



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, October 9, 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 August 14, 2024 Harbor Commission Regular Meeting

[08-14-2024 Harbor Commission Regular Meeting Draft Minutes](#)

[08-14-2024 Harbor Commission Regular Meeting Draft Minutes Commissioner Scully Comments](#)

[08-14-2024 Harbor Commission Regular Meeting Draft Minutes Secretary Marston Comments](#)

6) **PUBLIC HEARING**

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

The permit guidelines for onshore moorings indicate the maximum mooring length is eighteen feet. On September 5, 2024, a mooring permittee requested a variance to the mooring length limit and assignment of a new, proposed vessel to onshore mooring S-124. On September 10, 2024, the Harbormaster denied the request as the length of the vessel is documented at eighteen feet, four inches and exceeds the eighteen feet maximum length of the permitted mooring. The permittee has appealed the denial to the Harbor Commission.

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.

[Staff Report](#)

[Attachment A - Mooring Assignment Request Letter](#)

[Attachment B - Mooring Assignment Denial Letter \(w/out attachments\)](#)

[Attachment C - Onshore Mooring S-124 Permit and Transfer Information](#)

[Attachment D - Robalo 2025 R180 Manufacturer's Brochure](#)

[Attachment E - Appeal Application S-124](#)

[Attachment F - Casey Jones – Appeal to the City of Newport Beach Harbor](#)

[Commission \(HBR001\) Harbormaster Action to the Harbor Commission](#)

[Attachment G - Resolution HC2024-03](#)

[Additional Material Received Item No. 6.1 Appeal of Harbormaster's Decision to Deny Assignment & Variance to Onshore Mooring S-124 10-09-2024](#)

7) CURRENT BUSINESS**1. General Plan Harbor & Bay Element Update**

The City is currently engaged in an update to the General Plan. Curtis Black, a member of the General Plan Advisory Committee seeks input from the Harbor Commission on the Harbor and Bay Element of the General Plan. Chapter 4 of the City's General Plan is the Harbor and Bay Element. It has been suggested the Harbor Commission review the existing Harbor and Bay Element, a presentation to the Planning Commission from 2017 related to maintaining a vibrant harbor and contribute suggested revisions for the current General Plan Update. The Commission may wish to discuss and suggest revisions during a regular Harbor Commission meeting or convene an ad hoc subcommittee to develop recommendations for the full Harbor Commission to consider at a subsequent meeting.

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) Convene an ad hoc subcommittee to develop a revised vision statement to be presented at a subsequent meeting.

Staff Report

[Attachment A - General Plan Harbor and Bay Element – 2006](#)

[Attachment B - Harbor Commission Presentation to Planning Commission – 2017](#)

[Attachment C - Harbor Commission and the General Plan](#)

2. 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**3. 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](#)

[Additional Material Received Information from Subcommittee for Objective #9](#)

4. Harbormaster Update - August and September 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, 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](#)

8) MOTION FOR RECONSIDERATION

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

9) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

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

- 11) DATE AND TIME FOR NEXT MEETING: Wednesday, November 13, 2024 at 5 p.m.
- 12) ADJOURNMENT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach
Wednesday, August 14, 2024
5 p.m.

1. CALL MEETING TO ORDER

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

2. ROLL CALL

PRESENT: Scott Cunningham, Chair
Ira Beer, Vice Chair
Marie Marston, Secretary
Steve Scully, Commissioner
Gary Williams, Commissioner

ABSENT: Rudy Svrcek, Commissioner (excused)
Don Yahn, Commissioner (excused)

Staff Members: Paul Blank, Harbormaster
Jennifer Biddle, Executive Assistant
Cynthia Shintaku, Administrative Assistant
Rosalinda Gonzalez, Administrative Assistant

3. PLEDGE OF ALLEGIANCE – Led by Chair Cunningham

4. PUBLIC COMMENTS (NON-AGENDA ITEMS)

None.

5. APPROVAL OF MINUTES

1. Draft Minutes of the July 10, 2024 Harbor Commission Regular Meeting

Chair Cunningham opened public comments. Seeing none, Chair Cunningham closed public comments.

Vice Chair Beer moved to approve the July 10, 2024 Harbor Commission Regular Meeting minutes, as amended. Seconded by Commissioner Scully. The motion carried by the following roll call vote:

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

6. CURRENT BUSINESS

1. 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.

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

No update.

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

Harbormaster Blank is working with Water Quality and Coastal Tidelands Committee Member Curtis Black on a joint presentation to present to the Harbor Commission in October, in order to get the Harbor Commission more engaged on this topic.

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

No update.

Chair Cunningham opened public comments. Seeing none, Chair Cunningham closed public comments.

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

2. Harbor Commission 2024 Objectives

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> No report.
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> No report.
3.	Successful implementation of the mooring reconfiguration initiative, including design, testing, permitting, execution, and monitoring (Commissioner: Beer).
	<u>Update:</u> No report.
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> No report.
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> Commissioner Marston reported she met with Commissioner Yahn and they agreed that as restrooms have been previously discussed, it does not need to continue being listed on this item. Pump out, stations, a dock, space, Shore, boat service and launch a boat launch ramp should probably be continued, particularly the boat launch ramp, in case the agreement with the County was ever terminated, there would need to be some other kind of launch ramp available, The development of the mobile app could probably be taken off of this objective, since there is now a mobile app.
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> Commissioner Scully noted there is a gap in insurance on rental boats operating in the Harbor. There is an app-based insurance product which includes purchase of rental

		<i>insurance on a rental board for the time period of the rental. Several Harbor operators were contacted to gauge interest and awareness. Operators expressed concern that bringing up insurance to renters may cut down on rentals. The marine activity permit requires insurance from the operator. Insurance should be discussed with operators in the Harbor, especially to educate them that their insurance is at risk in the event of an incident.</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 commended the Harbor Department on their depth of services and responsibilities.</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 suggested to Commissioner Williams to look at putting \$50,00 toward getting Helix-4 moorings at the subject location, as it would be great to see boats moored off Big Corona. Vice Chair Beer noted Harbormaster Blank has been working on this item and obtaining costs and other information for implementation.</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>No report.</i>

Chair Cunningham opened public comments.

Adam Leverenz noted that comments were made regarding the restroom on the beach at a recent City Council meeting, citing that they are locked during evening hours when patrons from the restaurants and other establishments need to use them, and those individuals wind up using the Harbor for restroom purposes.

Seeing no others, Chair Cunningham closed public comments.

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

3. Harbormaster Update – July 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 a summary of the agenda report provided in the publicly noticed agenda packet. A PowerPoint presentation was displayed.

Commission and staff discussion ensued including comments related to data from Marina Park, over anchorages and Harbor rules regarding same, no reports that mooring permittees cannot access the pump outs, and the increase in trash/debris removal with the pool skimmer, as it was a performance metric assigned by the City Manager.

Chair Cunningham opened public comments. Seeing none, Chair Cunningham closed public comments.

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

7. MOTION FOR RECONSIDERATION

None.

8. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

None.

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

It was noted that Administrative Services Manager Chris Miller will be making a presentation in the next few months concerning the upcoming Capital Improvement Plan.

10. DATE AND TIME FOR NEXT MEETING:

The September meeting is canceled. The next regular meeting is scheduled for Wednesday, October 9, 2024, at 5 p.m.

11. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 5:40 p.m.

DRAFT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach
Wednesday, August 14, 2024
5 p.m.

1. CALL MEETING TO ORDER

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

2. ROLL CALL

PRESENT: Scott Cunningham, Chair
Ira Beer, Vice Chair
Marie Marston, Secretary
Steve Scully, Commissioner
Gary Williams, Commissioner

ABSENT: Rudy Svrcek, Commissioner (excused)
Don Yahn, Commissioner (excused)

Staff Members: Paul Blank, Harbormaster
Jennifer Biddle, Executive Assistant
Cynthia Shintaku, Administrative Assistant
Rosalinda Gonzalez, Administrative Assistant

3. PLEDGE OF ALLEGIANCE – Led by Chair Cunningham

4. PUBLIC COMMENTS (NON-AGENDA ITEMS)

None.

5. APPROVAL OF MINUTES

1. Draft Minutes of the July 10, 2024 Harbor Commission Regular Meeting

Chair Cunningham opened public comments. Seeing none, Chair Cunningham closed public comments.

Vice Chair Beer moved to approve the July 10, 2024 Harbor Commission Regular Meeting minutes, as amended. Seconded by Commissioner Scully. The motion carried by the following roll call vote:

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

6. CURRENT BUSINESS

1. 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.

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

No update.

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

Harbormaster Blank is working with Water Quality and Coastal Tidelands Committee Member Curtis Black on a joint presentation to present to the Harbor Commission in October, in order to get the Harbor Commission more engaged on this topic.

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

No update.

Chair Cunningham opened public comments. Seeing none, Chair Cunningham closed public comments.

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

2. Harbor Commission 2024 Objectives

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> No report.
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> No report.
3.	Successful implementation of the mooring reconfiguration initiative, including design, testing, permitting, execution, and monitoring (Commissioner: Beer).
	<u>Update:</u> No report.
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> No report.
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> Commissioner Marston reported she met with Commissioner Yahn and they agreed that as restrooms have been previously discussed, it does not need to continue being listed on this item. Pump out, stations, a dock, space, Shore, boat service and launch a boat launch ramp should probably be continued, particularly the boat launch ramp, in case the agreement with the County was ever terminated, there would need to be some other kind of launch ramp available, The development of the mobile app could probably be taken off of this objective, since there is now a mobile app.
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> Commissioner Scully noted there is a gap in insurance on rental boats operating in the Harbor. There is an app-based insurance product which includes provides the ability to

		<i>purchase of rental insurance on a rental board for the time period of the rental. Several Harbor operators were contacted to gauge interest and awareness. Operators expressed concern that bringing up adding the additional cost of insurance to renters may would cut down on the number of rentals. The marine activity permit requires insurance from the operator and there is a concern that all operators understand that they are -liable. This Insurance product should be discussed further in the future with operators in the Harbor, especially to educate them that their insurance is at risk in the event of an incident.</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 commended the Harbor Department on their <u>attention to detail</u>, depth of services and responsibilities.</i>
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Chair Cunningham opened public comments.

Adam Leverenz noted that comments were made regarding the restroom on the beach at a recent City Council meeting, citing that they are locked during evening hours when patrons from the restaurants and other establishments need to use them, and those individuals wind up using the Harbor for restroom purposes.

Seeing no others, Chair Cunningham closed public comments.

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

3. Harbormaster Update – July 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 a summary of the agenda report provided in the publicly noticed agenda packet. A PowerPoint presentation was displayed.

Commission and staff discussion ensued including comments related to data from Marina Park, over anchorages and Harbor rules regarding same, no reports that mooring permittees cannot access the pump outs, and the increase in trash/debris removal with the pool skimmer, as it was a performance metric assigned by the City Manager.

Chair Cunningham opened public comments. Seeing none, Chair Cunningham closed public comments.

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

7. MOTION FOR RECONSIDERATION

None.

8. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

None.

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

It was noted that Administrative Services Manager Chris Miller will be making a presentation in the next few months concerning the upcoming Capital Improvement Plan.

10. DATE AND TIME FOR NEXT MEETING:

The September meeting is canceled. The next regular meeting is scheduled for Wednesday, October 9, 2024, at 5 p.m.

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NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach
Wednesday, August 14, 2024
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1. CALL MEETING TO ORDER

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2. ROLL CALL

PRESENT: Scott Cunningham, Chair
Ira Beer, Vice Chair
Marie Marston, Secretary
Steve Scully, Commissioner
Gary Williams, Commissioner

ABSENT: Rudy Svrcek, Commissioner (excused)
Don Yahn, Commissioner (excused)

Staff Members: Paul Blank, Harbormaster
Jennifer Biddle, Executive Assistant
Cynthia Shintaku, Administrative Assistant
Rosalinda Gonzalez, Administrative Assistant

3. PLEDGE OF ALLEGIANCE – Led by Chair Cunningham

4. PUBLIC COMMENTS (NON-AGENDA ITEMS)

None.

5. APPROVAL OF MINUTES

1. Draft Minutes of the July 10, 2024 Harbor Commission Regular Meeting

Chair Cunningham opened public comments. Seeing none, Chair Cunningham closed public comments.

Vice Chair Beer moved to approve the July 10, 2024 Harbor Commission Regular Meeting minutes, as amended. Seconded by Commissioner Scully. The motion carried by the following roll call vote:

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

6. CURRENT BUSINESS

1. 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
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Balboa Ferry Ad Hoc – Commissioners Scully, Svrcek and Yahn (05-10-2023)

No update.

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

Harbormaster Blank is working with Water Quality and Coastal Tidelands Committee Member Curtis Black on a joint presentation to present to the Harbor Commission in October, in order to get the Harbor Commission more engaged on this topic.

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

No update.

Chair Cunningham opened public comments. Seeing none, Chair Cunningham closed public comments.

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

2. Harbor Commission 2024 Objectives

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
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	<u>Update:</u> No report.
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	<u>Update:</u> Commissioner Marston reported she met with Commissioner Yahn and they agreed that as restrooms have been previously discussed, it does not need to continue being listed on this item. Pump out, stations, a dock, space, Shore , boat service, and launch a boat launch ramp should probably be continued <u>for this objective.</u> – <u>The boat launch ramp is particularly the boat launch ramp important,</u> in case the agreement with the County was ever terminated, there would need to be some other kind of launch ramp available. The development of the mobile app could probably be taken off of this objective, since there is now a mobile app.
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>Commissioner Scully noted there is a gap in insurance on rental boats operating in the Harbor. There is an app-based insurance product which includes purchase of rental insurance on a rental board for the time period of the rental. Several Harbor operators were contacted to gauge interest and awareness. Operators expressed concern that bringing up insurance to renters may cut down on rentals. The marine activity permit requires insurance from the operator. Insurance should be discussed with operators in the Harbor, especially to educate them that there<u>their</u> insurance is at risk in the event of an incident.</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 commended the Harbor Department on their depth of services and responsibilities.</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 suggested to Commissioner Williams to look at putting \$50,000 <u>in the CIP</u> toward getting Helix-4 moorings at the subject location, as it would be great to see boats moored off Big Corona. Vice Chair Beer noted Harbormaster Blank has been working on this item and obtaining costs and other information for implementation.</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>No report.</i>

Chair Cunningham opened public comments.

