use of Electronic Devices: The use of any type of electronic device by a Commissioner during any meeting of the Harbor Commission is intended to solely support the business of the Commission and shall not distract a Commissioner from the meeting. Use of any type of electronic device during any meeting must adhere to the requirements of the Brown Act.

- K. Except as otherwise permitted by law, all mail or written communications from the public/residents/applicants shall be submitted to the Harbor Commission by 5:00 p.m. on the day immediately prior to the meeting at which the Harbor Commission will consider the item that is the subject of the mail or written communications to allow time for the Harbor Commission to adequately consider the mail or written communications.

- L. Public Hearings: For items duly noticed as a public hearing the following procedure shall be followed. The Chair shall set time limits as appropriate to allow for a full, orderly, and efficient hearing.
 - 1. Presentation on the item from the staff.
 - 2. Commissioners' opportunity to ask questions of staff.
 - 3. Presentation (or response) from the applicant/permit holder (and/or their representative) and any third-party appellant on the item.
 - 4. Commissioners' opportunity to ask questions of the applicant/permit holder and third-party appellant.
 - 5. Comments from the public on the item.
 - 6. Commissioners' opportunity to ask additional questions of the applicant/permit holder, staff and third-party appellant.
 - 7. Chair asks the Commission for a motion.
 - 8. Commission deliberates the motion.
 - 9. Commission votes on the motion.

XI. COMMITTEES

The Chair may appoint such committees as may be deemed necessary to carry out the function of the Harbor Commission. Members shall serve at the pleasure of the Chair.

XII. CORRESPONDENCE AND COMMUNICATIONS

It shall be the duty of the Ex-Officio Secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Harbor Commission as hereinbefore stated in the rules of the Newport Beach Harbor Commission.

XIII. ATTENDANCE

- A. Regular attendance at meetings of the Harbor Commission is required of all members to enable the Commission to discharge the duties imposed upon it by law.
- B. A Commissioner absent from three (3) consecutive regular meetings without securing the consent of the Commission, entered upon the minutes, shall be deemed to have resigned. The Ex-Officio Secretary shall notify the City Council of such resignation and request, in the name of the Commission, appointment of a new member to fill the unexpired term of the member resigning.

XIV. POLICY

All matters of policy not covered by law may be adopted as a “Resolution of Policy” and when so adopted shall be considered as the official policy of the Commission.

XV. AMENDMENT OF RULES

- A. These rules may be proposed to be amended or added to by four (4) affirmative votes of the Harbor Commission at a regular meeting pursuant to the procedures in Section XV.B.
- B. No amendment of or addition or deletion of these rules shall be made unless notice in writing of the proposed amendment or addition shall be filed with the Ex-Officio Secretary at the regular meeting next preceding the meeting at which the motion to change is made.
- C. The Ex-Officio Secretary shall forward a copy of any amended, added or deleted rules to the City Clerk.

XVI. MINUTES

- A. The Recording Secretary shall prepare draft minutes for regular, adjourned, and/or special meetings and submit the minutes to the Harbor Commission for review and approval. The minutes shall record all actions of the Harbor Commission and provide a summary record of any Harbor Commission, staff, and/or public questions and comments made during the meeting.
- B. Once approved by the Harbor Commission, the Chair and Secretary shall sign the final minutes.

* * *



NEWPORT BEACH

Harbor Commission Staff Report

November 13, 2024
Agenda Item No. 6.3

TO: HARBOR COMMISSION

FROM: Paul Blank, Harbormaster - (949) 270-8158
pblank@newportbeachca.gov

TITLE: Consider the Proposal for Day Use Moorings in Corona del Mar Cove

ABSTRACT:

Included in the Harbor Commission's 2024 Objectives is objective number 9 the title of which is "Evaluate establishing day moorings off Big Corona Beach." The full Commission will consider a proposal prepared by the subcommittee responsible for that objective

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) Consider a proposal from the subcommittee responsible for current Harbor Commission Objective 9 on establishing day-use moorings in Corona del Mar Cove; and
- c) If approved, direct Staff to forward the proposal to the City Council for approval and funding

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item as the proposal is considered by the Harbor Commission. If the Commission recommends the proposal be forwarded to the City Council, a financial analysis will be performed, and estimated costs included in what the Council considers.

DISCUSSION:

The Harbor Commission is currently considering a proposal to install four "day use" moorings within Corona del Mar Cove. The proposal has been brought forth for public review and comment as the Harbor Commission evaluates the potential benefits and impacts of adding these limited-use mooring locations.

The proposed moorings would be intended for short-term, recreational use by boaters visiting the picturesque Corona del Mar coastline. If approved, the moorings would provide an opportunity for safe and secure use of the cove by mariners without the need for anchoring. This could help manage boat traffic and reduce impacts to the seafloor and nearshore environment in the sensitive cove area.

As part of the review process, the Harbor Commission will carefully examine factors such as navigational safety, ecological effects, and balancing public access needs. Community input will be an important consideration as the Commission works to determine whether the proposed moorings align with the broader goals and management of the Newport Harbor. Also, to be considered are the operational characteristics of the proposed moorings and how misuse will be prevented.

This proposal resulted from the subcommittee responsible for the current Harbor Commission Objective number 9. The subcommittee tasked itself to evaluate establishing day moorings off Big Corona Beach. The suggestion to establish such day moorings came from a member of the public several years ago.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission 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, Division 6, Chapter 3, because it has no potential for resulting in a 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 Harbor Commission considers the item).

ATTACHMENTS:

Attachment A – Proposal for day Moorings in Corona del Mar Cove

Motion for Newport Beach Harbor Commission Consideration

Subject: Approval of Four (4) Day-Use Mooring Sites Off Big Corona Beach

Motion:

The Newport Beach Harbor Commission hereby directs staff to present a request to the Newport Beach City Council for the approval of four (4) day-use mooring sites located off Big Corona Beach. These mooring sites will be secured using a Helix Screw Anchoring System, providing a safe and environmentally friendly solution for temporary mooring during daylight hours only.

Background and Development History:

This proposal is the result of ongoing efforts by the Harbor Department to explore new recreational boating opportunities within Newport Beach. The concept evolved through discussions with stakeholders, environmental experts, and the local boating community, leading to the current recommendation. The Helix Screw Anchoring System was selected for its minimal environmental impact, consistent with the City's environmental stewardship goals and the State Marine Conservation Area (SMCA) requirements.

Unique Offering and Justification:

The proposed day-use mooring sites offer a unique opportunity for boaters to enjoy Big Corona Beach from a vantage point beyond the breakwater, like the experience provided by daily anchoring off Emerald Bay. Unlike traditional harbor moorings, which are located within protected waters, these sites will allow for temporary, scenic mooring in open waters. This enhances the recreational experience for boaters who seek a dynamic and picturesque location close to shore, while ensuring compliance with environmental and operational guidelines.

Restricting these moorings to day-use only ensures fair access, prevents overnight stays, and minimizes operational concerns. The decision to recommend four sites strikes a balance between availability and environmental stewardship, though this number may be adjusted based on feedback from the City Council.

Vessel Size Limits:

To maintain safety and proper use, a maximum vessel length of 60 feet will apply to these moorings. Larger vessels may pose navigational and environmental challenges and limiting vessel size ensures compatibility with the conditions off Big Corona Beach. Usage guidelines will be clearly communicated, and enforcement will be managed by the Harbor Department.

Jurisdictional Authority:

Pursuant to Title 17, Section 17.25.020, the City of Newport Beach and the Harbor Department have jurisdiction over the open waters within 500 yards of designated swimming areas, including the area off Big Corona Beach. As these waters lie within an SMCA, the selected anchoring system aligns with both environmental requirements and city policies.

Financial Considerations:

Recent cost estimates and anticipated regulatory requirements are reflected below:

- Helix Screw Anchoring System: \$15,000 per installation x 4 = \$60,000
- Coastal Development Permit (CDP) with the California Coastal Commission (CCC): \$45,000 to \$50,000
- Consulting and Engineering Services: \$10,000
- Environmental Impact Report (EIR): Between \$10,000 and \$100,000, depending on final regulatory scope.

Given these estimates, the total project cost could range between \$125,000 and \$170,000. These costs ensure compliance with regulatory processes and environmental standards, including the preparation of an EIR.

CEQA Analysis:

Although a California Environmental Quality Act (CEQA) analysis is not required for the recommendation phase, a CEQA review will likely be necessary if the City Council approves the project. This review will ensure that any environmental impacts are assessed and mitigated before installation proceeds.

Action Requested:

The Harbor Commission recommends that the City Council:

1. **Approve** the installation of four (4) day-use mooring sites off Big Corona Beach.
2. **Allocate** \$60,000 for the installation of the moorings, using the Helix Screw Anchoring System.
3. **Allocate** up to \$50,000 for consulting services and the Coastal Development Permit process.
4. **Authorize** between \$10,000 and \$100,000 for the Environmental Impact Report, subject to further evaluation.

5. **Authorize** city staff to proceed with the necessary steps, including regulatory filings and contracting.
6. **Designate** the moorings for **day-use only**, with no overnight stays permitted.
7. **Enforce** a **maximum vessel size limit of 60 feet** for mooring access.

Conclusion:

The approval of this motion will offer a new recreational opportunity for boaters, expanding the range of experiences available in Newport Beach. By providing day-use moorings outside the breakwater, similar to those off Emerald Bay, the City enhances its appeal to the boating community while ensuring responsible management. The Harbor Department will oversee the implementation to ensure adherence to environmental standards and operational guidelines.



Submitted by:

Steve Scully

Gary Williams

Newport Beach Harbor Commission

Date: November 13, 2024



NEWPORT BEACH

Harbor Commission Staff Report

November 13, 2024
Agenda Item No. 6.4

TO: HARBOR COMMISSION

FROM: Paul Blank, Harbormaster - (949) 270-8158,
pblank@newportbeachca.gov

TITLE: Report on Conversion to Helical Anchor System for Moorings

ABSTRACT:

The City currently has 16 moorings for which it is responsible for the semi-annual inspection and maintenance of the tackle. Interest has been expressed in potentially converting the ground tackle on these moorings from traditional weights and chains to more environmentally friendly helical anchor systems. This report will update the Commission on a pilot project to convert three City moorings in the C mooring field to the helical anchor system.

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) Receive and file

OR

- c) Recommend the Harbor Department move forward with the pilot project to convert three moorings in the C Mooring field to the helical anchor system.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item as converting three moorings to the helical anchor system is within the current budget for the required, semi-annual inspection and maintenance of moorings for which the City is responsible.