Adam Leverenz noted that comments were made regarding the restroom on the beach at a recent City Council meeting, citing that they are locked during evening hours when patrons from the restaurants and other establishments need to use them, and those individuals wind up using the Harbor for restroom purposes.

Seeing no others, Chair Cunningham closed public comments.

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

3. Harbormaster Update – July 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 a summary of the agenda report provided in the publicly noticed agenda packet. A PowerPoint presentation was displayed.

Commission and staff discussion ensued including comments related to data from Marina Park, over anchorages and Harbor rules regarding same, no reports that mooring permittees cannot access the pump outs, and the increase in trash/debris removal with the pool skimmer, as it was a performance metric assigned by the City Manager.

Chair Cunningham opened public comments. Seeing none, Chair Cunningham closed public comments.

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

7. MOTION FOR RECONSIDERATION

None.

8. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

None.

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

It was noted that Administrative Services Manager Chris Miller will be making a presentation in the next few months concerning the upcoming Capital Improvement Plan.

10. DATE AND TIME FOR NEXT MEETING:

The September meeting is canceled. The next regular meeting is scheduled for Wednesday, October 9, 2024, at 5 p.m.

11. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 5:40 p.m.

DRAFT



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

October 9, 2024
Agenda Item No. 6.1

TO: HARBOR COMMISSION

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

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

ABSTRACT:

The permit guidelines for onshore moorings indicate the maximum mooring length is eighteen feet. On September 5, 2024, a mooring permittee requested a variance to the mooring length limit and assignment of a new, proposed vessel to onshore mooring S-124. On September 10, 2024, the Harbormaster denied the request as the length of the vessel is documented at eighteen feet, four inches and exceeds the eighteen feet maximum length of the permitted mooring. The permittee has appealed the denial to the Harbor Commission.

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.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

Background

On September 5, 2024, Casey Jones ("Permittee"), submitted a written request to the Harbormaster, Paul Blank, for pre-approval and variance to moor a Robalo 180 motorboat on

Mooring S-124. The vessel's technical specifications for the Robalo 180 indicated a Length Overall of 18' 4", which exceeds the 18' maximum length limit on mooring S-124. See Attachment A – Mooring Assignment Request Letter.

On September 10, 2024, the Harbormaster, Paul Blank ("Harbormaster"), informed the Permittee that the Permittee's request for a variance and assignment of the proposed vessel was denied. See Attachment B - Mooring Assignment Denial Letter.

On September 11, 2024, the Permittee submitted an appeal to the Harbormaster's denial decision to the City Clerk's Office for the City of Newport Beach ("City"). See Attachment C – Appeal Application.

Harbor Master – Issuance of Mooring Permits

The Harbormaster is tasked with determining whether to allow or not allow the assignment of vessels to moorings permitted by the City of Newport Beach. The decision to allow or not allow vessel assignments is made based on several factors including but not limited to safety, seaworthiness, operability, and length of the vessel.

The duties of the Harbormaster include but are not limited to those set forth in NBMC Section 17.05.055 which include:

- E. Interpret the meaning and application of the provisions of this title related to uses and activities that require a permit be issued by the Harbormaster and enforce this title with respect to uses and activities that fall within the Harbormaster's duties; and
- F. Approve, conditionally approve or disapprove applications for uses and activities that require a permit to be issued by the Harbormaster in accordance with the provisions set forth in this title.

The interpretation of harbor-related laws, codes, policies, and provisions is also the responsibility of the Harbormaster as is the process for appealing that interpretation as set forth in NBMC Section 17.05.110 which reads:

Where uncertainty exists regarding the interpretation of any provision of this title or its application to a use or activity that requires a permit be issued by the Harbormaster, Public Works Director or Community Development Director, the person holding the position charged with issuing the permit shall determine the intent of the provision or the application thereof and issue a determination or refer the matter to the Harbor Commission for a determination. An interpretation made by the Harbormaster, Public Works Director or Community Development Director may be appealed to or called for review by the Harbor Commission, in compliance with Chapter 17.65

Decisions made by the Harbormaster are also subject to requirements set forth in NBMC Section 17.05.140D. which include:

- 2. With respect to a request for a variance, the reviewing authority may approve or conditionally approve a variance from the standards of this title, the design criteria and other applicable standards and policies otherwise applicable to the property only after making **all of** the following findings:
 - a. The strict application of this title, the design criteria and other applicable standards and policies otherwise applicable to the property would deny the property owner privileges enjoyed by other property owners in the vicinity, based on special circumstances applicable to the property, including location, shape, size, surrounding topography or other physical features;

- b. Strict compliance with this title, the design criteria and other applicable standards and policies applicable to the property would deprive the subject property of privileges enjoyed by other properties in the vicinity;
- c. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;
- d. Granting of the variance will not constitute a grant of a special privilege inconsistent with the limitations on other properties in the City;
- e. Granting of the variance will not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the vicinity; and
- f. Granting of the variance will not be in conflict with the intent and purpose of this title, the design criteria and any applicable standards and policies approved by the City Council.

Also of note, the Harbormaster does have the authority to grant mooring length extension requests but only for offshore moorings as defined in NBMC 17.60.040M. – Request to Extend Mooring Length.

1. General. Mooring permittees shall not moor vessels that exceed their permitted maximum mooring length. If an offshore mooring permittee wishes to moor a vessel that requires an extension in mooring length, they may request an extension up to the established length of their mooring row. A request for an extension that would exceed the established length of their mooring row shall require the permittee to relocate to a larger mooring row. In no case shall mooring lengths exceed the established mooring row lengths.

Authority within 17.60.040M. does not apply to onshore moorings which are limited to 18'.

It is also acknowledged that among the 429 onshore moorings in Newport Harbor, there are 11 instances of vessel assignments that exceed the 18' length limit. One vessel assigned exceeds the 18' limit by 12 inches. One vessel assigned exceeds the length limit by 17 inches. The others all exceed the length limit by one to six inches. Of the 11 instances where the length limit is exceeded, eight assignments were made before the City Harbor Department existed and became responsible for such assignments. The City Harbor Department made the other three assignments before the current Harbormaster was hired and tasked with making decisions. The current Harbormaster has made no vessel assignments greater than mooring length limits.

Grounds for Denial of Assignment and Variance

Denial of the assignment of the proposed vessel to mooring S-124 was based on the following findings:

- The policy and practice of the current Harbormaster has been to apply the permitted mooring length as the maximum length for any vessel to be assigned to the mooring.
- NBMC 17.01.010(R)(2) Vessel Length. The term “vessel length” shall include the following:
 - a. Length overall as published by the manufacturer of a particular vessel (LOA).
 - The manufacturer's documentation on the proposed vessel, a Robalo 180 indicates the Length Overall (LOA) of the vessel is 18' 4" – see Attachment D – Robalo 2025 R180 Manufacturer's Brochure

- The policy and practice of the Harbormaster for the strict application of vessel length limits related to the mooring length is based on language in NBMC 17.60.040(M) – Request to Extend Mooring Length
 - 1. General. Mooring permittees shall not moor vessels that exceed their permitted maximum mooring length.
- The length limit on mooring S-124 is 18' – see Attachment E – Onshore Mooring S-124 Permit and Transfer Information
- Also in Attachment C are the Mooring Permit Transfer Terms and Conditions associated with Mooring Permit S-124 and include condition 17 which reads:
 - Shore moorings are **not allowed** for vessels over 18' in length.
- The opportunity exists to acquire a mooring permit for an offshore mooring of sufficient length to accommodate the proposed vessel

Denial of the variance request was based on the inability to make all the required findings set forth in NBMC Section 17.05.140D.2.a.-f. Specifically, the Harbormaster was unable to substantiate the following findings:

Finding:

- a. *The strict application of this title, the design criteria and other applicable standards and policies otherwise applicable to the property **does not** deny the property owner privileges enjoyed by other property owners in the vicinity, based on special circumstances applicable to the property, including location, shape, size, surrounding topography or other physical features.*

Facts in Support of Finding:

There are several other onshore moorings in the vicinity of Mooring S-124 all of which comply with the 18' length limit. There are no characteristics of mooring S-124 that stand out as unique or differentiate it from other onshore moorings in the vicinity that are compliant with the 18' length limit.

Finding:

- b. *Strict compliance with this title, the design criteria and other applicable standards and policies applicable to the property **does not** deprive the subject property of privileges enjoyed by other properties in the vicinity.*

Facts in Support of Finding:

Denying the variance and assignment of the proposed vessel does not deprive the mooring Permittee of privileges enjoyed by other onshore mooring permittees in the vicinity. The mooring Permittee has the opportunity to assign another vessel of essentially the same quality and operational characteristics as the proposed vessel but would not violate the length limit associated with the mooring.

Finding:

- c. *Granting of the variance is **not** necessary for the preservation and enjoyment of substantial property rights of the applicant.*

Facts in Support of Finding:

The substantial rights of the Permittee are preserved even with the 18' maximum length limit enforced. Other vessels are available that perform similarly to the proposed vessel and would not exceed the length limit for the mooring. The opportunity exists to acquire a mooring permit for an offshore mooring of sufficient length to accommodate the proposed vessel. Further, Maintaining the length limit is paramount to ensuring safe access for the public using the harbor significantly outweighs the Permittee's property rights.

Finding:

d. *Granting of the variance **would** constitute a grant of a special privilege inconsistent with the limitations on other properties in the City.*

Facts in Support of Finding:

Granting the variance would constitute a special privilege for this particular onshore mooring. The vast majority of the 429 onshore moorings and all vessel assignments made since May 3, 2021, are compliant with the 18' mooring length limit. NBMC Section 17.60.040M.1. requires strict application of vessel length limits related to the mooring length.

Finding:

e. *Granting of the variance **will be** detrimental to the harmonious and orderly growth of the City, **and** endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the vicinity.*

Facts in Support of Finding:

Granting the variance would be detrimental to the harmonious and orderly growth of the City's harbor. NBMC Section 17.60.040 governs the issuance of Mooring Permit(s) by the Harbormasters and is clear that "Mooring permittees shall not moor vessels that exceed their permitted maximum mooring length." The mooring length restrictions were established to increase access, minimize obstructions, maintain conformity, and ensure that the mooring arrangements in the harbor preserve the health and safety of everyone who uses the harbor. In the case of Mooring S-124, allowing deviations from the City's strict application of vessel length limits creates a potential danger that jeopardizes mooring safety and the health, safety, and general welfare of those using the harbor. The size of vessels on onshore moorings and their spacing from one another greatly impact the public's ability to use the beaches and access the water in the harbor. The limits on vessel length were established to prevent overcrowding, shading of the harbor bottom and barriers to accessing the water. Thus, granting the variance would run contrary to the Harbor Commission's objective of ensuring the long-term welfare of Newport Harbor for all residential, recreational, and commercial users.

Finding:

f. *Granting of the variance **would** be in conflict with the intent and purpose of this title, the design criteria and any applicable standards and policies approved by the City Council.*

Facts in Support of Finding:

Granting a variance would conflict with the direction inherent in the City Council-approved laws, codes, policies, and provisions he is tasked with applying harbor-wide. Local law requires strict application of vessel length limits related to the mooring length. (NBMC 17.60.040(M).)

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). Pursuant to NBMC Section 17.05.140(B), the Notice of Public Hearing was provided to the appellant, all residents within a 300' radius, and to members of the public requesting notice. Onshore mooring permittees within 300' of the site were also notified. Further, the Public Notice was posted in a conspicuous place, easily readable by the public and placed as close as possible to the site subject to the appeal.

ATTACHMENTS:

- Attachment A - Mooring Assignment Request Letter
- Attachment B - Mooring Assignment Denial Letter (w/out attachments)
- Attachment C - Onshore Mooring S-124 Permit and Transfer Information
- Attachment D - Robalo 2025 R180 Manufacturer's Brochure
- Attachment E - Appeal Application_S-124
- Attachment F - Casey Jones – Appeal to the City of Newport Beach Harbor Commission (HBR001) Harbormaster Action to the Harbor Commission
- Attachment G - Resolution HC2024-03

September 5, 2024

Paul Blank
City of Newport Beach Harbormaster
Harbor Department
1600 W. Balboa Boulevard
Newport Beach, CA

Re: Permitting for Robalo 180 on Mooring S-124

Dear Mr. Blank:

I am writing to request pre-approval for mooring a Robalo 180 speedboat on Mooring S-124 for which I hold the permit. I have made a deposit for this new vessel but have not yet taken delivery.

The Robalo 180 is marketed as an 18-foot boat; hence the "180" designation. However, the vessel's technical specifications indicate that the Length Overall (LOA) is 18' 4".


It is my understanding that the current guidelines for permitted overall vessel length is 18' 0" for shore moorings.

I am writing to request a 4" variance on the 18'0" guideline to facilitate the mooring of a Robalo 180 on mooring S-124. On a mooring with a 100-foot "run" from the "can" to the seawall such a relatively minor variance would seem to be reasonable and could have no conceivable negative impacts on the use of the tidelands by the public.

I further make this request in light of the fact that there appears to be precedence for such a variance. It has come to my attention that there are currently three (3) Robalo 180s on shore moorings on the South Bay Front of Balboa Island where my mooring is located. This letter is my formal request for confirmation that my prospective Robalo 180 would likewise be permitted on the S-124 shore mooring.

Because the investment in this new vessel is significant, I trust you can appreciate my need for confirmation that mooring the boat at S-124 will be permitted. To purchase the vessel only to find out that a mooring permit would be denied because of 4" of boat length would result in very unpleasant economic consequences.

Thank you for your assistance in this matter,



Casey Jones
949-683-2204
caseyojones08@gmail.com



September 10, 2024

Via First Class US Mail and email to: Caseyjones08@gmail.com

Casey Jones Trustee
JONES FAMILY REVOCABLE LIVING TRUST DATED 5.21.2018
2137 VISTA LAREDO
NEWPORT BEACH, CA 92660

RE: Mooring S-124 Vessel Assignment Request made 9/5/2024

Dear Mr. Jones:

Thank you for your interest in assigning a new vessel to the mooring S-124. Thank you also for your patience as I conducted the research and gathered the information necessary to evaluate the request.

I received your written request dated September 5, 2024, to evaluate the assignment of a vessel you are interested in purchasing to mooring S-124. This letter will serve as formal notice that your request to assign the proposed vessel has been denied.

The proposed vessel cannot be assigned to mooring S-124 based on the following findings:

- The policy and practice of the City of Newport Beach Harbor Department (NBHD) since its inception has been to apply the permitted mooring length as the maximum length for any vessel to be assigned to the mooring.
- NBMC 17.01.010(R)(2) Vessel Length. The term “vessel length” shall include the following:
 - a. Length overall as published by the manufacturer of a particular vessel (LOA).
The manufacturer’s documentation on the proposed vessel, a Robalo 180 indicates the Length Overall (LOA) of the vessel is 18’ 4” – see Attachment A – Manufacturer’s Brochure
- The policy and practice of the NBHD for the strict application of vessel length limits related to the mooring length is based on NBMC 17.60.040(M) – Request to Extend Mooring Length
 - 1. General. Mooring permittees shall not moor vessels that exceed their permitted maximum mooring length.
- The length limit on mooring S-124 is 18’ – see Attachment B – Mooring Permit S-124
- Also in Attachment B are the Mooring Permit Transfer Terms and Conditions associated with Mooring Permit S-124 and include condition 17 which reads:
 - Shore moorings are **not allowed** for vessels over 18’ in length.
- The opportunity exists to acquire a mooring permit for an offshore mooring of sufficient length to accommodate the vessel you intend to purchase

It is noted that your request references instances of other vessels of the same model that are currently assigned to other onshore moorings. I suspect those vessel assignments were made before the NBHD became responsible for managing the mooring permits and vessel assignments in July 2017.

Should you wish to appeal this denial decision, you are free to do so within 14 days. The City of Newport Beach Municipal Code provides for such an appeal as follows:

NBMC Section 17.65.020 -Time Limits.

Appeals or calls for review shall be initiated within fourteen (14) calendar days of the decision.

NBMC Sections 17.65.030 -Initiation.

A. Filing of Appeals and Calls for Review. Appeals or calls for review shall be made in writing to the City Clerk on forms provided by the City Clerk. The appeal shall state the facts and basis for the appeal. A call for review initiated by a member of the Harbor Commission or City Council, in their official capacity, shall be for the purpose of bringing the matter in front of the entire body for review.

B. Fee. Appeals shall be accompanied by a fee as established by resolution of the City Council. A call for review is exempt from the payment of a filing fee under Section 3.36.030, or any successor provision.

C. Effect on Decisions. Except where this title authorizes the revocation of a permit by the Harbormaster, decisions that are appealed or called for review shall not become effective until the appeal or review is resolved.

Thank you again for your interest and support for keeping our harbor clean, safe and well-enjoyed.

Sincerely,



Paul Blank
City of Newport Beach Harbormaster
Harbor Department
City of Newport Beach
pblank@newportbeachca.gov
949-270-8159

Attachment A – Robalo 180 Manufacturer's Brochure
Attachment B – On-Shore Mooring Permit S -124

Copies to:

Matt Cosylion, Deputy Harbormaster
Madison Vitarelli, Harbor Permit Technician



**CITY OF NEWPORT BEACH
HARBOR DEPARTMENT
ON-SHORE MOORING PERMIT**

THIS ON-SHORE MOORING PERMIT ("Mooring Permit") is issued as of this 8 day of November, 2023 by the CITY OF NEWPORT BEACH, a California municipal corporation and charter city ("City") to the person(s) listed below; if more than one (1) person or entity, each shall be jointly and severally liable and all are collectively referred to as "Mooring Permittee" herein.

MOORING NUMBER: S-124

MOORING LENGTH: 18 feet maximum

Mooring Permittee #1:

Jones Family Revocable Living Trust May 21, 2018

Full Legal Name

2137 Vista Laredo

Residence Address

Newport Beach CA 92660

City State Zip Code

Billing Address

City State Zip Code

Telephone (Home)

Telephone (Business)

949.683.2204

Telephone (Cell)

casey@ghi-inc.com

Email Address

N0333122

Driver's License Info (State Issued / Number)

Cheryl Jones 949.887.4532

Emergency Contact (Name / Telephone)

An individual with access to your vessel, authorized and capable to attend to its needs if you are unavailable

Mooring Permittee #2 (if applicable):

Full Legal Name

Residence Address

City State Zip Code

Billing Address

City State Zip Code

Telephone (Home)

Telephone (Business)

Telephone (Cell)

Email Address

Driver's License Info (State Issued / Number)

Emergency Contact (Name / Telephone)

An individual with access to your vessel, authorized and capable to attend to its needs if you are unavailable

Assigned Vessel Name: Patty Wagon Vessel CF # CF 0763 PV or USCG Documentation # _____
Sail: [] Power: [] Vessel Length Overall: 14'
Vessel Owner's Name: _____
Address: _____

This Mooring Permit is issued under the following terms and conditions:

- 1) This Mooring Permit is a license for the temporary use of the mooring location specified herein and is revocable. The issuance of this Mooring Permit does not create or represent any form of property right or provide any ownership interest in the underlying tidelands, which are held in trust by the City and owned by the people of the State of California. (NBMC Section 17.60.040(A),(B)(2)(i))
- 2) A Mooring Permittee may not hold more than two mooring permits at any time. A Mooring Permittee that has held more than two mooring permits prior to May 11, 2017 may continue to hold the mooring permits until the permits are sold, revoked, or otherwise transferred. (NBMC Section 17.60.040(B))
- 3) All parties under a jointly permitted mooring shall have equal rights, obligations and liability under the Mooring Permit and shall be jointly and severally responsible for compliance with all rules, regulations, and conditions set forth in the Mooring Permit. (NBMC Section 17.60.040(B)(2)(c))
- 4) Mooring Permittee shall pay fair market value rent, as established by resolution of the City Council, on a rent schedule established by the Harbormaster, which shall be similar to the schedule used to collect rent from other tidelands users in Newport Harbor. (NBMC Section 17.60.040(B)(2)(h))
- 5) Mooring Permittee shall be responsible for payment of all permit rents, fees, costs of maintenance and repair of mooring equipment. (NBMC Section 17.60.040(B)(2)(b))
- 6) Rental or lease of the mooring to another person is prohibited except with the written permission of the Harbormaster. (NBMC Section 17.25.020(L))
- 7) Mooring Permit transfers and changes to the assigned vessels are prohibited without prior City review and approval. (NBMC Section 17.60.040(F))
- 8) City may temporarily assign the mooring to other vessels through the issuance of a Mooring Sub-Permit, during times when the mooring is deemed vacant. (NBMC Section 17.60.040(B)(2)(d))
- 9) Mooring Permittee shall be responsible for any towing-related charges associated with the assigned vessel in violation of the Municipal Code.
- 10) Mooring Permittee shall provide valid government issued identification and, upon request of the Harbormaster, additional documentation to verify Mooring Permittee's place of residence, to the satisfaction of the Harbormaster. Mooring Permittee shall provide City written notice of any change in their contact information within five (5) calendar days of such change. (NBMC Section 17.60.040(B))
- 11) Mooring Permittee shall provide and maintain as current for the term of the Mooring Permit, evidence of valid DMV registration, USCG documentation, or other proof of controlling possessory right in the assigned vessel, all to the satisfaction of the Harbormaster. (NBMC Section 17.60.040(B)(2)(g))

- 12) Mooring Permittee shall provide and maintain as current proof of insurance coverage, naming the City as an additional insured, to the satisfaction of the City's Risk Manager, for the assigned vessel as well as any tender maintained at the same mooring as allowed for under the NBMC. (NBMC Section 17.60.040(B)(2)(f))
- 13) Mooring Permittee shall lift the mooring system (weights, tackle, and other elements) for inspection by the Harbormaster, or provide certification of such inspection by a qualified marine contractor, at least once every two (2) years. The Harbormaster may require the mooring to be lifted at any time when deemed necessary to assure it is in good condition. (NBMC Section 17.25.020(K))
- 14) The Harbormaster, or his designee, may board the assigned vessel at any time to inspect the condition and operability of the marine sanitation device(s) and/or insert dye tablets to determine whether those devices are discharging overboard in accordance with applicable laws. (NBMC Section 17.60.040(B)(2)(k))
- 15) The City, or its designee, is authorized to move the vessel on the mooring to another location when deemed necessary by the Public Works Director and/or Harbormaster. (NBMC Section 17.60.040(B)(2)(j))
- 16) All elements and parts associated with the mooring shall be kept in good condition at all times. Mooring Permittee shall maintain the mooring in its designated location and shall be responsible for adjusting the mooring as necessary when it has shifted, moved, or otherwise deviated from its designated location. (NBMC Sections 17.25.020(I); 17.60.040(B)(2)(b))
- 17) Only one (1) assigned vessel is allowed on a mooring at a time. The vessel shall be maintained in a safe, operable and seaworthy condition and shall not constitute a public nuisance. The vessel is subject to inspection by the Harbor Department prior to its assignment to a mooring, or thereafter upon request of the Harbormaster, to confirm it meets the requirements outlined in the NBMC. (NBMC Section 17.25.020(H)(2), (3))
- 18) Mooring buoys must be clearly marked with the City-assigned mooring number and in accordance with the requirements for size, specifications, colors, and reflectivity of buoys and numbering systems. (California Uniform State Waterway Marking System; NBMC Section 17.25.020(G))
- 19) The operation of the assigned vessel's mechanical or electrical systems shall not create excessive noise, odors, vibrations, fumes, discharges or emissions that constitute an impact on public health and safety. (NBMC Section 17.25.020(H)(3)(g))
- 20) Mooring Permittees shall not release or permit to be released into the water or upon the docks or land by action or inaction, any waste or environmentally objectionable substances including but not limited to oil, paint and gasoline. If the assigned vessel is equipped with a toilet, a marine head, or any other permanent or temporary receptacle for human body wastes, then the vessel must be equipped with a holding tank designed to retain all contents deposited in the receptacle until such time as the contents can be discharged into a sanitary sewer system or discharged otherwise in accordance with law. All sewage systems on the assigned vessel must meet U.S. Coast Guard guidelines and secured in a manner to prevent discharge in accordance with federal law while the vessel is moored in Newport Harbor. Mooring Permittee shall immediately implement necessary clean up and disposal of any waste and shall immediately report any release to all appropriate government agencies and to the Harbormaster. Mooring Permittee shall be responsible for the prompt payment of all costs associated with clean up and disposal including costs of absorbent pads and booms, oversight by government agencies and Harbor Department personnel, fines, penalties and legal fees. If City is not satisfied with Mooring Permittee's corrective actions in response to a release or discharge City may, at its sole discretion, take any and all action it deems appropriate, including revocation of the Mooring Permit. Mooring Permittee shall be liable for all costs and expenses associated with the City's corrective actions, which shall be payable to the City immediately upon receipt of an invoice from the City. (NBMC Section 17.45.030)
- 21) Mooring Permittee shall take any and all necessary action to promptly employ and maintain appropriate sea lion deterrent measures upon receipt of a notice of violation. (NBMC Section 17.25.020(H)(4))
- 22) Mooring Permittee shall jointly and severally defend and indemnify the City and any other government entity with jurisdiction against any claims or losses arising out of, or related to the use of, the Mooring Permit except where the claim or loss arises from the sub-permittee's damage of the mooring, or out of the negligence and/or misconduct of a person assigned the mooring as a mooring sub-permittee. (NBMC Section 17.60.040(B)(2)(e))
- 23) Vessels assigned to on-shore moorings shall be self-righting on an incoming tide without flooding the vessel. (NBMC Section 17.25.020(H)(3)(k))

- 24) Mooring posts must be painted white with the mooring number attached and clearly visible. Specific rules may be established about the size, specifications, colors, reflectivity, of such post and numbering systems, with which the permittee agrees to maintain and comply.
- 25) The Mooring Permit may be revoked upon violation or failure to comply with any of the terms and conditions outlined herein or in accordance the provisions of Title 17 of the Newport Beach Municipal Code. (NBMC Section 17.70.020(A))

By signing below, Mooring Permittee acknowledges that he or she has read the above requirements and the obligations set forth in the City of Newport Beach Municipal Code.

MOORING PERMITTEE:

Date: 11/8/23
By: [Signature]
Name: CASEY JONES

MOORING PERMITTEE:

Date: _____
By: _____
Name: _____

APPROVED:

Date: November 8, 2023
By: [Signature]
City of Newport Beach Harbormaster

MOORING PERMIT TRANSFER

(Per NBMC Title 17, as amended or superseded)
CITY OF NEWPORT BEACH, CALIFORNIA



MOORING PERMIT NUMBER: S-124

CURRENT MOORING PERMITTEE ("Transferor"):

MOORING LENGTH: 18'

Mooring Permittee 1:

Clark Edward Neuhoft

Full Legal Name

904 S. Bay Front

Address

Newport Beach

CA 92662

City

State Zip

949-701-2101

cneuhoft@alerellc.ca

Phone

Email

Mooring Permittee 2 (If Applicable):

Full Legal Name

Address

City

State Zip

Phone

Email

CURRENT MOORING PERMITTEE DECLARATION

By signing below, I declare that I am the current Permittee of the Mooring Permit mentioned above. I wish to cancel the Mooring Permit listed above, and wish to transfer my interest in the mooring to person named below. All rent and fees are paid and current; all mooring inspections are current; all required maintenance and repairs are complete; and there are no derelict or unauthorized vessel(s) on the mooring. I have permanently vacated the mooring, have reported the price paid for the Mooring Permit to the City of Newport Beach, and have paid the required transfer rental charge to the City of Newport Beach. I further represent that I did not discriminate Transferee or any prospective transferee because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, sexual orientation, age or any other impermissible basis under law.

Executed this 31st day of October, 2023, at Newport Beach, California.