DISCUSSION:

Moorings systems play a crucial role in securing vessels and ensuring their stability and preventing drift or displacement. Traditional mooring tackle, such as chains and weights, has long been the industry standard. However, advancements in marine technology have led to the development of alternative mooring solutions, including the helical anchor system. The City is interested in exploring the potential benefits of converting from a traditional mooring tackle to a helical anchor system.

Helical anchors, also known as screw anchors or helical piles, offer several advantages over traditional weight and chain mooring systems. According to several sources, helical anchors

provide a more secure and reliable mooring solution. Unlike weight and chain systems, which can be susceptible to dragging or shifting during severe weather conditions, helical anchors are designed to screw deeply into the seafloor, offering superior holding power and stability.

Furthermore, helical anchors have a significantly smaller footprint compared to weight and chain systems. That smaller footprint on the seafloor can be very beneficial in areas where environmental concerns, such as the presence of eelgrass need to be addressed. The installation process of helical anchors is also less disruptive to the seabed, reducing the potential impact on marine ecosystems. Helical anchor systems also reduce the risk of unsuitable materials leeching from the traditional weights into the water column.

Additionally, helical anchors are reportedly easier to install and require less maintenance than traditional weight and chain systems. This can lead to reduced operating and maintenance costs for the city of Newport Beach, making the overall mooring system more cost-effective in the long term.

Components of a Helical Anchor System

A helical anchor system is made up of the components in the table below. Also in the table are the traditional anchor system component equivalents.

Helical Anchor System Components	Traditional Anchor System Components
Mooring buoy	Mooring buoy
Thimbles	Thimbles
Elastic Mooring System	Light chain
Submerged floats	
Rope or cable	Heavy chain
Helical screw	Weight

The helical anchor system components are depicted in Attachment A – Mooring Pilot Project Design. The traditional anchor system components are depicted in Attachment B – Traditional Anchor System Components.

Improved Holding Power

Helical anchors are designed with a screw-like configuration that allows them to penetrate and grip the seafloor more effectively than traditional anchors. This increased holding power translates to greater stability and reduced risk of mooring failure, even in challenging seabed conditions such as soft or rocky substrates. Studies have shown that helical anchors can provide up to 40% more holding capacity compared to traditional anchor systems of the same size. The seabed in Newport Harbor has been sampled on several occasions and in several locations. Analysis of

those samples indicates conditions well suited to the use of the helical anchor system throughout the harbor.

Reduced Footprint and Scaring on Seafloor

The footprint on the seafloor of the helical anchor head, the only exposed portion of the system is significantly smaller than that of materials used as traditional anchors. The traditional anchors in use in Newport Harbor include steel wheels and gears, engine blocks, concrete blocks, concrete piles, and metal crankshafts.

The optimal hardware between the mooring float and the helical anchor in the proposed system is a cable including a group of elastic bands and submerged floats. The elasticity in the hardware means that no part of the connection between the mooring buoy and the helical anchor head will rest on the seafloor. The combination of light and heavy chains in use in the traditional anchor system means that some portion of the chain is resting on the seafloor most of the time providing the shock-absorbing capability required for shifts in tide, current, and forces acting on the mooring and moored vessel. The chain scars the seafloor as it is lifted and replaced as well as dragged laterally by the prevailing forces.

It is estimated that the ground tackle for an average mooring in the C field occupies 0.84 square meters of substrate. The proposed helical anchor tackle minimizes the substrate area occupied to an average of 0.01 square meters each. The total area of the substrate occupied by the three moorings would be reduced by 4.98 square meters through the implementation of the proposed pilot project.

Increased Versatility

Helical anchors can be designed to accommodate a wide range of seabed conditions and mooring requirements. They can be customized with different helix configurations, shaft lengths, and materials to optimize performance for specific applications, making them a versatile solution compared to traditional anchor types.

Reduced Maintenance Requirements

Unlike traditional anchor systems that can be susceptible to corrosion, wear, and damage, helical anchors have a more durable construction that often requires less frequent inspection and maintenance. This can lead to reduced operational costs and downtime associated with mooring system maintenance.

Traditional anchor systems are also prone to dragging in adverse conditions such as severe wind and waves. There have been a couple of notable examples of moorings dragging in recent severe weather conditions. These occurrences have resulted in significant damage to the vessel assigned to the mooring in Newport Harbor that dragged and nearby vessels. Even when damage does not result, repositioning of traditional mooring tackle can be costly, inconvenient, and dangerous. Helical anchor systems are not prone to drift or relocation in severe weather

conditions. A component of the proposed pilot project involves testing the implemented anchors for holding capacity with loads above those considered extreme.

Estimated Cost for Proposed Pilot Project

The engineer's estimate of probable cost for the three mooring pilot program in the C field is \$43,037.50 and includes:

- Mobilization for the contractor
- Equipment including the anchor, elastic system, and floats
- Installation
- Pull tests on 50% of the anchors
- Contingency
- Contractor overhead

The estimated costs are higher than those for simply inspecting and replacing the existing mooring tackle with like-for-like equipment. However, the long-term maintenance costs are expected to be less and the commensurate benefits to the health of the harbor including improvements to the water quality and proliferation of eelgrass should be significant.

The adoption of a helical anchor system by the city of Newport Beach could offer improved mooring security, reduced environmental impact, and lower maintenance requirements making it a compelling alternative to the traditional weight and chain mooring ground tackle.

No action is currently required from the Harbor Commission. However, the Commissioners may wish to take an affirmative position that the Harbor Department move forward with the pilot program to convert three moorings in the C mooring field to the helical anchor system as part of the regular, required semi-annual inspection and maintenance of mooring tackle.

ENVIRONMENTAL REVIEW:

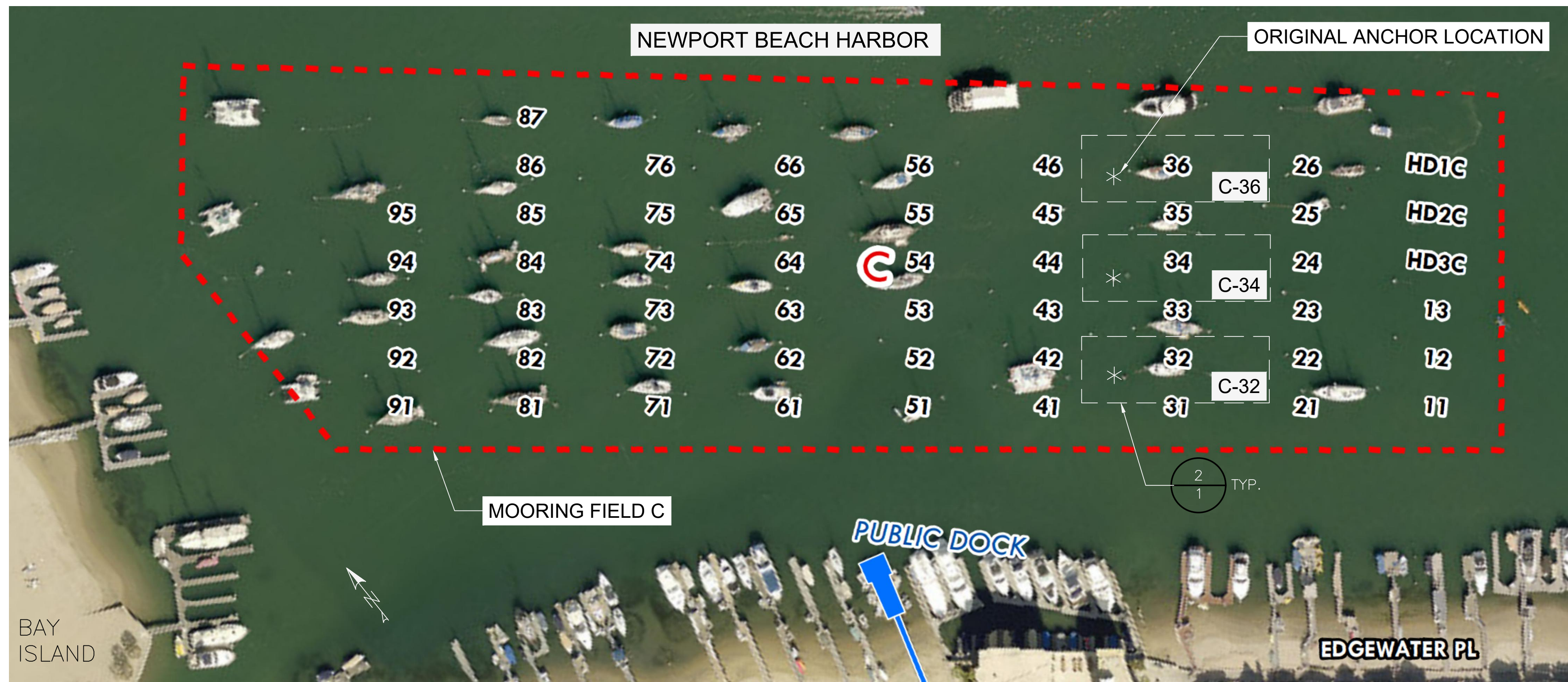
Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, 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 Harbor Commission considers the item).