By: Clark Neuhoft

[Signature must be notarized]

By: _____

[Signature must be notarized]

NEW MOORING PERMITTEE ("Transferee"):

Transfer Mooring Permittee 1:

Casey O. Jones and Cheryl A. Jones, Trustees, Jones Family Revocable Trust, 5/21/18.

Full Legal Name

2137 Vista Laredo

Address

Newport Beach

CA 92660

City

State Zip

949-683-2204

casev@ghi-inc.com

Phone

Email

949-887-4532

Emergency Contact Name

Cheryl Jones

mamaiones5@va

Emergency Contact Phone

Email

Transfer Mooring Permittee 2 (If Applicable):

Full Legal Name

Address

City

State Zip

Phone

Email

Emergency Contact Name

Emergency Contact Phone

Email

By signing below, Mooring Permittee agrees to be held responsible for compliance with all rules, regulations, and conditions set forth in Newport Beach Municipal Code Title 17, as amended or superseded, including but not limited to the terms and conditions on the reverse.

Executed this 31 day of October, 2023, at Newport Beach, California.

By: [Signature]

[Signature must be notarized]

By: _____

[Signature must be notarized]

Transfer Fee: \$ 0 Non-Refundable. 75% of annual mooring rent. Exceptions in NBMC Section 17.60.040(I).

Transfer Sale Price: \$ 0 mooring swap - from S-97

Mooring Permit Transfer Approved by: Madison Vittum Date: November 8, 2023

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

On October 31, 2023 before me, Jeanne Barrena, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Casey O. Jones
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature

Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Mooring Permit Transfer #5-124

Document Date: October 31, 2023 Number of Pages: 2

Signer(s) Other Than Named Above: Clark Edward Neuhoft

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
<input type="checkbox"/> Corporate Officer – Title(s): _____	<input type="checkbox"/> Corporate Officer – Title(s): _____
<input type="checkbox"/> Partner – <input type="checkbox"/> Limited <input type="checkbox"/> General	<input type="checkbox"/> Partner – <input type="checkbox"/> Limited <input type="checkbox"/> General
<input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact	<input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact
<input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator	<input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
Signer is Representing: _____	Signer is Representing: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange)

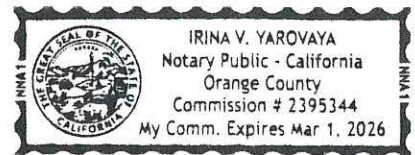
On October 31, 2023, before me, Irina V. Yarovaya, Notary Public,
(insert name and title of the officer)

personally appeared Clark E. Neuhoff,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Irina V. Yarovaya (Seal)





MOORING PERMIT TRANSFER TERMS AND CONDITIONS

- A. Mooring Permit shall not be transferred without the prior written approval of the City of Newport Beach.
- B. The City of Newport Beach may approve the transfer of a Mooring Permit under the procedures outlined in NBMC Section 17.60.040, as amended or superseded. Upon confirmation of compliance with this section, the City of Newport Beach must find all of the following conditions to approve the transfer of a Mooring Permit:
 1. The Mooring Permittee no longer owns the Assigned Vessel or has retained ownership of the Assigned Vessel and has permanently vacated the mooring;
 2. The Transferee has met all the qualifications and conditions for issuance of a permit in subsection (B) of this section.
 3. The Transferor or Transferee has reported to the City of Newport Beach the price paid for the Mooring Permit, and has paid to the City of Newport Beach the required transfer rental charge.
- C. The transfer request shall be denied unless Mooring Permit fees are paid current; required mooring inspections are current; required maintenance and repairs are complete, and there are no derelict or unauthorized vessel(s) on the mooring. Except when transferred to immediate family, Mooring Permit may only be transferred up to one time in any twelve (12) month period.
- D. The Mooring Permittee and Transferee shall provide a written agreement to defend and indemnify the City of Newport Beach in any dispute with a third party over Transferee's right to be the Mooring Permittee or in any dispute with a third party over the Mooring Permittee's right to transfer the Mooring Permit.
- E. Transferee agrees to:
 1. To defend and indemnify the City of Newport Beach and any other government entity with jurisdiction against any claims or losses arising out of, or related to the use of, the Mooring Permit, except where the claim or loss arises from the Mooring Sub-Permittee's damage of the mooring, or out of negligence and/or misconduct of a person assigned the mooring as a Mooring Sub-Permittee under NBMC Section 17.60.040(G) and/or (H).
 2. To provide valid government issued identification for Permittee.
 3. To provide proof of insurance for the vessel.
 4. To provide registration or other proof of ownership of the vessel assigned to the mooring. Vessels on Mooring Permit must be registered to Permittee and the mooring through the City of Newport Beach.
 5. To pay fair market value rent on a rent schedule established by the City of Newport Beach.
 6. This Mooring Permit does not entitle Mooring Permittee to any ownership interest in the underlying Tidelands.
 7. To authorize the City of Newport Beach, or its designee, to move the vessel on the mooring to another location when deemed necessary by the City of Newport Beach.
 8. To notify the City of Newport Beach with fifteen (15) days of any change in contact information of the Permittee.
 9. That it is illegal to rent mooring to anyone. A Mooring Permit may only be transferred with a valid Permit Transfer from the City of Newport Beach.
 10. That it is illegal to loan mooring to anyone without the prior written approval of the City of Newport Beach. Written approval by the City of Newport Beach will limit the "loan" period to no more than 30 consecutive days and no more than 60 days within a 12 month period.
 11. Only one (1) Assigned Vessel allowed on a mooring at a time.
 12. Spreader lines must be adequately marked and buoyed at all times.
 13. Mooring buoys must be clearly marked with the mooring number.
 14. Live-aboards are prohibited on moorings except as noted in NBMC Section 17.40, as amended or superseded. Live-aboards may be temporarily permitted as Mooring Sub-Permittees pending vessel inspection, for a period not to exceed 15 days in any 12 month period.
 15. Shore mooring posts must be painted white with the mooring number attached and clearly visible.
 16. Mooring pendants must be kept in good condition at all times.
 17. Shore moorings are not allowed for vessels over 18' in length. Shore mooring vessels shall be self-righting on an incoming tide without flooding the vessel.
 18. Vessels on moorings are subject to regular inspections and/or boarding by the City of Newport Beach.
 19. To take any and all necessary action to employ and maintain appropriate sea lion deterrent measures.
 20. It is unlawful and a public nuisance for any vessel to operate its mechanical or electrical system which creates excess noise, odors, vibrations, fumes, discharges or emissions that constitute an impact on public health and safety.
 21. To be responsible for any related towing charges associated with the Assigned Vessel.
 22. Mooring Permit may be revoked upon any of the grounds outlined in NBMC Section 17.60.040(K), as amended or superseded.

VIOLATION(S) OF MOORING PERMIT TERMS AND CONDITIONS, OR NBMC TITLE 17 AS AMENDED OR SUPERSEDED MAY RESULT IN THE CANCELLATION OF MOORING PERMIT.

Questions concerning the Mooring Permit should be directed to the Permit Technician
Mvitarelli@newportbeachca.gov or 949.718.3429.

MOORING PERMIT TRANSFER

(Per NBMC Title 17, as amended or superseded)
CITY OF NEWPORT BEACH, CALIFORNIA



MOORING PERMIT NUMBER: S-124

CURRENT MOORING PERMITTEE ("Transferor"):

MOORING LENGTH: 18'

Mooring Permittee 1:

Clark Edward Neuhoﬀ

Full Legal Name

904 S. Bay Front

Address

Newport Beach

CA 92662

City

State Zip

949-701-2101

cneuhoﬀ@alerellc.ca

Phone

Email

Mooring Permittee 2 (If Applicable):

Full Legal Name

Address

City

State Zip

Phone

Email

CURRENT MOORING PERMITTEE DECLARATION

By signing below, I declare that I am the current Permittee of the Mooring Permit mentioned above. I wish to cancel the Mooring Permit listed above, and wish to transfer my interest in the mooring to person named below. All rent and fees are paid and current; all mooring inspections are current; all required maintenance and repairs are complete; and there are no derelict or unauthorized vessel(s) on the mooring. I have permanently vacated the mooring, have reported the price paid for the Mooring Permit to the City of Newport Beach, and have paid the required transfer rental charge to the City of Newport Beach. I further represent that I did not discriminate Transferee or any prospective transferee because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, sexual orientation, age or any other impermissible basis under law.

Executed this _____ day of _____, 2021, at Newport Beach, California.

By: _____

[Signature must be notarized]

By: _____

[Signature must be notarized]

NEW MOORING PERMITTEE ("Transferee"):

Transfer Mooring Permittee 1:

Casey O. Jones and Cheryl A. Jones, Trustees, Jones Family Revocable Trust, 5/21/18.

Full Legal Name

2137 Vista Laredo

Address

Newport Beach

CA 92660

City

State Zip

949-683-2204

casev@ghi-inc.com

Phone

Email

949-887-4532

Emergency Contact Name

Cheryl Jones

mamaiones5@va

Emergency Contact Phone

Email

Transfer Mooring Permittee 2 (If Applicable):

Full Legal Name

Address

City

State Zip

Phone

Email

Emergency Contact Name

Emergency Contact Phone

Email

By signing below, Mooring Permittee agrees to be held responsible for compliance with all rules, regulations, and conditions set forth in Newport Beach Municipal Code Title 17, as amended or superseded, including but not limited to the terms and conditions on the reverse.

Executed this 31 day of October, 2023, at Newport Beach, California.

By: _____

[Signature must be notarized]

By: _____

[Signature must be notarized]

Transfer Fee: \$ 0 Non-Refundable. 75% of annual mooring rent. Exceptions in NBMC Section 17.60.040(I).

Transfer Sale Price: \$ 0

mooring swap from 8-97

Mooring Permit Transfer Approved by: Madean Titon

Date: November 9, 2023

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

On October 31, 2023 before me, Jeanne Barrena, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Casey O. Jones
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Mooring Permit Transfer #5-124

Document Date: October 31, 2023 Number of Pages: 2

Signer(s) Other Than Named Above: Clark Edward Neuhoft

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
<input type="checkbox"/> Corporate Officer – Title(s): _____	<input type="checkbox"/> Corporate Officer – Title(s): _____
<input type="checkbox"/> Partner – <input type="checkbox"/> Limited <input type="checkbox"/> General	<input type="checkbox"/> Partner – <input type="checkbox"/> Limited <input type="checkbox"/> General
<input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact	<input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact
<input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator	<input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
Signer is Representing: _____	Signer is Representing: _____



MOORING PERMIT TRANSFER TERMS AND CONDITIONS

- A. Mooring Permit shall not be transferred without the prior written approval of the City of Newport Beach.
- B. The City of Newport Beach may approve the transfer of a Mooring Permit under the procedures outlined in NBMC Section 17.60.040, as amended or superseded. Upon confirmation of compliance with this section, the City of Newport Beach must find all of the following conditions to approve the transfer of a Mooring Permit:
 1. The Mooring Permittee no longer owns the Assigned Vessel or has retained ownership of the Assigned Vessel and has permanently vacated the mooring;
 2. The Transferee has met all the qualifications and conditions for issuance of a permit in subsection (B) of this section.
 3. The Transferor or Transferee has reported to the City of Newport Beach the price paid for the Mooring Permit, and has paid to the City of Newport Beach the required transfer rental charge.
- C. The transfer request shall be denied unless Mooring Permit fees are paid current; required mooring inspections are current; required maintenance and repairs are complete, and there are no derelict or unauthorized vessel(s) on the mooring. Except when transferred to immediate family, Mooring Permit may only be transferred up to one time in any twelve (12) month period.
- D. The Mooring Permittee and Transferee shall provide a written agreement to defend and indemnify the City of Newport Beach in any dispute with a third party over Transferee's right to be the Mooring Permittee or in any dispute with a third party over the Mooring Permittee's right to transfer the Mooring Permit.
- E. Transferee agrees to:
 1. To defend and indemnify the City of Newport Beach and any other government entity with jurisdiction against any claims or losses arising out of, or related to the use of, the Mooring Permit, except where the claim or loss arises from the Mooring Sub-Permittee's damage of the mooring, or out of negligence and/or misconduct of a person assigned the mooring as a Mooring Sub-Permittee under NBMC Section 17.60.040(G) and/or (H).
 2. To provide valid government issued identification for Permittee.
 3. To provide proof of insurance for the vessel.
 4. To provide registration or other proof of ownership of the vessel assigned to the mooring. Vessels on Mooring Permit must be registered to Permittee and the mooring through the City of Newport Beach.
 5. To pay fair market value rent on a rent schedule established by the City of Newport Beach.
 6. This Mooring Permit does not entitle Mooring Permittee to any ownership interest in the underlying Tidelands.
 7. To authorize the City of Newport Beach, or its designee, to move the vessel on the mooring to another location when deemed necessary by the City of Newport Beach.
 8. To notify the City of Newport Beach with fifteen (15) days of any change in contact information of the Permittee.
 9. That it is **illegal to rent** mooring to anyone. A Mooring Permit may only be transferred with a valid Permit Transfer from the City of Newport Beach.
 10. That it is **illegal to loan** mooring to anyone without the prior written approval of the City of Newport Beach. Written approval by the City of Newport Beach will limit the "loan" period to no more than 30 consecutive days and no more than 60 days within a 12 month period.
 11. Only one (1) Assigned Vessel allowed on a mooring at a time.
 12. Spreader lines must be adequately marked and buoyed at all times.
 13. Mooring buoys must be clearly marked with the mooring number.
 14. Live-aboards are prohibited on moorings except as noted in NBMC Section 17.40, as amended or superseded. Live-aboards may be temporarily permitted as Mooring Sub-Permittees pending vessel inspection, for a period not to exceed 15 days in any 12 month period.
 15. Shore mooring posts must be painted white with the mooring number attached and clearly visible.
 16. Mooring pendants must be kept in good condition at all times.
 17. Shore moorings are **not allowed** for vessels over 18' in length. Shore mooring vessels shall be self-righting on an incoming tide without flooding the vessel.
 18. Vessels on moorings are subject to regular inspections and/or boarding by the City of Newport Beach.
 19. To take any and all necessary action to employ and maintain appropriate sea lion deterrent measures.
 20. It is unlawful and a public nuisance for any vessel to operate its mechanical or electrical system which creates excess noise, odors, vibrations, fumes, discharges or emissions that constitute an impact on public health and safety.
 21. To be responsible for any related towing charges associated with the Assigned Vessel.
 22. Mooring Permit may be revoked upon any of the grounds outlined in NBMC Section 17.60.040(K), as amended or superseded.

VIOLATION(S) OF MOORING PERMIT TERMS AND CONDITIONS, OR NBMC TITLE 17 AS AMENDED OR SUPERSEDED MAY RESULT IN THE CANCELLATION OF MOORING PERMIT.

Questions concerning the Mooring Permit should be directed to the Permit Technician
Mvitarelli@newportbeachca.gov or 949.718.3429.

SALES: 902-624-1800

SERVICE: 902-624-1800



MAHONE MARINE LTD



PLEASE NOTE:
SOME BOATS ARE
SHOWN WITH 2023
MODEL YEAR IMAGES.
COMPLETE
2024 MODEL YEAR
IMAGES ARE
COMING SOON.



2025 R180

YAMAHA FOUR STROKE F115XB 115HP 25"

The Robalo R180 is was specially crafted with adventure in mind.Equipped with twin aft seats with heavy duty hardware are comfortable, supportive and fold out of the way for fishing. Storage is available under both aft seats and allows easy access to onboard systems and speedy servicing. A telescopic boarding ladder invites you to enjoy the R180 for wakeboarding, swimming, diving, snorkeling or just good old-fashioned family fun.

SPECIFICATIONS

SPEC / CAP.

US

METRIC

LOA w/ Swim Platform:

18' 4"

5.59 m

Beam:

8'

2.44 m

Bridge Clearance:

6' 7"

2.01 m

Deadrise:

18°

18°

Fuel Capacity:

50 gal

189 L

Draft Up:

11.00"

28 cm

HP:

115 HP

86 kW

Console Headroom:

5'

1.52 m

Dry Weight w/ Engines:

2625 lbs

1191 kg

Passenger Capacity (NMMA):

8/1200 lbs

8/544 kg

FEATURES

5-YEAR PREMIUM LEVEL LIMITED COMPONENT WARRANTY

BLUE LED COCKPIT LIGHTING

COCKPIT BOLSTER PADS

FLIP-UP TRANSOM SEATS

6 STAINLESS STEEL CUPHOLDERS

BOW ANCHOR LOCKER WITH CUSTOM KEEPER TABS

DIGITAL GAUGES

HORIZONTAL ROD STORAGE WITH PROTECTIVE TUBES

BAYSTAR HYDRAULIC STEERING

CENTERLINE 15 GALLON LIVEWELL

ENCLOSED HIDEAWAY LOCKABLE HEAD/CONSOLE STORAGE

INSULATED BOW FISHBOX WITH OPTIONAL SEAT CUSHIONS



NEED HELP?



SALES: 902-624-1800

SERVICE: 902-624-1800

 MAHONE MARINE LTD
SELF BAILING COCKPIT
 UPRIGHT AND LEVEL FLOATATION

 BACKREST, RODHOLDERS AND REMOVABLE COOLER
 STAINLESS STEEL CONCEALED REBOARDING LADDER

 UPHOLSTERY
 SWING TONGUE ALUMINUM TRAILER WITH LED LIGHTS

UPGRADED FEATURES ON THIS BOAT



WHITE HULL



YAMAHA FOUR STROKE F115XB 115HP 25"



STANDARD ALUMINUM PROP



COCKPIT INTERIOR - SAND



CANVAS COLOR - BLACK (IF EQUIPPED)



T-TOP (WHITE POWDERCOATED)



DUAL BATTERY SETUP WITH CROSSOVER SWITCH



STEERING WHEEL WITH CONTROL KNOB UPGRADE



PORTA POTTIE



INTEGRATED FOOTREST IN CONSOLE



BAY STAR HYDRAULIC TILT STEERING



CUSTOM ANCHOR



PREP FEE



NEED HELP?

SALES: 902-624-1800

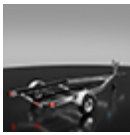
SERVICE: 902-624-1800



MAHONE MARINE LTD



CANADIAN CAPACITY PLATE



STANDARD TRAILER

NOTABLE STANDARD FEATURES

Power

Canvas / Tops / Towers

Dash / Electrical

Console

Cockpit

Utility

Trailer



call for price

REQUEST MORE INFO

CREATE MY DEAL

WINDOW STICKER

NEED HELP?



SALES: 902-624-1800

SERVICE: 902-624-1800

MAHONE MARINE LTD



R180 (2014) BoatTest.com



R180 (2012) Boating World Magazine



R180 Walkaround (2017)



VIDEOS MAY INCLUDE BOATS FROM PREVIOUS MODEL YEARS WITH FEATURES AND OPTIONS THAT ARE NO LONGER AVAILABLE.

LOCATION: Mahone Marine Ltd
LISTING # 417003
CONDITION: NEW

WE'RE HERE TO HELP
📞 902-624-1800

REQUEST MORE INFORMATION

Name

Email

Question

SEND

NEED HELP?



SALES: 902-624-1800

SERVICE: 902-624-1800

other fees and incentives. Assume an excellent credit rating and have no bearing on any loan approval. Estimated payments are based on standard industry data. The values that apply to your purchase are likely to vary. Results received from this calculator are designed for comparative purposes only, and accuracy is not guaranteed.



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Appeal Application

City Clerk's Office
100 Civic Center Drive / P.O. Box 1768
Newport Beach, CA 92658-8915
949-644-3005

Clerk's Date & Time Stamp

SEP 11 '24 PM4:25
REC'D CITY CLERKS OFFICE

Appeals are time sensitive and must be received by the City Clerk within the specified time period from a decision or final action by a decision-maker. It is advisable to consult with the Department managing the issue if there is question with regards to appealing an action. This is an appeal of the:

- ☐ (CDD222) Community Development Director Action to the Planning Commission - \$2116
- ☐ (CDD222) Zoning Administrator Action to the Planning Commission - \$2116
- ☐ (CDD222) Coastal Development Application CDP Appeal from Zoning Admin to the Planning Commission (only if appeal is solely based on the CDP portion of the application) - No Fee
- ☐ (CDD222) Planning Commission Action to the City Council - \$2116
- ☐ (CDD222) Community Development Director Action to the Harbor Commission - \$1250
- ☐ (CDD222) Harbor Commission Action to the City Council (CDD - Planning) - \$940
- ☐ (CDD222) Hearing Officer Action to the City Council - \$2116
- ☐ (CDD223) Building Official/Fire Marshal Action to the Building/Fire Board of Appeals - \$1768
- ☐ (CDD224) Chief of Police Action on an Operator License to the City Manager - \$1000
- ☐ (RSS073) City Manager Action on a Special Events Permit to the City Council - \$1890
- ☒ (HBR001) Harbormaster Action to the Harbor Commission - ~~\$1250~~ **\$622** PER JULY 1, 24 FEE UPDATE
- ☐ (HBR001) Harbor Commission Action to the City Council (Harbor Department) - \$940
- ☐ (PBW018) Public Works Director Action to Harbor Commission - \$1250
- ☐ (PBW018) Harbor Commission Action to City Council (Public Works Department) - \$940
- ☐ Other - Specify decision-maker, appellate body, Municipal Code authority and fee: _____

Appellant Information:

Name(s): CASEY JONES
Address: 2137 VISTA LAREDO
City/State/Zip: NEWPORT BEACH, CA
Phone: 949-683-2204 Email: caseyjones08@gmail.com

Appealing Application Regarding:

Name of Applicant(s): CASEY JONES Date of Final Decision: 9/10/24
Project No.: _____ Activity No.: _____
Application Site Address: MOORING S-124
Description of application: Discretionary permit for mooring of Robalo 180 w/ LOA of 118'4" (per manufacturer's specs)
Reason(s) for Appeal (attach a separate sheet if necessary): SEE ATTACHED

Signature of Appellant: _____

Date: 9/11/2024

FOR OFFICE USE ONLY:

Date Appeal filed and Administrative Fee received: SEPTEMBER 11, 2024

City Clerk

cc: Department Director, Deputy Director, Staff, File



F:\Users\Clerk\Shared\Forms\Appeal Application
Updated 8/29/23

Attachment

Appeal to the City of Newport Beach Harbor Commission
(HBR001) Harbormaster Action to the Harbor Commission

Applicant: Casey Jones
Regarding: Shore Mooring S-124

Discussion:

I am preparing to purchase a new Robalo 180 to be kept at shore mooring S-124 (see photo below). I was previously the owner of S-97, which was owned by our family since 1959 and was located in front of our residence on the South Bay Front of Balboa Island. We transferred our mooring for the convenience of the buyer of our family home, who held the permit at S-124. (This “swap” was not done as part of the sale conditions but as a courtesy to allow them to have a mooring in front of their house.)

As background, in addition to having grown up on the South Bay Front of Balboa Island and participating in a wide range of yachting activities in Newport Harbor since the 1960s, professionally I was a real estate appraiser specializing in tidelands work in the Southern California region. This involved setting the Commercial Tidelands Lease Rates for the City of Newport Beach (<https://www.newportbeachca.gov/government/departments/harbor/harbor-charges/commercial-tidelands-permits-and-leases>, See Additional Information, Appraisals). I cite this background only to indicate that I am well acquainted with both the opportunities and challenges of harbor management.

In anticipating putting our new Robalo 180 on our mooring, I surveyed the boats currently on moorings on the South Bay Front and found three Robalo 180s in place. Because the purchase of this boat is a significant investment, I sought to confirm with the Harbormaster that we would also be permitted use our shore mooring for a Robalo 180.

I was informed by the Harbormaster’s office that because our prospective Robalo 180 has a Length Overall (LOA) on the manufacturer’s specs of 18’ 4”, we would not be permitted to moor our boat there. I was further informed that 18’ 1” would likewise not be permitted. I was told that because of existing guidelines, the Harbormaster had an “inability to approve” any boat length greater than 18 feet without approval from the Harbor Commission.

Accordingly, I make this appeal/request to the Harbor Commission for approval to moor our (future) Robalo 180 on mooring S-124, by permitting the additional 4” beyond the 18-foot guideline. I believe informed parties would find this to be reasonable and equitable use of the shore mooring permit area that would have no negative impact on the use and enjoyment of the tidelands (including the associated beach portion of the tidelands) for the public. This position (and request) is based upon the following:

- Conceptually, the permit area facilitating the mooring of a vessel on a shore mooring extends from the “can” to the seawall. There is no defined “slot” to which the 18-foot guideline is restricted. The actual position of the boat is based upon the mooring owner’s arbitrary placement of it. Thoughtful boat owners may adapt this positioning due to a variety of circumstances, including tides, proximity of other vessels, etc.

In the specific case of S-124, the “run” of the mooring is relatively lengthy - at least 100 feet - where the natural position of the boat would be reasonably close to the mooring to forestall grounding at low tides. The effective positioning of the boat 4” one way or another would be imperceptible, and it would have no impact on beach users, other mooring owners, adjacent pier owners or any other users of this tidelands area. Likewise, the additional 4” of boat length of a Robalo 180 would have no perceptible impact on the tidelands area relative to the 18-foot limit.

- The Robalo 180 is effectively an 18-foot boat. It is perceived and marketed as such. Thus, the name “180.” The guidelines of the existing code read “18 feet.” Reasonable rounding of the manufacturer’s LOA to the nearest “foot” of length would yield an 18-foot boat length for the Robalo 180.
- Three Robalo 180s have apparently been permitted to be moored on the South Bay Front. (see photos below) There is no reported evidence of any deleterious effects to associated tidelands, beach area or complaints from the public as a consequence.

In his letter of denial, dated September 10, 2024, and in response to my mention of these “same-model” vessels being currently moored on the South Bay Front, the Harbormaster stated that, “I suspect those vessel assignment were made before NBHD became responsible for managing mooring permits and vessel assignments in July 2017.”

My subsequent investigations indicate that this appears not to be the case. All hulls were manufactured after 2017. The hull numbers found at the upper right transom of the vessels indicate the month and year of hull manufacture

completion. The three Robalo 180s in question have the following mooring numbers and hull manufacture date identifications:

S-84	E818 (May 2018)
S-26	F121 (June 2021)
S-22	A020 (January 2020)

It is not my intention to create problems retrospectively for any parties to the permitting process. Obviously, based on this appeal, in my judgment it is reasonable that these boats were permitted to use their respective moorings. I only seek the same rights of use that has been established *for the same model boat* by these facts. As indicated above, they are well-integrated in their mooring space within the tidelands and, as attractive vessels, offer an appealing “look” to the shoreline.

- The Boston Whaler Dauntless 180 has an overall length of 18’1” – greater than the 18-foot limitation and only 3” shorter than the Robalo 180. A cursory survey of the South Bay Front and the Grand Canal revealed at least 10 Dauntless 180s on shore moorings. While it is recognized that many of these may have been “grandfathered in” (pre-2017 permit), they are included to show that a vessel of this size can be easily incorporated into the shore mooring tidelands area with no evidence that they in any way negatively impact the use and enjoyment of tidelands to any other users. (Six photos provided; further available upon request.)
- The previous boat on our mooring (S-124) was a Dauntless 180, with a LOA of 18’1”. This appeal is, therefore, for approval of only an additional 3” of vessel length on the same site.
- The addition of a new and attractive vessel on mooring S-124 would be an aesthetic enhancement of the shoreline of Balboa Island in comparison with many of the older, below standard vessels currently on the moorings. Such an upgrade would seem to outweigh the de minimis impacts of the 4” of boat length in question and would be consistent with the Harbor Commission’s stated mission to maintain Newport Harbor in a clean, safe and well-enjoyed manner.

I understand that guidelines must be established for equitable and sensible management of the harbor’s resources. Further, my work as a real estate appraiser with considerable tidelands experience has provided me with many examples where guidelines have been utilized as exactly that - useful tools of management with built-in flexibility for the decision makers in authority to make reasonable adjustments to the guidelines where specific circumstances and evidence warrant.