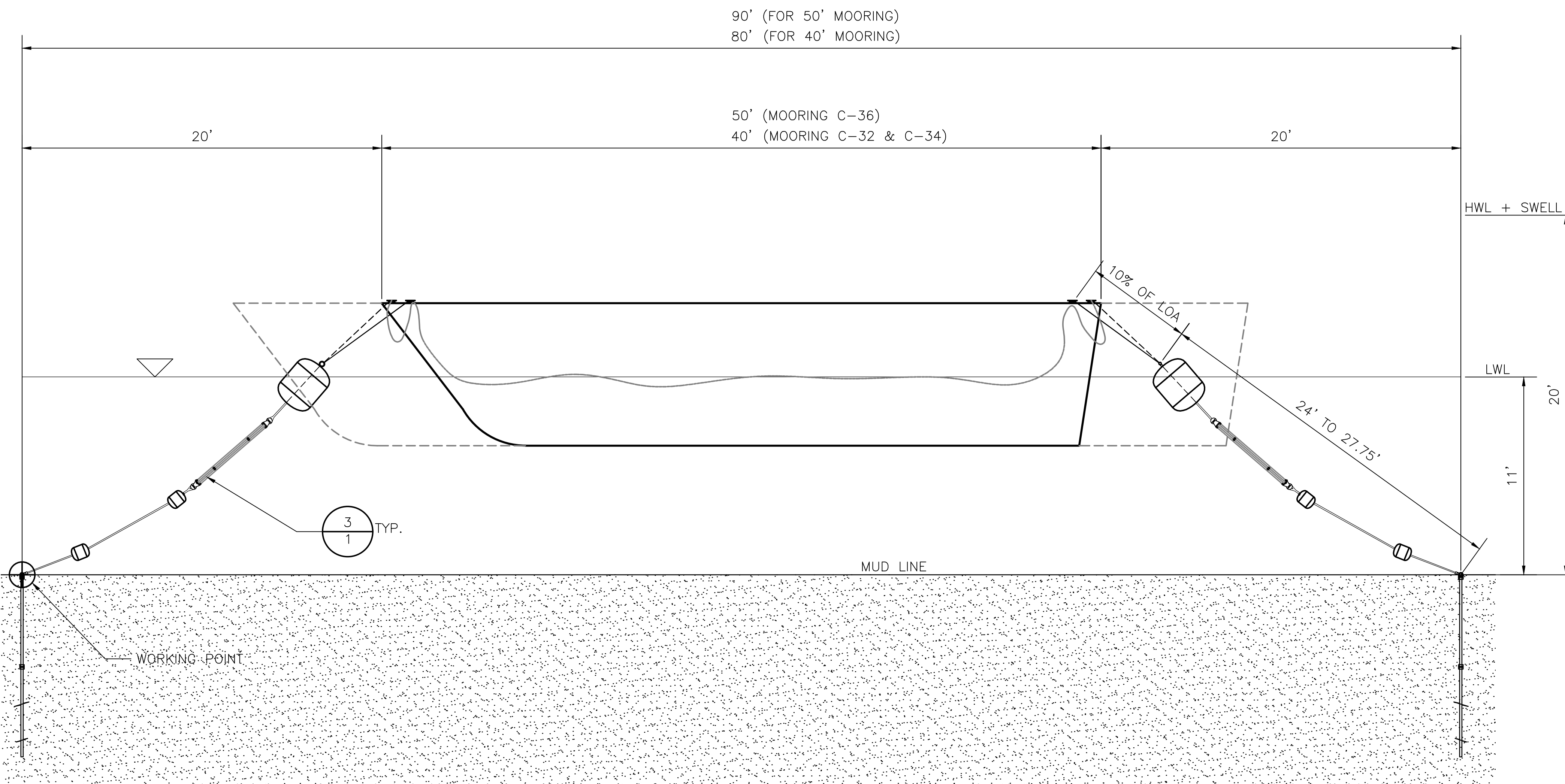
ATTACHMENTS:

Attachment A – Mooring Pilot Project Design
Attachment B – Traditional Anchor System Components

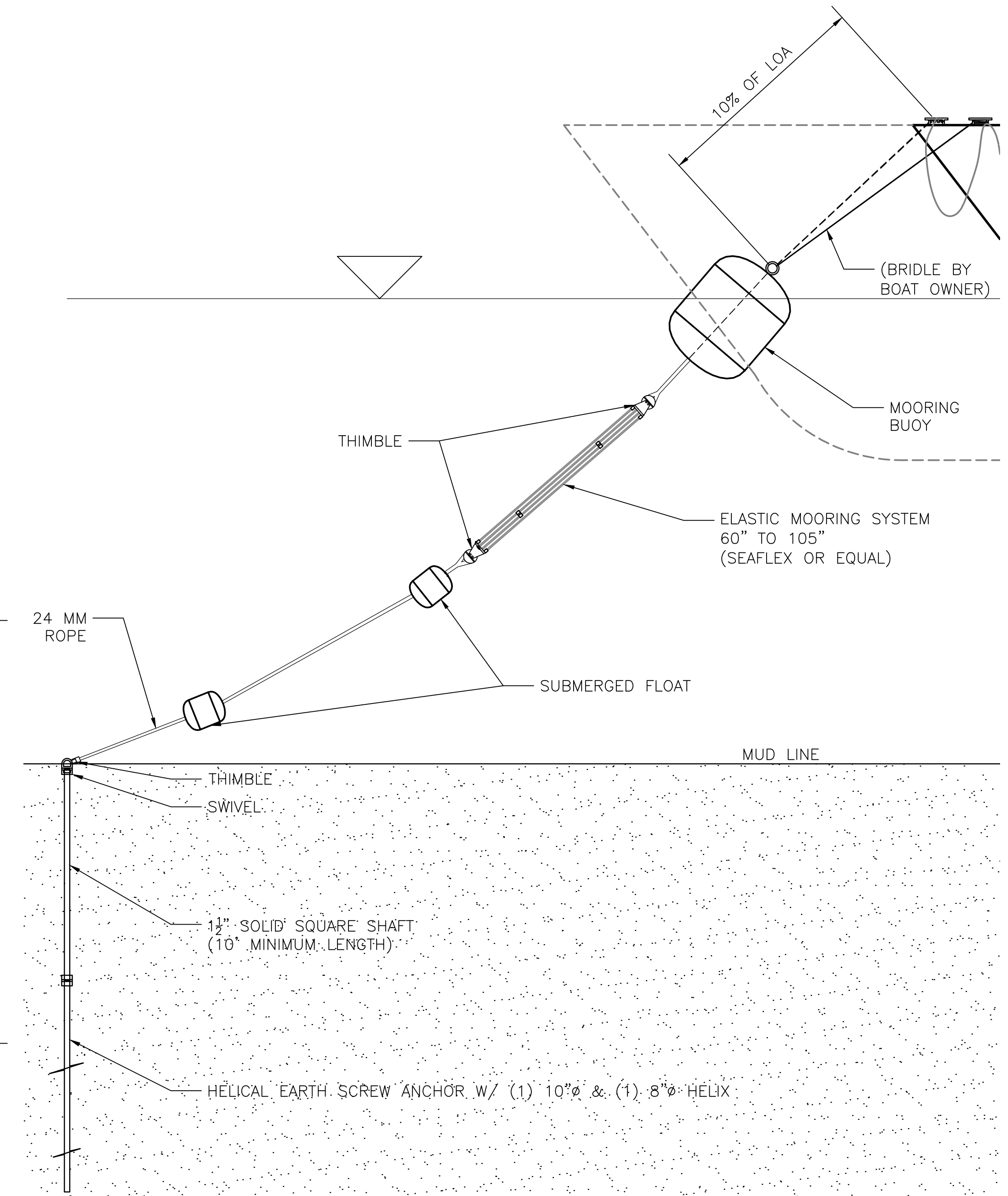


1 MOORING FIELD C SITE PLAN
SCALE: NTS

- NOTES:
- CONTRACTOR TO INSTALL ELASTIC MOORING SYSTEM AND HELICAL EARTH SCREW ANCHORS AS FOLLOWS:
SITES C-32 AND C-34: 40' MOORING (80' BETWEEN HELIX ANCHORS)
SITE C-36: 50' MOORING (90' BETWEEN HELIX ANCHORS)
 - WORKING POINT LOCATIONS TO BE SET IN THE FIELD BY THE CITY.
 - HELIX EARTH SCREW ANCHORS AND ELASTIC MOORING SYSTEM SHALL HAVE A MINIMUM SAFE WORKING LOAD RATING OF 6,000 POUNDS.
 - CONTRACTOR SHALL SUBMIT INSTALLATION WORK PLAN AND FABRICATION DRAWINGS FOR HELIX EARTH SCREW ANCHORS AND ELASTIC MOORING SYSTEM FOR ENGINEERS REVIEW PRIOR TO FABRICATION AND INSTALLATION.
 - CONTRACTOR WORK SCHEDULE SUBJECT TO REVIEW AND APPROVAL BY THE HARBORMASTER.



2 TYPICAL SECTION
1/4" = 1'



3 MOORING LINE DETAIL
1/2" = 1'

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION



NOBLE CONSULTANTS, INC.
2201 DUPONT DRIVE, SUITE 830
IRVINE, CA. 92612
949-752-1530
949-752-8381 (FAX)

NO.	DATE	REVISION

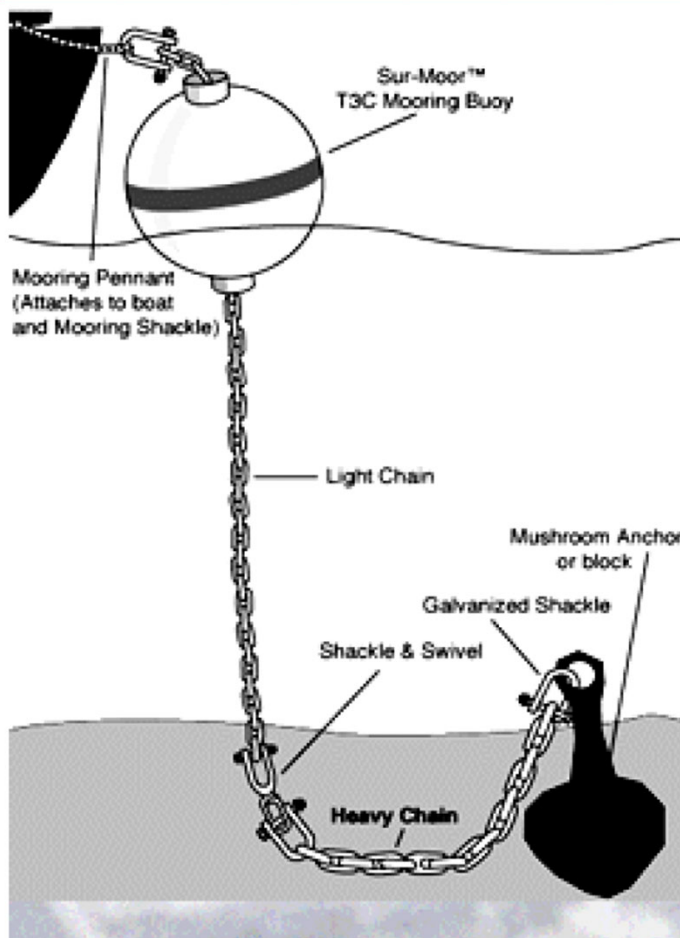
DESIGNED BY: VJG
DRAWN BY: VJG
CHECKED BY: TJF
APPROV. BY: TJF

NEWPORT BEACH PILOT MOORING PROJECT		SHEET 1 OF 1
SITE PLAN & MOORING DETAILS		JOB NO. 782-13
ENGINEERING SERVICES - MOORING PILOT PROGRAM		SPEC NO.
		DATE 20 AUG 2024

C-1



Typical Mooring Design In Newport Harbor



The diagram shows the typical configuration of an offshore mooring in Newport Harbor. A single two-point mooring will typically use two of the mooring configurations shown. One for the bow of the boat and one for the stern.

Biddle, Jennifer

From: Blank, Paul
Sent: November 12, 2024 10:51 AM
To: Admin
Cc: Biddle, Jennifer; Shintaku, Cynthia
Subject: RE: Public Comments for Harbor Commission Meeting 11/13/24 Agenda Item 6.1 (Current Business-2025 Harbor and Beaches Master Plan)

Ms. Stenton:

Thank you for your input on this important matter.
Your contribution will be included in what the Commissioners consider and published with the materials associated with the Harbor Commission meeting scheduled for tomorrow evening.

Best,



Paul Blank
Harbormaster
Harbor Department
Office: 949-270-8158

1600 W Balboa Blvd
Newport Beach, CA 92663

From: Admin <mail@newportmooringassociation.org>
Sent: November 12, 2024 10:36 AM
To: Harbor Commission <HarborCommission@newportbeachca.gov>
Cc: City Clerk's Office <CityClerk@newportbeachca.gov>
Subject: Public Comments for Harbor Commission Meeting 11/13/24 Agenda Item 6.1 (Current Business-2025 Harbor and Beaches Master Plan)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Dear Chair Cunningham, Vice Chair Beer, Secretary Marston, and Commissioners Scully, Svrcek, Williams and Yahn,

Thank you for the work you do to keep our harbor safe, clean, and accessible to all. We recognize and appreciate the dedication that goes into maintaining and enhancing Newport Harbor, and we are grateful for your efforts.

I would like to raise a concern regarding the proposed large-scale conversion from the existing weighted mooring system to helical mooring anchors. While the potential benefits of helical anchors may be worth considering in some locations, the costs associated with this change in Newport Harbor are substantial. As noted in the proposal, the pilot project to replace all mooring weights in Mooring Field C with helical anchors alone is estimated to cost \$472,000. Additionally, the Harbor and Beaches Master Plan outlines a broader conversion of up to 1,500 moorings, which could exceed \$11 million.

With costs like these, it's crucial to assess who will bear the financial burden—where will the \$11 million come from? Will it be from mooring holders, who already face rising costs, or will it be covered with general tidelands funds, or City taxpayers? We believe the existing mooring system could be improved through targeted upgrades without such an expensive, comprehensive overhaul.

Ultimately, this change could lead to higher-costs for berthing a vessel on a mooring, putting harbor access out of reach for many boaters on a budget. This shift is concerning, as it may effectively limit harbor access to wealthier individuals and could potentially undermine the accessibility goals highlighted by both the California Coastal Commission and the State Lands Commission this year.

I urge the Commission to consider whether a 100% conversion to helical moorings is the most cost-effective and inclusive path forward. The Newport Mooring Association stands ready to collaborate on alternatives to improve the existing mooring system to benefit all stakeholders. Thank you again for your time and for considering the community's perspective on this important issue.

Respectfully,

Anne Stenton

President, Newport Mooring Association

From: [Blank, Paul](#)
To: [Christopher](#)
Cc: [Shintaku, Cynthia](#); [Biddle, Jennifer](#)
Subject: Re: Harbor Commission meeting Nov 13, 2024, Public comment on agenda item #4. Conversion to Helical Moorings
Date: November 13, 2024 10:40:05 AM
Attachments: [PastedGraphic-2.png](#)
[Existing Mooring Field C w Eelgrass.pdf](#)

Mr. Bliss:

Thank you for your input on this important matter.

Your contribution will be included in what the Commissioners consider and will be published with the materials associated with the Harbor Commission meeting scheduled for this evening.

Best,



Paul Blank
Harbormaster
Harbor Department
Office: 949-270-8158

1600 W Balboa Blvd
Newport Beach, CA 92663

On Nov 13, 2024, at 9:18 AM, Christopher <chrisbliss7777@gmail.com> wrote:

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Christopher Bliss
Newport Harbor Mooring Permit Holder.

To:
Newport Beach Harbor Commission

Dear Commissioners

The NMA continues to be baffled by the city's goal to implement the extremely expensive and unnecessary mooring realignment program throughout the harbor. In the budget spreadsheet for the 2025 master plan, the item #79 (Mooring Field Optimization) lists the moorings as being built in the 1940's. This is false and misleading and implies that the moorings are antiquated and in dire need of repair or replacement. All the moorings in the harbor are inspected and upgraded every 2 years and are in excellent condition. The current system is completely up to date, has proved itself to be safe and secure, and has served mariners well for over 100 years.

I have heard the argument that the mooring chains and tackle are not environmentally friendly because they churn up the mud, or impact the eel grass on the bottom. In fact, first, there is little to no eelgrass under the moorings, as the water is too deep for sunlight, (Please see the Eel Grass report dated April 2024) and second, on a double point mooring the mooring tackle rises up and down with the currents and does not drag horizontally along the bottom, as they would on a single point mooring. The yacht clubs use single point moorings and when they rotate 360 degrees with the wind and currents do indeed drag their tackle across a huge circular area causing far more disruption of the bottom of the bay than the double point system. If environmental responsibility is really the goal, a simple low-cost solution would be to convert all single point moorings to double point. This would be a win-win towards the HC's goals, as it would be more environmentally friendly, AND would greatly reduce the sizes of the mooring fields with single point moorings.

As stated previously at many HC meetings, the proposal to move boats closer together in C section with the "optimized" mooring system has almost universal **disapproval** of mooring permittees because of safety concerns. Spending \$450,000 or more on a new mooring system in C field is a huge expenditure of taxpayer money that is completely unnecessary and unwanted and unsafe.

Thank you,
Christopher Bliss



SOURCE: Maxar 2022



Biddle, Jennifer

From: Blank, Paul
Sent: November 13, 2024 7:32 AM
To: Scott Karlin
Cc: Biddle, Jennifer; Shintaku, Cynthia
Subject: Re: Harbor Commission Meeting – November 12, 2024 – Agenda Item No. 6.4
Attachments: Helix Design Comments by Scott Karlin.docx

Mr. Karlin:

Thank you for your input on this important matter. Your contribution will be included in what the Commissioners consider and will be published with the materials associated with the Harbor Commission meeting scheduled for this evening.

While they are depicted on the diagram, the mooring pendants are not now and are not proposed to become part of the mooring specifications. The specifications under consideration are all below the surface of the water. It would be foolish to attempt to specify pendant lengths for moorings, as there is no obligation to moor a vessel of any particular size or any vessel at all on a mooring. Further, the freeboard, cleat position, and drift characteristics of any particular vessel heavily influence the proper pendant lengths and constitution. It will remain the vessel owner's responsibility to determine and deploy the most appropriate mooring pendants for the safety and security of their vessel, nearby vessels, and their mooring setup.

Best,



Paul Blank
Harbormaster
Harbor Department
Office: 949-270-8158

1600 W Balboa Blvd
Newport Beach, CA 92663

On Nov 12, 2024, at 9:58 PM, L. Scott Karlin <scott@karlinlaw.com> wrote:

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Thank you for your consideration

Scott Karlin

ScottKarlin@Yahoo – 949-371-8228

L. Scott Karlin
The Karlin Law Firm, LLP
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213.519.5633 - 212-235-7235 408.216.2136 - 760.407.2409

Please see attached. Also repeated here:

Harbor Commission Meeting – November 12, 2024 – Agenda Item No. 6.4

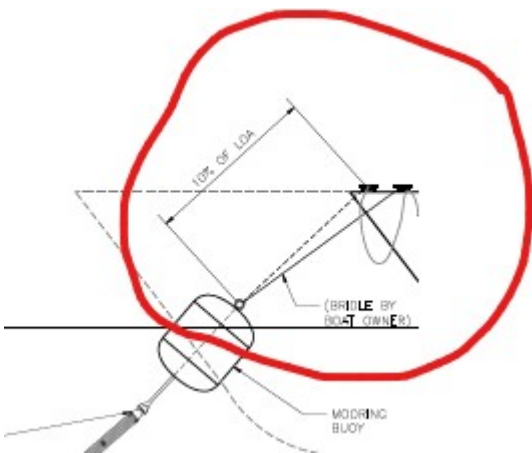
Re: Helical Anchor System for Moorings

To the honorable Harbor Commission:

The Helical Anchor Design shows the mooring pendant at 10% of Boat Length. A mooring pendant is the length of line from the boat to the buoy. The proposed new shorter length of the mooring pendants means that a 40-foot boat would have a mooring pendant of only 4 feet. If the boat has a 4-foot freeboard (waterline to deck of boat), then with only a 4-foot line from the bow cleat to the mooring buoy **the boat would be on top of the buoy** and would be touching the buoy (and damage the boat at the water line). This is even more concerning given that most boats have bow cleats located 1 to 3 feet from the bow. While many boats have an angled bow, most modern sailboat designs tend to have a “plumb bow” which would make matters worse. For these and other reasons, the City’s historic regulations require much longer mooring pendants. The reference to 10% of LOA for the mooring pendants should be replaced by a reference to the City’s current regulations for the length of the mooring pendants.

The image below shows the proposed new requirement for the length of the mooring pendants at 10% of LOA. Instead, it should say, “see City regulations regarding length of mooring pendants”.

Illustration attached



Biddle, Jennifer

Subject: FW: Public Comments for Harbor Commission Meeting 11/13/24 Agenda Item 6.1
(Current Business-2025 Harbor and Beaches Master Plan)

From: Beer, Ira <ibeer@newportbeachca.gov>
Sent: November 13, 2024 11:56 AM
To: Admin <mail@newportmooringassociation.org>; Harbor Commission <HarborCommission@newportbeachca.gov>
Cc: City Clerk's Office <CityClerk@newportbeachca.gov>
Subject: Re: Public Comments for Harbor Commission Meeting 11/13/24 Agenda Item 6.1 (Current Business-2025 Harbor and Beaches Master Plan)

Dear Ms. Stenton,

Thank you for your acknowledgements and comments. While your written comments will be included in the public comments for the November 13, 2024 Harbor Commission meeting, for your benefit I wanted to clarify the following:

Currently, there is no “large scale conversion” from weighted anchors to helical anchors proposed in the Harbor and Beaches Master Plan or in any agendized items for the above referenced meeting.

The pilot project for optimizing the C-Field is part of an open water initiative by the Harbor Commission and is intended to better organize the field providing a reduced footprint, improved navigation between rows and more open water both between the shoreline and the mooring field as well as on the open water side of the mooring field. This initiative, approved by City Council does not contemplate changing out anchor weights.

I hope this clarifies your concerns and should you have others, please be sure to attend the public meeting and provide comments. Thank you.