In light of all the foregoing, I respectfully request that the Harbor Commission provide approval to the Harbormaster to permit me to moor a Robalo 180 (18' 4" LOA) on shore mooring S-124.

Thank you for consideration of this appeal and request.

Casey O. Jones

caseyojones08@gmail.com
949-683-2204



Mooring S-124



Robalo 180 – S-84



Robalo 180 – S-22



Robalo 180 – S-26



Dauntless 180 – S-97 (prev. S-124)



Dauntless 180 – S-132



Dauntless 180 – S-11



Dauntless 180 – S-40



Dauntless 180 – S-61



Dauntless 180 – S-146

RESOLUTION NO. HC2024-03

A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA DENYING THE APPEAL AND UPHOLDING THE HARBORMASTER'S DECISION TO DENY THE VARIANCE AND VESSEL ASSIGNMENT REQUEST TO MOORING S-124

THE HARBOR COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. On September 5, 2024, Casey Jones ("Permittee"), submitted a written request to the Harbormaster, Paul Blank, for pre-approval and variance to moor a Robalo 180 motorboat on Mooring S-124. The vessel's technical specifications for the Robalo 180 indicated a Length Overall of 18' 4", which exceeds the 18' maximum length limit on mooring S-124.
2. On September 10, 2024, the Harbormaster, Paul Blank ("Harbormaster"), informed the Permittee that Permittee's request for a variance and assignment of the proposed vessel was denied.
3. On September 11, 2024, the Permittee submitted an appeal to the Harbormaster's denial decision to the City Clerk's Office for the City of Newport Beach ("City").
4. A public hearing was held by the Harbor Commission on October 9, 2024, in the City Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Newport Beach Municipal Code ("NBMC") Section 17.05.140(B). Evidence, both written and oral, was presented to, and considered by, the Harbor Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. 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.

SECTION 3. REQUIRED FINDINGS.

The Harbor Commission hereby adopts the following findings required under NBMC Sections 17.65.040E. and Section 17.05.140D.2.:

Finding:

- a. *The strict application of this title, the design criteria and other applicable standards and policies otherwise applicable to the property **does not** deny the property owner privileges enjoyed by other property owners in the vicinity, based on special circumstances applicable to the property, including location, shape, size, surrounding topography or other physical features.*

Facts in Support of Finding:

There are several other onshore moorings in the vicinity of Mooring S-124 all of which comply with the 18' length limit. There are no characteristics of mooring S-124 that stand out as unique or differentiate it from other onshore moorings in the vicinity that are compliant with the 18' length limit.

Finding:

- b. *Strict compliance with this title, the design criteria and other applicable standards and policies applicable to the property **does not** deprive the subject property of privileges enjoyed by other properties in the vicinity.*

Facts in Support of Finding:

Denying the variance and assignment of the proposed vessel does not deprive the mooring Permittee of privileges enjoyed by other onshore mooring permittees in the vicinity. The mooring Permittee has the opportunity to assign another vessel of essentially the same quality and operational characteristics as the proposed vessel but would not violate the length limit associated with the mooring.

Finding:

- c. *Granting of the variance is **not** necessary for the preservation and enjoyment of substantial property rights of the applicant.*

Facts in Support of Finding:

The substantial rights of the Permittee are preserved even with the 18' maximum length limit enforced. Other vessels are available that perform similarly to the proposed vessel and would not exceed the length limit for the mooring. The opportunity exists to acquire a mooring permit for an offshore mooring of sufficient length to accommodate the proposed vessel. Further, Maintaining the length limit is paramount to ensuring safe access for the public using the harbor significantly outweighs the Permittee's property rights.

Finding:

- d. *Granting of the variance **would** constitute a grant of a special privilege inconsistent with the limitations on other properties in the City.*

Facts in Support of Finding:

Granting the variance would constitute a special privilege for this particular onshore mooring. The vast majority of the 429 onshore moorings and all vessel assignments made since May 3, 2021, are compliant with the 18' mooring length limit. NBMC Section 17.60.040M.1. requires strict application of vessel length limits related to the mooring length.

Finding:

- e. *Granting of the variance **will be** detrimental to the harmonious and orderly growth of the City, **and** endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the vicinity.*

Facts in Support of Finding:

Granting the variance would be detrimental to the harmonious and orderly growth of the City's harbor. NBMC Section 17.60.040 governs the issuance of Mooring Permit(s) by the Harbormasters and is clear that "Mooring permittees shall not moor vessels that exceed their permitted maximum mooring length." The mooring length restrictions were established to increase access, minimize obstructions, maintain conformity, and ensure that the mooring arrangements in the harbor preserve the health and safety of everyone who uses the harbor. In the case of Mooring S-124, allowing deviations from the City's strict application of vessel length limits creates a potential danger that jeopardizes mooring safety and the health, safety, and general welfare of those using the harbor. The size of vessels on onshore moorings and their spacing from one another greatly impact the public's ability to use the beaches and access the water in the harbor. The limits on vessel length were established to prevent overcrowding, shading of the harbor bottom and barriers to accessing the water. Thus, granting the variance would run contrary to the Harbor Commission's objective of ensuring the long-term welfare of Newport Harbor for all residential, recreational, and commercial users.

Finding:

- f. *Granting of the variance **would** be in conflict with the intent and purpose of this title, the design criteria and any applicable standards and policies approved by the City Council.*

Facts in Support of Finding:

Granting a variance would conflict with the direction inherent in the City Council-approved laws, codes, policies, and provisions he is tasked with applying harbor-wide. Local law requires strict application of vessel length limits related to the mooring length. (NBMC 17.60.040(M).)

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED BY THE HARBOR COMMISSION OF THE CITY OF NEWPORT BEACH:

1. 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.

2. The Harbor Commission hereby upholds the Harbormaster's decision to deny the variance and vessel assignment request to Mooring S-124. The Harbor Commission's decision is based upon the Harbor Commission Staff Report dated October 9, 2024, and exhibits attached thereto, and the public testimony, written and oral, all of which are incorporated herein by this reference.
3. This action shall become final and effective fourteen days following the date of adoption of this Resolution unless within such time an appeal or call for review is made in accordance with the provisions of NBMC Chapter 17.65 (Appeals or Calls for Review).

PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF OCTOBER, 2024.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Scott Cunningham, Chair

BY: _____
Marie Marston, Secretary

Commented [JM1]: Marie Marston is reflected on the City's Website

Commented [PB2R1]: Changes made to reflect current positions (Cunningham and Marston)

Biddle, Jennifer

From: Blank, Paul
Sent: October 08, 2024 11:03 AM
To: kewwhite546@gmail.com
Cc: Biddle, Jennifer; Shintaku, Cynthia
Subject: RE: S-124 Vessel Assignment

Categories: Red Category

Ms. White.

Thank you for your input on this important matter.

Your input will be made part of the materials the Harbor Commissioners review as part of the Public Hearing tomorrow night.

Best,

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

1600 W Balboa Blvd
Newport Beach, CA 92663

-----Original Message-----

From: kewwhite546@gmail.com <kewwhite546@gmail.com>
Sent: October 08, 2024 10:59 AM
To: Blank, Paul <PBlank@newportbeachca.gov>
Subject: S-124 Vessel Assignment

[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.

Mr.BLANK, I strongly object to extending the vessel length on S-124.

I feel that all of our on-shore mooring permittees understand and abide by the length limit.

Changing it for one person could create a flood of others wanting the same.

Thank-you, Kathy White S-115
Sent from my iPhone



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

October 9, 2024
Agenda Item No. 7.1

TO: HARBOR COMMISSION

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

TITLE: General Plan Harbor & Bay Element Update

ABSTRACT:

The City is currently engaged in an update to the General Plan. Curtis Black, a member of the General Plan Advisory Committee seeks input from the Harbor Commission on the Harbor and Bay Element of the General Plan. Chapter 4 of the City's General Plan is the Harbor and Bay Element. It has been suggested the Harbor Commission review the existing Harbor and Bay Element, a presentation to the Planning Commission from 2017 related to maintaining a vibrant harbor and contribute suggested revisions for the current General Plan Update. The Commission may wish to discuss and suggest revisions during a regular Harbor Commission meeting or convene an ad hoc subcommittee to develop recommendations for the full Harbor Commission to consider at a subsequent meeting.

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) Convene an ad hoc subcommittee to develop a revised vision statement to be presented at a subsequent meeting.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The City is actively involved in a process to update the General Plan that was most recently adopted in 2006. The effort to update the City's General Plan is multi-faceted and multi-year. A member of the City's General Plan Advisory Committee, Curtis Black, has asked the Harbor Commission to review and recommend revisions to the "Harbor and Bay Element" (HBE) which is Chapter 4 of the current General Plan. The description of the HBE of the General Plan as part of the current revision effort reads:

Two of Newport Beach's most prominent features, the Newport Harbor and Newport Bay, create a sense of community identity offering recreation and economic opportunity. The Harbor and Bay Element guides development and activities conducted on and near the bay and harbor with the intent to preserve the diversity and charm of existing uses without restricting the rights of the waterfront property owners. The goals and policies of the adopted Harbor and Bay Element balance economic, recreational, and environmental needs, ensuring that the harbor and bay are accessible, safe, and healthy.

The current ask of the Harbor Commission is to evaluate what, if any of the current HBE has been achieved and can be eliminated, what, if any of the HBE is no longer relevant, and suggest what a revised version of the HBE going forward might include.

An ad hoc subcommittee of the Harbor Commission in 2016-17 was tasked to develop and present what they felt were important elements for maintaining a vibrant harbor. Once the full Harbor Commission adopted those essential elements, a presentation was made to the Planning Commission so they would be aware and actively promote such businesses and activities as they fulfilled their responsibilities. The presentation given to the Planning Commission in 2017 is included in Attachment B. Some or all of what was presented to the Planning Commission may be appropriate to incorporate into a revised HBE.

Mr. Black will update the Commission on the process and progress of the General Plan Advisory Committee. He will introduce the General plan, what it is, and why it is important to the community. His presentation which is included as Attachment C summarizes the 2006 General Plan and the goals and policies of the current effort that are within the jurisdiction of the Harbor Commission. The background of the consulting firm guiding the effort and opportunities for the 2024 update will also be discussed.

Suggestions to consider during discussion include:

- Many of the goals in the 2006 HBE may have been achieved but may be difficult to measure or describe definitively. Is there evidence that the HBE or portions of it have been achieved?
- There may still be much to be done related to dredging and access to marine services
- Contributors may wish to consider weaving in the Harbor Department's current Mission Statement or similar language ("clean, safe, and well-enjoyed") into the next version
- Contributors may wish to develop completely new language and aspects of an HBE.

No action is currently required from the Harbor Commission. The Commissioners may adopt recommended suggestions and forward them to the City's General Plan Advisory Committee. The Commission may consider establishing an ad hoc subcommittee to develop suggestions for a revised HBE and return at a later meeting with recommendations for the whole Commission to consider before forwarding to the City's General Plan Advisory Committee.

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 – General Plan Harbor and Bay Element – 2006

Attachment B – Harbor Commission Presentation to Planning Commission – 2017

Attachment C – Harbor Commission and the General Plan



CHAPTER 4 **Harbor and Bay Element**



HARBOR AND

A Hospitable, Navigable

Introduction

Newport Bay, including the Upper Bay and Newport Harbor in the Lower Bay, is a vital component of Newport Beach's natural resources, community identity, and economy. Some aspects of the Harbor and Bay Element that address public access, water quality and the environment and administration are also covered in the Natural Resources, Recreation, Safety and Circulation Elements. These overlapping policies or goals are noted within each Element. In addition, some land use policies relating to the waterfront uses along Lower Bay and Newport Harbor are also discussed in the Land Use Element.

Over the decades, public and private initiatives have enhanced and improved the natural resources of the Lower Bay to create what is today a world class small craft harbor. The natural and manmade resources of the Bay were once home to an economy that saw commercial fishing, fish canning, and industrial shipbuilding coexist with recreational boaters, restaurants, and waterfront homes. Today, fish canning and shipbuilding industrial uses are gone, while a wide range of recreational boating activities such as sport fishing, kayaking, diving, wind surfing, sailboat racing, excursion and entertainment boat activities, as well as visitor serving commercial and recreational uses and waterfront residences, are the main land uses located along the harbor. These different users of coastal lands and the water can lead to competing interests and demands, which are magnified by rising land values and a changing economic climate. Several issues presently face the harbor and bay areas. These include the following:

- Economic pressures to replace marine uses and harbor support facilities and services with residential uses.

- Balancing access to and benefits of marine uses such as recreational boating activities and marine commercial uses with associated impacts such as noise, traffic, parking, and disturbances to sensitive environmental resources and habitats.
- Increasing demand to accommodate larger vessels in the harbor, leaving limited affordable berthing and dry storage options for smaller boats and vessels.
- Need to improve administration of Harbor Resources
- Difficulty in obtaining permits to perform routine maintenance dredging.
- Seasonal presence of large population of California Sea Lions, causing noise, pollution, property damage, and odors.

BAY ELEMENT

Pleasure-Boating Harbor

Goals and Policies

The goals and policies pertaining to harbor issues are intended to guide the content of regulations related to development of, and the activities conducted on, the water. Additional goals and policies recognize the important component of land use decisions related to waterfront property around Newport Harbor. The aim of the Harbor and Bay Element goals and policies are to preserve the diversity and charm of existing uses without unduly restricting the rights of the waterfront property owner. Goals and policies within the Harbor and Bay Element have been organized to address both water and land related issues, provision of public access, water quality and environmental issues, visual characteristics, and the administration of the Harbor and Bay.

Diversity of Land Uses

Goal

HB 1

Preservation of the diverse uses of the Harbor and the waterfront that contribute to the charm and character of Newport Bay, and that provide needed support for recreational boaters, visitors, and residents.