Best regards,



Ira Beer
Harbor Commissioner
ibeer@newportbeachca.gov
(949) 702-6900

From: Admin <mail@newportmooringassociation.org>
Date: Tuesday, November 12, 2024 at 10:35 AM
To: Harbor Commission <HarborCommission@newportbeachca.gov>
Cc: City Clerk's Office <CityClerk@newportbeachca.gov>
Subject: Public Comments for Harbor Commission Meeting 11/13/24 Agenda Item 6.1 (Current Business-2025 Harbor and Beaches Master Plan)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Dear Chair Cunningham, Vice Chair Beer, Secretary Marston, and Commissioners Scully, Svrcek, Williams and Yahn,

Thank you for the work you do to keep our harbor safe, clean, and accessible to all. We recognize and appreciate the dedication that goes into maintaining and enhancing Newport Harbor, and we are grateful for your efforts.

I would like to raise a concern regarding the proposed large-scale conversion from the existing weighted mooring system to helical mooring anchors. While the potential benefits of helical anchors may be worth considering in some locations, the costs associated with this change in Newport Harbor are substantial. As noted in the proposal, the pilot project to replace all mooring weights in Mooring Field C with helical anchors alone is estimated to cost \$472,000. Additionally, the Harbor and Beaches Master Plan outlines a broader conversion of up to 1,500 moorings, which could exceed \$11 million.

With costs like these, it's crucial to assess who will bear the financial burden—where will the \$11 million come from? Will it be from mooring holders, who already face rising costs, or will it be covered with general tidelands funds, or City taxpayers? We believe the existing mooring system could be improved through targeted upgrades without such an expensive, comprehensive overhaul.

Ultimately, this change could lead to higher-costs for berthing a vessel on a mooring, putting harbor access out of reach for many boaters on a budget. This shift is concerning, as it may effectively limit harbor access to wealthier individuals and could potentially undermine the accessibility goals highlighted by both the California Coastal Commission and the State Lands Commission this year.

I urge the Commission to consider whether a 100% conversion to helical moorings is the most cost-effective and inclusive path forward. The Newport Mooring Association stands ready to collaborate on alternatives to improve the existing mooring system to benefit all stakeholders. Thank you again for your time and for considering the community's perspective on this important issue.

Respectfully,

Anne Stenton

President, Newport Mooring Association



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

November 13, 2024
Agenda Item No. 6.5

TO: HARBOR COMMISSION

FROM: Paul Blank, Harbormaster - 949-270-8158,
pblank@newportbeachca.gov

TITLE: Ad Hoc Committee Updates

ABSTRACT:

Several ad hoc committees have been established to address short term projects outside of the Harbor Commission objectives. This is the time the ad hoc committees will provide an update on their projects.

RECOMMENDATION:

- a) Find this action exempt from 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; and
- b) Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The Harbor Commission has two established ad hoc committees at this time to provide further review of issues that have arisen outside the adoption of the Harbor Commission Objectives or at the request of City Council. This is the time the Ad Hoc Committees will update the Harbor Commission on their progress.

The Ad Hoc Committees are:

- Balboa Ferry Ad Hoc – Commissioners Scully, Svrcek and Yahn (05-10-2023)
- General Plan Update to the Harbor and Bay Element Ad Hoc – Commissioners Scully, Marston and Yahn (10-09-2024)
- Public Dock Utilization Ad Hoc (04-10-2024) – Commissioners Beer, Svrcek and Williams.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission 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, Division 6, 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 Harbor Commission considers the item).



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

November 13, 2024
Agenda Item No. 6.6

TO: HARBOR COMMISSION

FROM: Paul Blank, Harbormaster, 949-270-8158
pblank@newportbeachca.gov

TITLE: Harbor Commission 2024 Objectives

ABSTRACT:

Each ad hoc committee studying their respective Objective within the Commission's 2024 Objectives, will provide a progress update.

RECOMMENDATION:

- a) Find this action exempt from 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; and
- b) Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The Harbor Commission periodically prepares objectives and devises workplans to accomplish those objectives. The cycle for objective setting is roughly each calendar year. The Harbor Commission adopted objectives for 2024 at their meeting in October of 2023. They also agreed to assignments of responsibility for the objectives in various functional areas. This is the time when Commissioners will report progress against their objectives.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

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

ATTACHMENTS:

Attachment A – Harbor Commission 2024 Objectives

Newport Harbor Commission Purpose & Charter

Newport Harbor supports numerous recreational and commercial activities, waterfront residential communities and scenic and biological resources. The Harbor Commission's charge under Section 713 of the Newport Beach City Charter is to advise the City Council on the diverse uses of Newport Harbor and its waterfront. The Charter specifies:

There shall be a City Harbor Commission of seven members which shall have the power and duty to:

- (a) Advise the City Council on all matters relating to proposed harbor improvements and the use of Newport Harbor.
- (b) Advise the City Council on all matters pertaining to the use, control, operation, promotion, and regulation of all vessels within Newport Harbor.
- (c) Approve, conditionally approve, or disapprove applications on all permits where the City of Newport Beach Municipal Code assigns the authority for the decision to the Harbor Commission.
- (d) Make recommendations to the City Council for the adoption of regulations and programs necessary for the ongoing implementation of the goals, objectives, and policies of the Harbor and Bay Element of the General Plan.
- (e) Advise the City Council, Planning Commission and City Manager on land use and property development applications referred to the Harbor Commission by the City Council, Planning Commission, or the City Manager.
- (f) Serve as an appellate and reviewing body for decisions on permits and other harbor-related administrative matters where the City of Newport Beach Municipal Code assigns such authority to the Harbor Commission.
- (g) Perform such other duties relating to Newport Harbor as the City Council may require. (As amended effective December 14, 2020)

Harbor Commission – Objectives

The following objectives are intended to support the mission of the Harbor Area Management Plan and the two most essential responsibilities of the Harbor Commission: (1) Ensuring the long-term welfare of Newport Harbor for all residential, recreational, and commercial users; (2) Promoting Newport Harbor as a preferred and welcoming destination for visitors and residents alike.

These updated objectives are subject to the review and approval of the Commission, and final approval by the Newport Beach City Council. Harbor Commission ad hoc committees, as established by the Commission, bear principal responsibility for coordinating the Commission's efforts, along with staff support, in achieving these Objectives.

2024 Newport Beach Harbor Commission Goals and Assignments

1. Conduct annual review of Title 17 and recommend updates to City Council where necessary (Commissioner Yahn).
2. Collaborate with the Water Quality/Coastal Tidelands Committee to partner on areas within the Harbor that both Commission/Committees intersect (Commissioners: Svrcek, Scully)
3. Successful implementation of the mooring reconfiguration initiative, including design, testing, permitting, execution, and monitoring (Commissioner: Beer).
4. ~~Collaborate with Parks, Beaches, and Recreation Commission and Staff to evaluate the best use for Lower Castaway and make a recommendation to City Council (Commissioners: Marston, Svrcek).~~
5. Work with staff to identify opportunities to add additional Harbor Services (~~Restrooms~~, additional pump out stations, dock space, Shore Boat Service, Boat Launch Ramp, ~~and development of the mobile app~~) (Commissioners: Marston, Yahn)
6. Continue with the participation of businesses, nonprofits, and the Harbor Department with a Newport Harbor Safety Committee to promote best practices and address safety issues on the water (Commissioner: Scully).
7. Review Harbor Department responsibilities, evaluate the Department's readiness and effectiveness to deliver Harbor services as necessary for normal operations and during emergencies and make recommendations as determined necessary (Commissioner: Scully, Williams).
8. Work with City Staff on an update of the market Rent to be charged for onshore and offshore moorings (Commissioner: Cunningham, Beer).
9. Evaluate establishing day moorings off Big Corona Beach (Commissioner: Williams).
10. Support staff in all efforts related to the dredge completion of the Federal Navigation channels in addition to the upcoming agency renewals of Regional General Permit (RGP54) shallow water dredging permit. (Commissioners: Cunningham, Svrcek)



NEWPORT BEACH

Harbor Commission Staff Report

November 13, 2024
Agenda Item No. 6.7

TO: HARBOR COMMISSION

FROM: Paul Blank, Harbormaster - (949) 270-8158,
pblank@newportbeachca.gov

TITLE: Harbormaster Update – October 2024 Activities

ABSTRACT:

The Harbormaster oversees the City Harbor Department and is responsible for the management of the City’s mooring fields, enforcement of the municipal code, events permitting, safety and rescue operations, the Marina Park Guest Marina, marine sanitation pump out equipment and public pier maintenance, water quality monitoring and maintenance, impound and disposition of abandoned and unclaimed vessels and public relations and information dissemination on and about Newport Harbor.

This report will update the Harbor Commission on the Harbor Department’s recent activities.

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) Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

October found the Harbor Department team focused on catch-up and maintenance of equipment and facilities that went heavily used during the summer months. Our patrol boats all now have two, permanently mounted VHF radios with integrated Public Address systems. Maintenance on the docks at Marina Park as well as several public docks was carried out.

Clean

Significant efforts were expended to maintain and improve the cleanliness of the harbor. Highlights included:

- An octopus sighting was reported by Commissioner Svrcek and another was reported by the Kerckhoff Marine Laboratory in their newsletter. The presence of these octopi are an encouraging sign of the quality of water and nutrients in the harbor
- Orange Coast College students enjoying a sailing class flagged down a Harbor Services Worker (HSW) to learn more about our new, electric patrol vessel, “HD-EV”
- While dewatering a vessel in Balboa Coves, alert HSWs identified likely unpermitted construction at a nearby upland property. Our colleagues in Community Development were grateful for the investigation and report
- The department provided support for a contractor performing a survey associated with the upcoming dredging project
- Significant sea lion presence was dealt with in numerous locations despite it being late in the season
- The "NO FISHING" signs at the Balboa Marina Public Dock continue to be vandalized. We continue to restore and replace them as well encourage the anglers we encounter to fish at other convenient locations

Safe

Significant efforts were expended to maintain and improve the safety of the harbor. Highlights included:

- New video surveillance cameras were implemented and focused on the 19th and 15th Street Public Docks. This project was more than two years in the making. New signage was added to both docks indicating they are under video surveillance
- Several mooring assists were provided to mariners visiting for the air show
- Department patrol boats assisted with traffic and speed control of vessels returning from the air show
- An early morning Code Enforcement patrol was carried out to further investigate residential dock lighting complaints and multiple berthing concerns
- An investigation was carried out on a vessel extending past the end of its dock further than its beam
- HSWs assisted a boater tying up on the newly rebuilt Lido Isle Community Association dock
- HSWs provided a late-in-shift assist for a Recreation Department customer that had not returned to Marina Park as expected. HSWs set out and found them in the east anchorage struggled and returned them to Marina Park safely
- A couple of exhausted paddle boarders got a lift back to their rental base next to Lido bridge from where they were struggling near the ferry crossing
- HSWs installed swim safety ladders on the new public dock at 29th Street

- Several assists and tows were provided to mariners in the foggy conditions experienced during October 26 and 27