Cannery Village Boardwalk

Policies

HB 1.1 Preservation and Enhancement of Water-Dependent and Related Uses

Preserve and enhance the following uses that contribute to the diversity and charm of Newport Bay, and the balance among them:

- Water-dependent and water-related recreational activities such as boating, sailing, wind surfing, fishing, kayaking, rowing, paddle boarding, and swimming.
- Water dependent and water-related commercial activities such as passenger/sightseeing boats, passenger-fishing boats, boat rentals and sales, entertainment boats, boat/ship repair and maintenance, and harbor maintenance facilities.
- Water-enhanced commercial uses such as restaurants and retail stores.
- Water-related public recreation and education areas and facilities such as beaches, piers, view parks and nautical museums and related public areas providing access to, and views of, Newport Harbor.
- Coastal residential communities. (*Imp 2.1, 14.3, 14.6, 21.1, 24.1*)

HB 1.2 Waterfront Public Spaces

Encourage the creation of waterfront public spaces and beaches, with adjacent water access and docking facilities that serves as the identity and activity “centers” of Newport Harbor for special events of community/regional interest. (*Imp 20.1, 20.2, 20.3*)

Goal

HB 2

Retention of water-dependent and water-related uses and recreational activities as primary uses of properties fronting on the Harbor.

Policies

HB 2.1 Design of New Development

Site and design new development to avoid impacts to existing and potential water-dependent and water-related uses. (*Imp 2.1, 7.1, 8.1*)

HB 2.2 Land Use Changes

Consider the impact on water-dependent and water-related land uses when reviewing proposals for land use changes, considering both the subject property and adjacent properties. (*Imp 2.1, 14.6, 24.1*)

HB 2.3 Marine Support Uses

Encourage the preservation and enhancement of existing marine support uses serving the needs of existing waterfront uses and the boating community. (*Imp 2.1, 14.3, 14.6, 21.1*)

HB 2.4 Harbor Related Private Uses

Accommodate private sector uses, such as vessel assistance, that provide emergency, environmental enhancement and other services that are not provided by the public sector and that are essential to the operation of a working harbor. (*Imp 21.3, 21.4*)

HB 2.5 Waterfront Facilities

Encourage development of waterfront facilities that accommodate displaced water-dependent uses. (*Imp 2.1, 14.3*)

HB 2.6 Public Access Facilities

Ensure that new or improved public access facilities are compatible with existing, permitted land uses and consistent with the availability of supporting infrastructure, such as parking and restrooms. (*Imp 2.1, 21.1*)



Basin Marine Shipyard

Goal

HB 3

Enhanced and updated waterfront commercial areas.

Policies

HB 3.1 Building Improvements and Programs

Preserve and/or enhance existing water-enhanced, water-related and water-dependent commercial uses and marine oriented commercial areas through building improvements and programs that preserve the design and character of the Harbor. (*Imp 2.1, 24.1*)

HB 3.2 Re-Use of Properties

Discourage re-use of properties that result in the reduction of water-dependent commercial uses. Allow the re-use of properties that assure water-dependent uses remain, especially in those areas with adequate infrastructure and parcels suitable for redevelopment as an integrated project. (*Imp 2.1, 14.3, 24.1*)

HB 3.3 Land Use Regulations

In establishing land use regulations, consider the operational characteristics of land uses that support the Harbor, and whether such uses can be relocated to inland locations and/or if technological advances will eliminate the need for such support uses in the foreseeable future. (*Imp 2.1, 14.3, 21.1*)

Diversity of Water Uses

Goal

HB 4

Preservation of existing commercial uses in the Harbor to maintain and enhance the charm and character of the Harbor and to provide support services for visitors, recreational boaters, and other water-dependent uses.

Policies

HB 4.1 Passenger Vessels

Support continued operation of passenger/sightseeing boats, passenger fishing boats (“day boats”), and long-term boat rentals and sales. (*Imp 2.1, 21.1*)

HB 4.2 Small Vessels

Support continued short-term rental of small boats while encouraging vendors to teach customers how to safely operate the watercraft. (*Imp 2.1, 21.1, 21.3*)



Recreational kayaks

HB 4.3 Entertainment and Tour Vessels

Support continued operation of entertainment and tour boats subject to reasonable regulations designed to ensure the operations don't have an adverse impact, such as unsafe navigation, impaired water quality, reduced visual quality, excessive noise, unsafe street traffic conditions, or parking shortages on the environment and land uses surrounding the harbor. (*Imp 14.3, 21.3*)

Goal

HB 5

A variety of vessel berthing and storage opportunities.

Policies

HB 5.1 Marinas and Dry Boat Storage Facilities

Protect and, where feasible through the use of new designs and technology, enhance and expand marinas and dry boat storage facilities. (*Imp 2.1, 21.1*)

HB 5.2 Berthing and Moorings

Provide a variety of berthing and mooring opportunities throughout Newport Harbor, reflecting state and regional demand for slip size and affordability. (*Imp 2.1, 21.1*)

HB 5.3 Anchorages

Provide anchorages in designated federal areas that minimize interference with safe navigation and where shore access and support facilities are available. (*Imp 2.1, 21.1*)

HB 5.4 Piers

Authorize, pursuant to permit, license, or lease, new and existing piers and docks bayward of waterfront residential properties, subject to appropriate conditions that ensure compatibility with residential uses. (*Imp 2.1, 21.1*)

HB 5.5 Temporary Rental of Moorings

Facilitate access to vacant moorings for temporary rental use. (*Imp 2.1, 21.1*)

HB 5.6 Mooring Transfers

Foster public access to moorings by enforcing and refining the derelict boat ordinance and regulating transfers by permit holders. (*Imp 2.1, 21.1*)

HB 5.7 Live Aboard Vessels

Allow “live-aboard” vessels, subject to a reasonable maximum number of renewable annual permits, and provide for regulation and vessel inspection. (*Imp 2.1, 21.1*)

Public Access

Goal

HB 6

Provision and maintenance of public access for recreational purposes to the City’s coastal resources (Goal R9).

Policies

HB 6.1 Provision of Public Coastal Access

Provide adequate public access to the shoreline, beach, coastal parks, trails, and bay, and acquire additional public access points to these areas and provide parking, where possible. (Policy R9.1) (*Imp 2.1, 5.1, 20.2*)

HB 6.2 Long Range Plan for Public Trails and Walkways

Develop and implement a long-range plan for public trails and walkways to access all appropriate commercial areas of the harbor, as determined to be physically and economically feasible, including:

- Extend the Lido Marina Village boardwalk across all of the waterfront commercial properties in Lido Village
- Provide a continuous waterfront walkway along the Rhine Channel connecting Cannery Village and McFadden Square waterfront commercial areas with Las Arenas Beach at 19th Street
- Provide a walkway connecting the Lido Village area with Mariners’ Mile
- Provide a continuous walkway along the Mariners’ Mile waterfront from the Coast Highway/Newport Boulevard Bridge to the Balboa Bay Club. (Policy CE 5.1.14) (*Imp 23.1, 23.2*)



Walkway and bikeway along Promontory Bay

HB 6.3 Provision of Visitor Facilities in Newport Harbor

Encourage the provision of guest slips, moorings, waste pump-out stations, and anchorages in Newport Harbor. Coordinate work with the Orange County Harbor, Beaches, and Parks Department to provide such facilities where appropriate and feasible. (Policy R8.3) (*Imp 14.3, 23.1*)

HB 6.4 Enhancement of Guest and Public Facilities

Protect and, where feasible, expand, and enhance:

- Waste pump-out stations
- Vessel launching facilities
- Low-cost public launching facilities
- Marinas and dry boat storage facilities
- Guest docks at public facilities, yacht clubs and at privately owned marinas, restaurants and other appropriate locations
- Facilities and services for visiting vessels
- Facilities necessary to support vessels berthed or moored in the harbor, such as boat haul out facilities
- Existing harbor support uses serving the needs of existing waterfront uses, recreational boaters, the boating community, and visiting vessels. (Policy R8.5) (*Imp 2.1, 23.1*)

HB 6.5 Water Transportation Services and Support Facilities

Enhanced and maintained public water transportation services and expanded public water transportation uses and land support facilities. (Goal CE 5.2) (*Imp 16.12*)

HB 6.6 Marine Terminals

Coordinate the location of marine terminals with other components of the transportation system to ensure convenient multi-modal access and adequate parking. (Policy CE 5.2.1) (*Imp 16.12*)

HB 6.7 Expanded Water Transportation Modes

Promote opportunities to expand water transportation modes, such as water based shuttle services and water taxis. (Policy CE 5.2.2). (*Imp 16.12*)

Water Quality and The Environment

Goal

HB 7

Protection and management of Upper Newport Bay commensurate with the standards applicable to our nation's most valuable natural resources. (Goal NR 16)

Policies

HB 7.1 Funding Support for Upper Newport Bay Ecosystem Restoration Project

Support and secure federal funding for the Upper Newport Bay Ecosystem Restoration Project to restore the Upper Newport Bay to its optimal ecosystem. (Policy NR 16.1) (*Imp 14.12, 14.13, 14.14*)

HB 7.2 Management of Upper Newport Bay Ecological Reserve (UNBER)¹

Support and implement cooperative management of the Upper Newport Bay Ecological Reserve by cooperating with Orange County, California Department of Fish and Game, U.S. Fish and Wildlife Service, local universities and colleges, nonprofits, and volunteer organizations to improve resource management, implement resource enhancement projects, and expand opportunities for passive public access, recreation, and education. (Policy NR 16.3) (*Imp 14.3, 14.7, 14.11, 14.16*)

HB 7.3 Management of Upper Newport Bay Ecological Reserve

Assist the County of Orange in its management of the Upper Newport Bay Nature Reserve, including the Peter and Mary Muth Center, to enhance the Reserve's natural resources, passive public access (especially along the West Bay) and public education programs. (Policy NR 16.4) (*Imp 14.3, 23.4*)

¹ The Upper Newport Bay Ecological Reserve's official designation by the State of California may change to become "State Marine Park." Until such time as that occurs, the Newport Beach community will continue to refer to UNBER as an "Ecological Reserve."



Rocky intertidal reefs at Little Corona

HB 7.4 Public Uses within Upper Newport Bay Ecological Reserve

Maintain public use of the Upper Newport Bay Ecological Reserve to the extent such use is consistent with the preservation of sensitive resources. (Policy NR 16.5) (*Imp 2.1, 23.1*)

HB 7.5 Water-Related Education and Research within Upper Newport Bay

Promote facilities in and around Upper Newport Bay to adequately serve as water quality and estuarine education and research programs. (Policy NR 16.6) (*Imp 2.1, 23.1*)

HB 7.6 Water Quality Study

Retain qualified and objective water quality consultants to thoroughly review all scopes of work for any proposed water quality study: (a) to be conducted, sponsored or considered by the Watershed Management Committee (or any subcommittee or successor entity) in making any decision affecting water quality in Newport Beach; (b) related to water quality in the San Diego Creek and Santa Ana/Delhi Channel watersheds; and (c) that is relevant to any aspect of the establishment or enforcement of any order of the RWQCB including the Total Maximum Daily Loads (TMDL) for Upper Newport Bay.. (Policy NR 3.22) (*Imp 8.1, 17.1*)

Goal

HB 8

Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors and wetlands. (Goal NR3)

Policies

- HB 8.1 Chemical Uses Impacting Water Quality**
Support regulations limiting or banning the use insecticides, fertilizers, and other chemicals which are shown to be detrimental to water quality. (Policy NR 3.1) *(Imp 8.1)*
- HB 8.2 Water Pollution Prevention**
Promote pollution prevention and elimination methods that minimize the introduction of pollutants into natural water bodies. (Policy NR 3.2) *(Imp 6.1, 8.1, 17.1, 18.1, 19.1)*
- HB 8.3 Ground Water Contamination**
Suspend activities and implement appropriate health and safety procedures in the event that previously unknown groundwater contamination is encountered during construction. Where site contamination is identified, implement an appropriate remediation strategy that is approved by the City and state agency with appropriate jurisdictions. (Policy NR 3.3) *(Imp 6.1)*
- HB 8.4 Storm Drain Sewer System Permit**
Require all development to comply with the regulations under the City's municipal separate storm sewer system permit under the National Pollutant Discharge Elimination System. (Policy NR 3.4) *(Imp 8.1, 19.1)*
- HB 8.5 Natural Water Bodies**
Require that development not result in the degradation of natural water bodies. (Policy NR 3.5) *(Imp 6.1, 19.1)*
- HB 8.6 Watershed Runoff Quality Control**
Represent Newport Beach by participating in watershed-based runoff reduction, water quality control, and other planning efforts with the California Regional Water Quality Control Board (RWQCB), the County of Orange, and upstream cities. Promote regulation of upstream dischargers (cities, Orange County, residential and commercial uses) in the San Diego Creek and Santa Ana/Delhi Channel watersheds. (Policy NR 3.6) *(Imp 14.3, 14.16)*
- HB 8.7 Newport Beach Water Quality Ordinance**
Update and enforce the Newport Beach Water Quality Ordinance. (Policy NR 3.7) *(Imp 20.14) (Imp 8.1)*
- HB 8.8 Permit Review Process**
Develop and maintain a water quality checklist to be used in the permit review process to assess potential water quality impacts. (Policy NR 3.8) *(Imp 17.1)*

- HB 8.9 Water Quality Management Plan**
Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction. (Policy NR 3.9) (*Imp 7.1*)
- HB 8.10 Best Management Practices**
Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations. (Policy NR 3.10) (*Imp 8.1, 17.1, 18.1, 19.1*)
- HB 8.11 Site Design and Source Control**
Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Elimination System, structural treatment BMPs will be implemented along with site design and source control measures. (NR 3.11) (*Imp 7.1*)
- HB 8.12 Reduction of Infiltration**
Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards. (Policy NR 3.12) (*Imp 6.1, 19.1*)
- HB 8.13 Natural Wetlands**
Promote the use of natural wetlands to improve water quality. (Policy NR 3.13) (*Imp 6.1, 19.1*)
- HB 8.14 Runoff Reduction on Private Property**
Retain runoff on private property to prevent the transport of pollutants into recreational waters, to the maximum extent practicable. (Policy NR 3.14) (*Imp 17.1*)
- HB 8.15 Street Drainage Systems**
Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies. (NR 3.15) (*Imp 7.1*)
- HB 8.16 Siting of New Development**
Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits. (Policy NR 3.16) (*Imp 3.1 6.1*)

HB 8.17 Parking Lots and Rights-of-Ways

Require that parking lots and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue. (Policy NR 3.17) *(Imp 2.1)*

HB 8.18 Water Quality Education

Effectively communicate water quality education to residents and businesses, including the development of a water quality testing lab and educational exhibits at various educational facilities. (Policy NR 3.18) *(Imp 29.1)*

HB 8.19 Natural Drainage Systems

Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge. (Policy NR 3.19) *(Imp 7.1)*

HB 8.20 Impervious Surfaces

Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible. (Policy NR 3.20) *(Imp 6.1)*

HB 8.21 Water-Related Education and Research within Upper Newport Bay

Promote facilities in and around Upper Newport Bay to adequately serve as water quality and estuarine education and research programs. (Policy NR 16.6) *(Imp 2.1, 23.1)*

HB 8.22 Animal Impacts on Water Quality

Limit feeding animals and depositing food or fish parts in Newport Bay. (Policy NR 3.21) *(Imp 8.1, 21.1)*

Visual Character

Goal

HB 9

A variety of beach/bulkhead profiles that characterize its recreational, residential, and commercial waterfronts.