Well-enjoyed

Significant efforts were expended to maintain and improve the enjoyment of the harbor. Highlights included:

- A frequent unpermitted charterer was identified and documented using a public dock for passenger pickup. A citation was issued and is being followed up with requirements related to having a Marine Activities Permit
- We were able to resolve a conflict over lighting between two neighbors on one side of a channel and a neighbor across the channel that was escalating
- As part of a routine audit and survey of conditions, the opportunity to restore a long ago removed mooring was identified. When restored, the 40' mooring in the J field will be added to the mooring license program

Odds and Ends

Significant efforts were expended to address harbor-related matters other than cleanliness, safety, and enjoyment. Highlights included:

- Twenty-six items were sold at the small vessel auction netting the City \$1400. Two items did not sell and were disposed of
- All team members received (refresher) training on interacting with the public, processing private party impounds and our authority to impound
- The newly placed 24-hour surveillance signs at the 19th Street Public Docks were torn off their posts. Within a day the vandal was identified, contacted and offered an opportunity to participate in restorative justice, which he accepted. The signs have been restored
- A public comment at the Coastal Commission meeting related to the Harbor Department's origination and current budget resulted in an analysis of costs for the various services provided. See the final, new graph in Attachment A - Harbor Department Statistics Infographic with telling information about the costs for services provided by the department

The most amusing call of the month came in the form of an encounter with a paddle boarder on the water in calm conditions and well away from our electric patrol vessel operating at idle speed. Here's the log entry from the Harbor Service Worker:

While transiting from the area of emerald public dock, I was traveling on HD4 at idle speed, approx 1 mph, I observed a paddle boarder in the middle of the channel, while never more than 50 ft from the elderly male, he yelled, "hey." I did not expect an issue and I stared "good morning". He then shrugged at me and asked me if I was trying to run him over. As I was so far away from him I figured he was making a friendly joke. I stated that I was just traveling on my way. He then yelled "a*****" at me and I advised him to watch his language in the harbor and

wished him a good rest of his day. I am reporting this as this man was definitely intending to start a confrontation with me which I did not engage in, and I reiterate, there was never a moment where I was anywhere close to him although traveling very slowly in his direction.

The department is actively engaged in discussions on how to ensure the 2024 Newport Beach Christmas Boat Parade is a clean, safe and well-enjoyed experience for all.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission 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, Division 6, Chapter 3, because it has no potential for resulting in a 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 Harbor Commission considers the item).

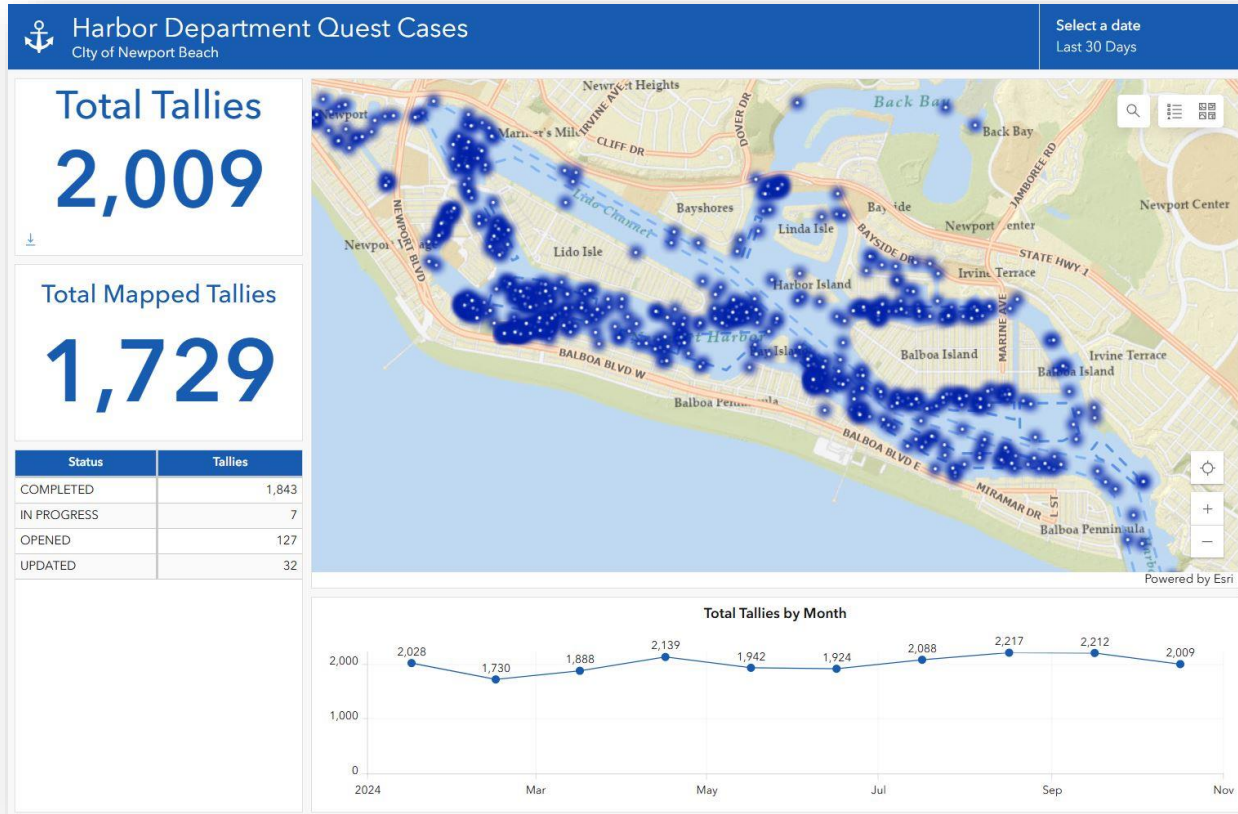
ATTACHMENTS:

- Attachment A – Harbor Department Statistics Infographic
- Attachment B – Harbor Department Statistics by Month, Current Year
- Attachment C – Harbor Department Statistics, Year over Year Comparison
- Attachment D – Harbor Department Definitions

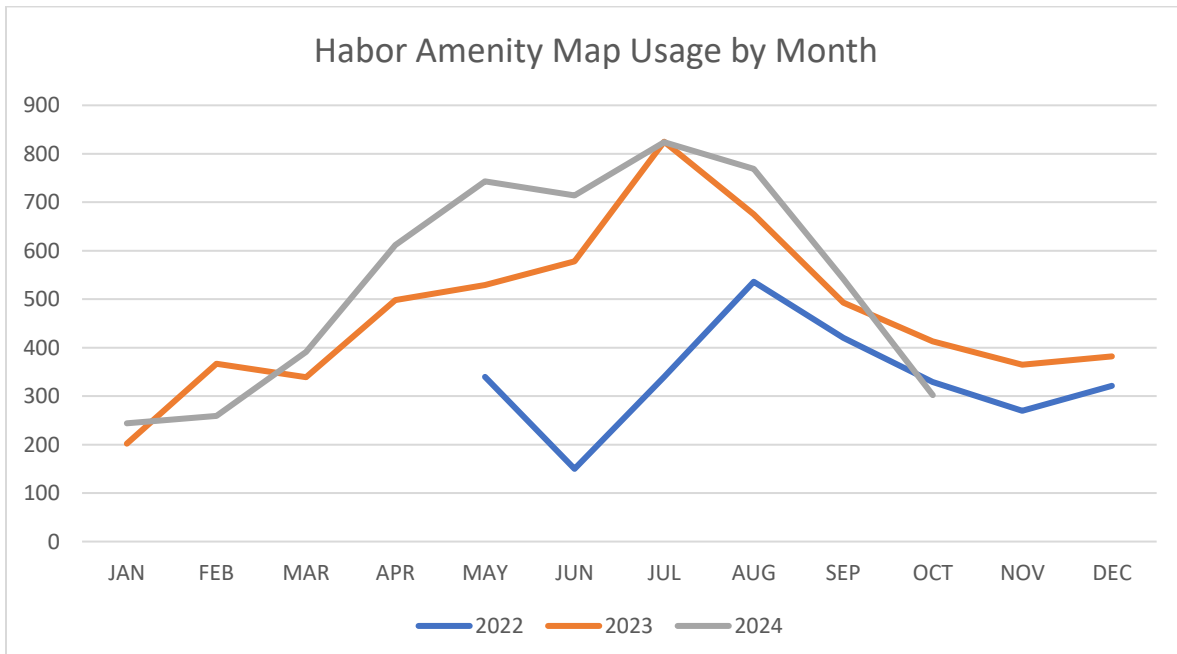
HARBOR DEPARTMENT STATISTICS INFOGRAPHIC

For the complete monthly data set, please refer to Attachments B and C on the Harbormaster Update staff report.

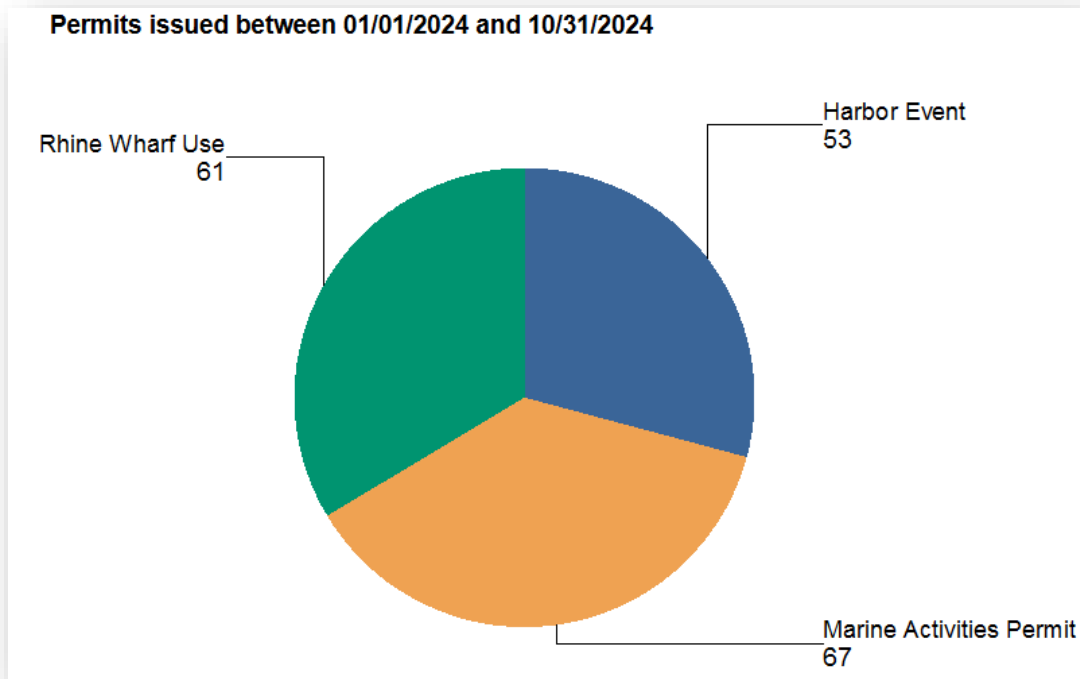
Heatmap of Harbor Service Requests – For the Month



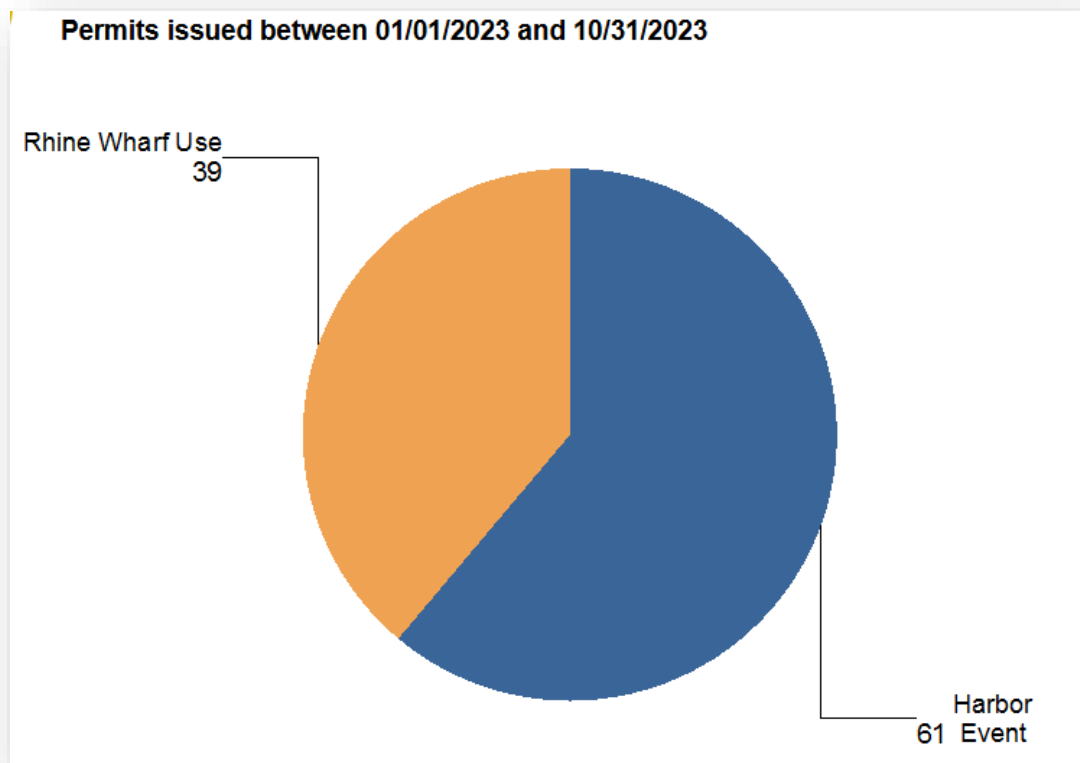
Harbor Adjacent Public Amenity Map Usage



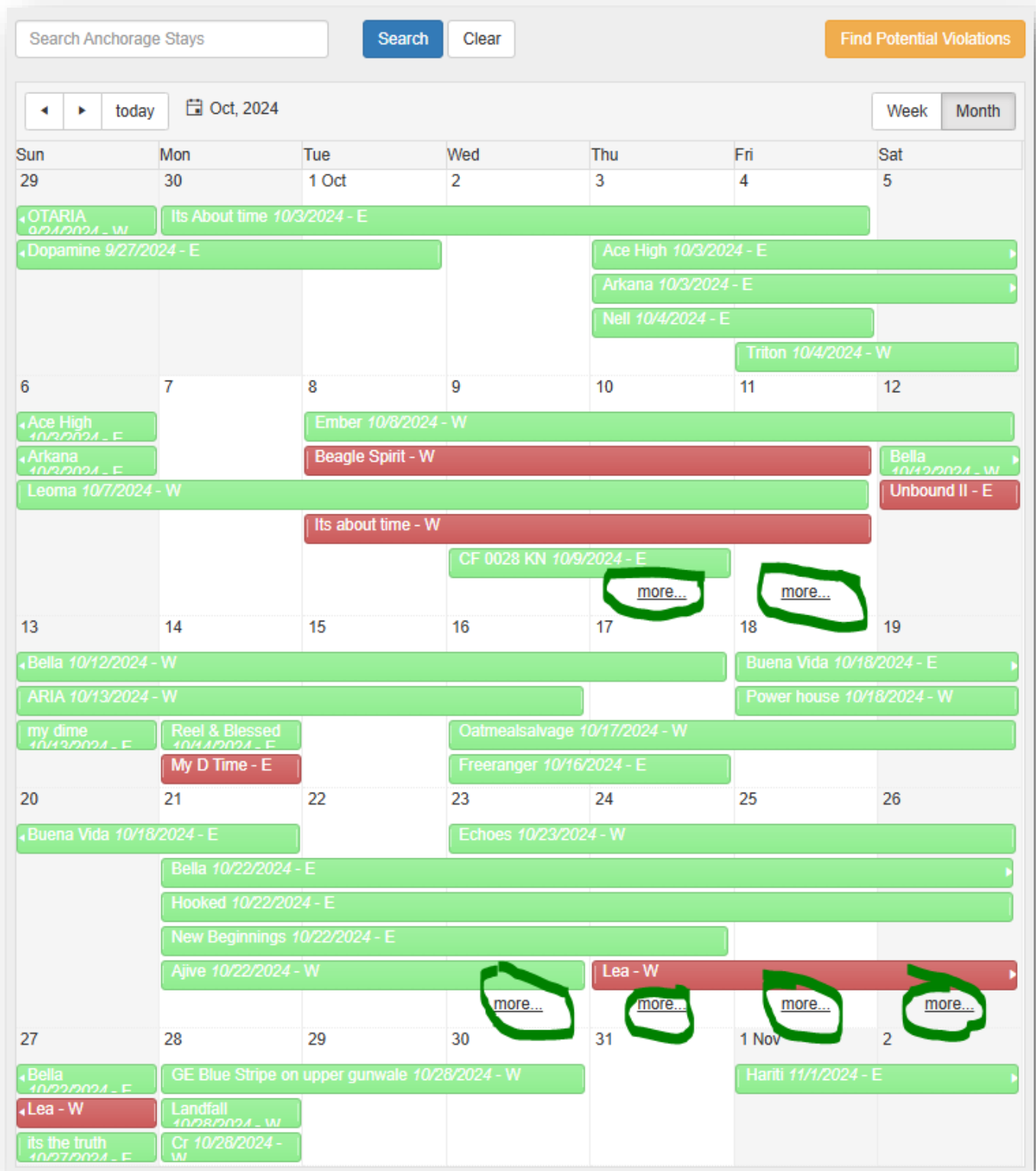
Permit Activity in 2024



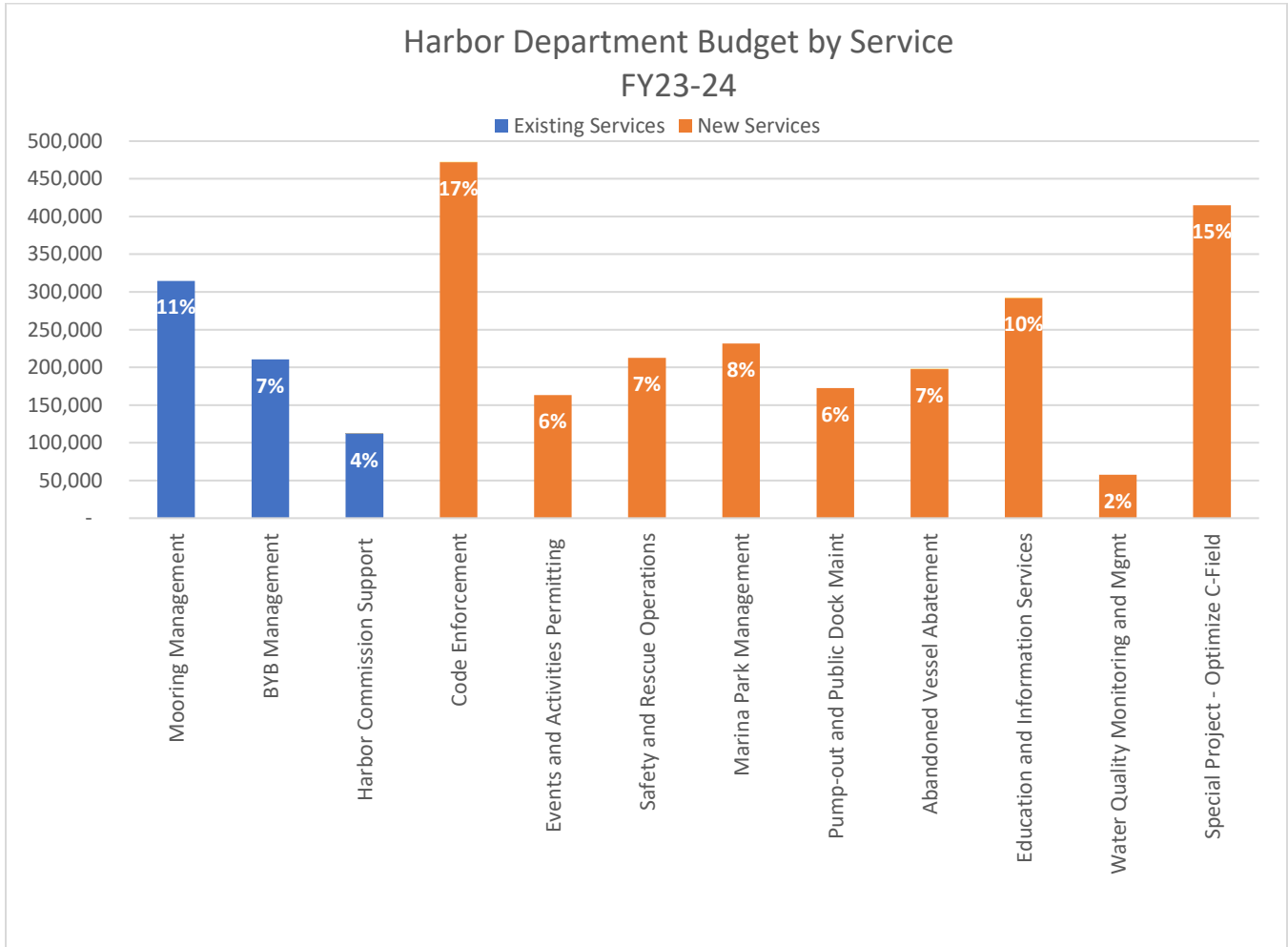
Permit Activity in 2023



Anchorage Usage for the Month



Annual Costs For Harbor Department Services



Harbor Department Statistics					
Fiscal Year 2024-25					
	July	August	Sept.	Oct.	YTD
Anchorage-Daytime Raft-up, No Permit Required	0	0	0	0	0
Anchorage -3 Day Limit Violation	1	4	6	1	12
Anchorage -Improper Anchoring	30	32	12	0	74
Anchorage-Raft-up permit Required	0	0	5	0	5
Anchorage Raft-up Violation	0	0	1		1
Anchorage-Unattended Vessel	0	2	2		4
Anchorage Dye Tab	30	33	31	26	120
Assisting Vessels Over 20'	5	15	13	7	40
Assisting Vessels Under 20'	8	8	3	4	23
Boat Maintenance	13	19	36	55	123
Bridge Jumpers	41	55	23	0	119
Code Enforcement	77	78	84	56	295
Daily Anchorage Check	90	72	101	88	351
Dewatering Vessels	0	2	1	3	6
Discharge/Pollution	9	8	7	1	25
Fishing Enforcement	0	0	4	6	10
Dock/Pier/Bridge Issue	89	134	31	34	288
Emergency	1	3	0	0	4
General Assist	52	63	39	35	189
Hazards/Debris	4	10	21	18	53
Human Lift Use Request	0	1	1	2	4
Impound	11	16	48	10	85
Impound Relocation	10	6	8	42	66
Incident	11	8	20	12	51
Marina Park Dock Maintenance	23	18	29	22	92
Mooring Assist	23	19	24	10	76
Mooring Check	52	45	46	35	178
Mooring Field Vacancy Check	107	151	155	162	575
Navigational Lighting	21	0	3	3	27
Noise	2	18	3	1	24
Paddleboard/Kayak	15	28	2	1	46
Patrol Check	38	38	21	26	123
Proactive Patrol	1	3	15	21	40
Public Contact	87	129	107	114	437
Public Dock Enforcement	1002	979	1083	1,057	4121
Pump Out	6	15	7	7	35
Registration & Insurance	58	35	79	69	241
Sea Lions	13	58	51	32	154
Speeding	28	37	17	16	98
Spreader Line	4	4	8	2	18
Sub Permit Dye Tab	1	1	4	1	7
Swim Line	4	5	3	2	14
Training	8	0	2	3	13
Trash	111	59	48	23	241
Vessel Inspections	2	8	8	8	26
					0
Rentals - Marina Park Slips	177	161	140	113	591
# of nights	548	543	419	356	1866
Rentals - MP Sand Lines	19	9	10	13	51
# of nights	62	42	26	49	179
Offshore Mooring Sub-permittee	135	112	90	81	418
# of nights	846	764	483	638	2731
Onshore Mooring Sub-permittee	44	39	39	46	168
# of nights	570	527	536	620	2253
Code Enforcement					
New Cases	67	81	96	115	359
Closed Cases	71	56	92	77	296
Verbal Warning	7	7	10	6	30
Warning Notices	68	94	118	149	429
Admin Cites	0	17	18	17	52
MAPS Issued	0	0	0	0	0

**Harbor Department Statistics
Comparison Year over Year**

	Jul-23	Jul-24	Aug-23	Aug-24	Sep-23	Sep-24	Oct-23	Oct-24	YTD 23-24	YTD 24-25
Anchorage-Daytime Raft-up, No Permit Required	0	0	0	0	0	0	0	0	0	0
Anchorage -3 Day Limit Violation	1	1	0	4	6	6	1	1	8	12
Anchorage -Improper Anchoring	22	30	10	32	19	12	3	0	54	74
Anchorage-Raft-up permit Required	0	0	0	0	0	5	0	0	0	5
Anchorage-Raft-Up Violation	0	0	0	0	0	1		0	0	0
Anchorage-Unattended Vessel	0	0	0	2	0	2	0	0	0	4
Anchorage Dye Tab	36	30	27	33	25	31	28	26	116	120
Assisting Vessels Over 20'	19	5	9	15	18	13	2	7	48	40
Assisting Vessels Under 20'	10	8	18	8	14	3	7	4	49	23
Boat Maintenance	4	13	13	19	21	36	24	55	62	123
Bridge Jumpers	42	41	80	55	43	23	10	0	175	119
Code Enforcement	134	77	62	78	65	84	48	56	309	295
Daily Anchorage Check	53	90	40	72	68	101	83	88	244	351
Dewatering Vessel	0	0	0	2	0	1	0	3	0	6
Discharge/Pollution	4	9	5	8	6	7	3	1	18	25
Fishing Enforcement	0	0	0	0	0	4		6	0	10
Dock/Pier/Bridge Issue	42	89	18	134	9	31	15	34	84	288
Emergency	2	1	2	3	0	0	0	0	4	4
General Assist	47	52	125	63	71	39	72	35	315	189
Hazards/Debris	11	4	20	10	14	21	10	18	55	53
Human Lift Use Request	0	0	0	1	2	1	0	2	2	4
Impound	9	11	15	16	10	48	47	10	81	85
Impound Relocation	0	10	0	6	0	8	0	42	0	66
Incident	32	11	25	8	27	20	13	12	97	51
Marina Park Dock Maintenance	12	23	27	18	9	29	13	22	61	92
Mooring Assist	22	23	14	19	20	24	12	10	68	76
Mooring Check	158	52	117	45	97	46	74	35	446	178
Mooring Field Vacancy Check	31	107	28	151	19	155	35	162	113	575
Navigational Lighting	0	21	0	0	0	3	0	3	0	27
Noise	1	2	0	18	1	3	0	1	2	24
Paddleboard/Kayak	8	15	18	28	4	2	1	1	31	46
Patrol Check	0	38	0	38		21		26	0	123
Proactive Patrol	0	1	0	3	0	15	0	21	0	40
Public Contact	143	87	104	129	76	107	69	114	392	437
Public Dock Enforcement	669	1002	706	979	804	1083	1,009	1057	3,188	4121
Pump Out	19	6	15	15	14	7	7	7	55	35
Registration & Insurance	16	58	34	35	21	79	61	69	132	241
Sea Lions	15	13	58	58	106	51	40	32	219	154
Speeding	37	28	23	37	23	17	6	16	89	98
Spreader Line	2	4	6	4	6	8	0	2	14	18
Sub Permit Dye Tab	0	1	7	1	3	4	2	1	12	7
Swim Line	5	4	4	5	2	3	0	2	11	14
Training	0	8	0	0	0	2	0	3	0	13
Trash	7	111	85	59	62	48	59	23	213	241
Vessel Inspections	0	2	0	8	0	8	1	8	1	26
Rentals - Marina Park Slips	170	177	173	161	170	140	109	113	622	591
# of nights	510	548	495	543	441	419	372	356	1,818	1866
Rentals - MP Sand Lines	24	19	18	9	19	10	15	13	76	51
# of nights	82	62	99	42	76	26	71	49	328	179
Offshore Mooring Sub-permit	116	135	92	112	121	90	106	81	435	418
# of nights	696	846	876	764	971	483	1,052	638	3,595	2731
Onshore Mooring Sub-permit	61	44	52	39	48	39	53	46	214	168
# of nights	744	570	755	527	913	536	737	620	3,149	2,253
Code Enforcement										
New Cases	102	67	98	81	97	96	80	115	377	359
Closed Cases	64	71	98	56	63	92	72	77	297	296
Verbal Warning	13	7	12	7	8	10	3	6	36	30
Warning Notices	76	68	83	94	83	118	104	149	346	429
Admin Cites	18	0	19	17	16	18	13	17	66	52
MAPS Issued	0	0	0	0	3	0	1	0	4	0

Harbor Department Definitions

Anchorage	Anchorage Check of vessels in anchorage each day
Anchorage Dye Tab	Board vessel and place dye tablets in head (toilet). Ensure marine sanitation system does not leak
Assisting Vessels Over 20'	Assisting or educating Vessels over 20' (Anchorage Boundary Issue, Pump Out sinking vessel)
Assisting Vessels under 20'	Assisting or educating Vessels under 20' (Anchorage Boundary Issue, Pump Out sinking vessel)
Boat Maintenance	Performing routine maintenance on the Department's patrol vessels
Bridge Jumpers	Warning/Educating people not to jump
Daily Anchorage Check	Count of boats in anchorage each day
Dewatering Vessels	Using HD equipment to remove water from vessels in danger of sinking
Discharge/Pollution	Any pollutant being discharged into the water
Emergency	Any emergency sent to 911 and/or assist in such circumstances
General Assist	General Harbor Information, Misc. Catch all for activities not otherwise categorized
Hazards/Debris	Large Debris in water such as log, chair, shopping cart, etc.
Impound	Vessel Impounded in place or at dock
Incident	Progressed Incident but not level of Emergency
Marina Park Dock Maint.	Maintenance, repair and improvements for the visitor-serving marina at Marina Park
Mooring Assist	Helping Permittee or Sub-permittee on or off of the mooring
Mooring Check	Checks on moorings that are necessary outside the daily mooring vacancy checks, Checking lines, etc.
Navigational Lighting	Inspection and advisories on requirements for lighting on vessels after dusk
Noise	Noise complaint
Paddleboard/Kayak	Assisting or educating paddleboarders or kayakers
Patrol Check	Conduct a review of field conditions in a specific area of the harbor
Proactive Patrol	After hours patrols focussed on specific reports or concerns (noise, live-boards, public dock use, etc.)
Public Contact	Education of rules and regulations in the harbor
Public Dock Enforcement	Boat tagged at public dock
Public Dock/Pier/Bridge	Gangway detached, Maintenance Issues, etc. support for Public Works and Utilities
Pump Out	Pump-Out Dock Issue (Enforcement of time limits or inoperable pump)
Registration & Insurance	Follow up with Permittees on Expired Documents
Sea Lions	Sea Lion Complaint, Abatement Effort
Speeding	Wake Advisement/ educating boaters to slow down
Spreader Line	Inspect, notice and correct conditions with spreader lines on moorings
Subpermit Dye Tab	Administer dye tab test for vessel assigned to a subpermitted mooring
Swim Line	Replace/readjust/broken swim line issues
Trash	Daily trash pick up
Vessel Inspection	Perform standard inspection on vessel before assignment to mooring