Policies

HB 9.1 Design of New or Renovated Bulkheads

Balance private property rights, natural harbor tidal and current forces and other coastal processes (such as erosion and accretion) and harbor aesthetics with

other policies when considering designs for new or renovated bulkhead permits. *(Imp 2.1, 5.1)*

HB 9.2 Protection of Beach Profile

Permit and design bulkheads and groins to protect the character of the existing beach profiles and to restore eroded beach profiles found around the Harbor and island perimeters, and the safe navigation and berthing of vessels. *(Imp 2.1, 5.1)*

HB 9.3 Structures Impacting Visual Resources

Limit structures bayward of the bulkhead line to piers, floats, groins, appurtenances related to marine activities, and public walkways. *(Imp 2.1, 5.1)*

HB 9.4 Abandoned Vessels

Utilize City, county, state, and federal regulations to remove derelict, abandoned and unseaworthy vessels from City controlled tidelands promptly. *(Imp 14.3, 14.6, 21.1, 21.4)*

Administration

Goal

HB 10

Coordination between the City, county, state, and federal agencies having regulatory authority in the Harbor and Bay.

Policies

HB 10.1 Joint City/County Study

Prepare and fund a joint City/County study that would do the following:

- Identify the respective services provided by the City and County in Newport Harbor
- Determine the cost of those services
- Identify opportunities for the City and County to realign resources to provide services at reduced costs
- Identify the sources of revenue available to defray the cost of those services
- Identify potentially feasible methods of providing those services with volunteers rather than with public agency personnel (NR 11.2) *(Imp 21.4)*

HB 10.2 Review and Update of Harbor Standards and Regulations

Periodically review and update as appropriate all Harbor planning, design, engineering, and environmental criteria, standards, requirements and processes. *(Imp 9.1, 21.1, 21.4)*

HB 10.3 Harbor Area Management Plan

Develop a Harbor Area Management Plan that will provide a comprehensive approach to the management of the resources of Newport Bay such as protection of eelgrass and other natural resources, dredging for navigation, and continued use of private piers. (Policy NR 11.1) (*Imp 21.1*)

Goal

HB 11

Adequate harbor access for coastal-dependent harbor maintenance equipment and facilities.

Policies

HB 11.1 Harbor Maintenance Equipment and Facilities

Provide harbor access for harbor maintenance equipment and facilities, including dredging, dock demolition, repair, and construction, mooring services, debris and spill management equipment, and general harbor construction, maintenance and repair. (*Imp 14.3, 14.6, 21.1, 21.4*)

HB 11.2 Interagency Cooperation

Work with other controlling agencies within the Harbor, and/or the Bay, to define an area that can support harbor maintenance facilities and equipment. (*Imp 14.3, 14.6, 21.1, 21.4*)

Goal

HB 12

Balance between harbor revenues and expenses.

Policies

HB 12.1 Tideland Revenue

Receive a market rate of return from all tideland users to recapture all related City investment, services, and management costs. (*Imp 30.2*)

HB 12.2 Alternative and Supplemental Funding

Provide alternative and supplemental Harbor funding, including seeking federal and state grants and loans for boater safety, education, maintenance, and capital improvements of the Harbor. (*Imp 30.2*)

HB 12.3 Tideland Leases and Permits

Review the administration of tidelands leases and permits, and consider accepted Best Management Practices to assist in redevelopment, maintenance,

and financing of waterfront developments, and to reflect market value in the lease rates. (*Imp 30.2*)

HB 12.4 Tideland Permit Fees

Receive full cost recovery for permit processing. (*Imp 21.1*)

Goal

HB 13

Maintain and enhance deep water channels and ensure they remain navigable by boats. (Goal NR 14)

Policies

HB 13.1 Sediment Management within Newport Bay

Develop a comprehensive sediment management program that provides for safe navigation and improved water quality. (Policy NR 13.1) (*Imp 14.3, 14.11, 21.1*)

HB 13.2 Cooperation with U.S. Army Corps of Engineers

Cooperate with the U.S. Army Corps of Engineers in their maintenance and delineation of federal navigational channels at Newport Harbor in the interest in providing navigation and safety. (Policy NR 13.2) (*Imp 14.11*)

HB 13.3 Permit Processing

Secure blanket permits or agreements through the U.S. Army Corps of Engineers and the California Coastal Commission to expedite permit processing for residential and commercial dock owners in the Bay. (Policy NR 14.3) (*Imp 14.6, 14.11*)

HB 13.4 Shoreline Protection Alternatives

Encourage the use of nonstructural methods, such as dune restoration and sand nourishment, as alternatives to shoreline protective structures. (Policy S 2.5) (*Imp 8.1, 21.2*)

HB 13.5 Maintenance of Beach Width and Elevations

Develop and implement a comprehensive beach replenishment program to assist in maintaining beach width and elevations. Analyze monitoring data to determine nourishment priorities, and try to use nourishment as shore protection, in lieu of more permanent hard shoreline armoring options. (Policy S 3.3) (*Imp 8.1, 21.2*)

HB 13.6 Beach Width Monitoring

Monitor beach width and elevations and analyze monitoring data to establish approximate thresholds for when beach erosion or deflation will reach a point

that it could expose the backshore development to flooding or damage from storm waves. (Policy S 3.2) (*Imp 28.1*)

HB 13.7 Emergency Use of Coastal Facilities

Establish procedures and public/private cooperation and communication for the emergency use of coastal facilities and equipment in advance of flood, storm, pollution, dredging, vessel sinking, and other events, supplementing other safety and rescue bases and equipment. (Policy S 9.8) (*Imp 28.2*)

City of Newport Beach

Harbor Commission report to Planning Commission
February 23, 2017

Preservation of Marine Related Activities and Businesses in Newport Harbor

#1 Responsibility of the Harbor Commission:

Ensure the Long Term Welfare of Newport Harbor

Objective Supporting #1 Responsibility:

Collaborate with the Marine Committee of the Newport Beach Chamber of Commerce in the development of strategy recommendations to support the preservation of water-dependent commercial and recreational activities as prescribed in the Harbor Area Management Plan and the Harbor and Bay Element of the General Plan.

Committee Members

- Harbor Commissioner Vice-Chair: Joe Stapleton
- Harbor Commissioner Chair: Paul Blank
- Harbor Commissioner Past Chair: Dave Girling

- NB Chamber Marine Committee Co-Chair: David Beek
- NB Chamber Marine Committee Co-Chair: Chandler Bell

Our Process and Activities

- Reviewed previous research, documents and results as they related to this objective
- Conducted multiple work sessions at which the Newport Beach Chamber Marine Committee, Harbor Commission Subcommittee and members of the public were present
- Met with additional constituents and harbor stakeholders
- Obtained full Harbor Commission approval of these recommendations:
 - 1) Critical waterfront businesses/services
 - 2) Elements of a successful harbor
 - 3) Businesses/Service appropriate for Mariner's Mile

Critical Waterfront Businesses / Services

	Currently Underserved	Appropriate For Mariner's Mile
Public Launch Ramp	X	
Commercial Fishing Load/Unload		
Hazards/Waste Response	X	X
Charter Vessel Industries		X
Fuel Docks		
Shipyards/boat repair	X	X
Docks/Slips/Mooring Services	X	X
Commercial Marinas/Storage		X
Dredging and Harbor Maintenance	X	X
CNB Harbor Resources		
Pump out stations		X
Public Docks		X
Guest & Visitor Support/Facilities		X

Elements of a Successful Harbor

	Currently Underserved	Appropriate For Mariners Mile
Vessel/Recreational Rentals		X
Sightseeing/Harbor Tours		X
Vessel Sales		X
Dry Boat Storage		X
Mast Up Dry Boat Storage		X
Marine Fuel Polishing		
Oil Change and Sanitary Services		
Vessel Cleaning - topsides		X
Vessel Cleaning - anti-fouling		X
Sailmakers, Canvas and Upholstery Makers		
Sea Lion disbursement		
Fishing/Whale/Nature Excursions		X
Dining and Entertainment		X
Yacht Clubs		X
Sailing Schools		X
Summer Sailing Programs		X
Christmas Boat Parade		X
Bait Barge		
Commercial Warf/Loading Area	X	X
Fractional Ownership Sales and Management		X
Museums/Experiential/Educational Providers		X



Thank You

Contact:

Paul Blank
pblank@newportbeachca.gov

Harbor Commission and the General Plan

Our goal for today:

- Share context on the General Plan, explanation of why it is important, and timelines for adoption
- Describe where the General Plan promotes goals and policies that have shared scope with Harbor Commission
- Invite participation into the process, identify priorities within scope of Harbor Commission



What is the General Plan

What is a General Plan

A General Plan contains **goals** that set values and direction, **policies** that guide decision-making, and **programs** to carry out the actions needed to achieve the goals.

Where We Are Today

Newport Beach's last General Plan was adopted in **2006**. The General Plan is currently being updated to respond to social, economic, and environmental changes, and to comply with state law. A lot has changed in 20 years.

How Newport's General Plan is Organized, How It Impacts Harbor Commission

2006 General Plan was organized into these themes: some are mandatory by the state, some are optional statements of community value.

Vision Statement

Shared image of what people want in their community over the planning period 20-30 years

Harbor and Bay

Focused on recreation, natural resources, and economic opportunity of these features

Recreation

Parks, community centers, public facilities, and recreational programs.

Housing

[Already certified by state] Required every 8 years to update zoning and city planning.

Natural Resources

Stewardship and guidance on variety of natural resources: bay, coastline, wetlands, and open space.

Arts and Culture

Building a sense of community through arts, culture and library.

Land Use

Decisions about how land is developed balancing the needs and goals of community.

Safety

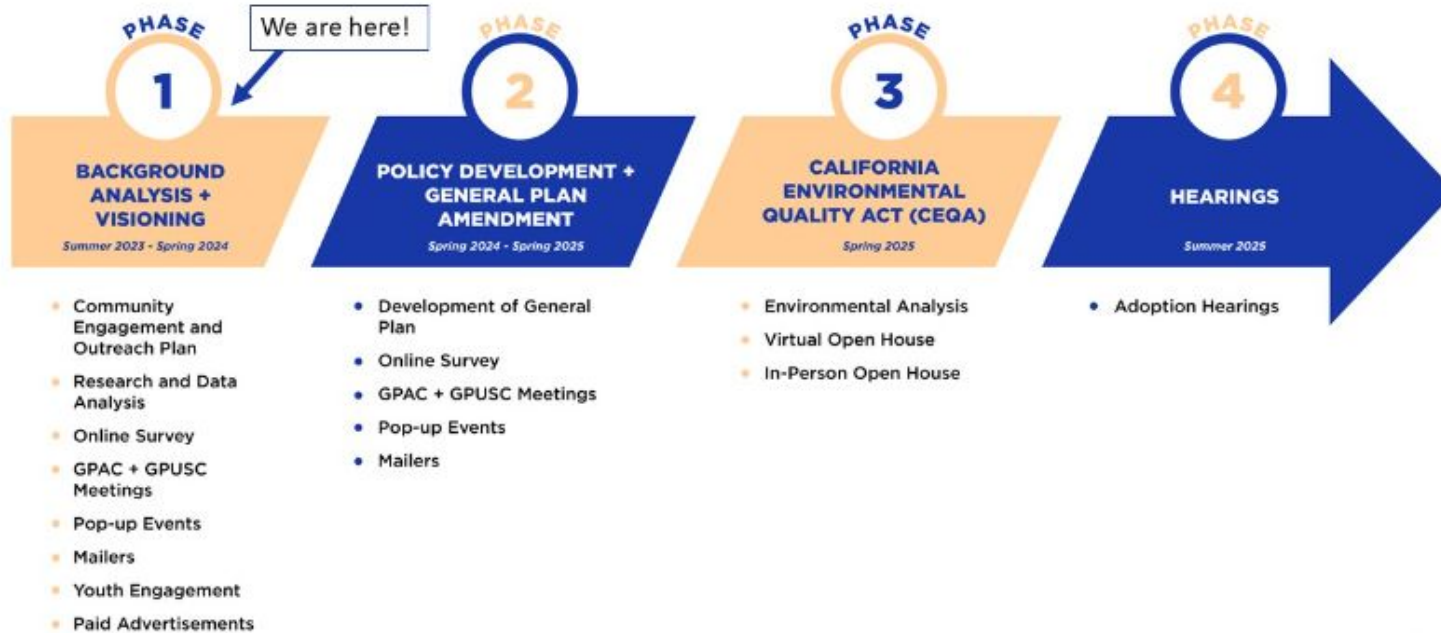
Guidelines to protect the community from hazards like flooding, fire, weather, coastal hazards, earthquakes

Circulation / Noise

Roads, sidewalks, bikeways and transit systems. Noise pollution.

About General Plan

Where we are in the General Plan Process, why I am presenting today



Ask for Committee: Share official recommendations on themes, goals, policies within scope of Harbor Commission that should be considered and included in the upcoming General Plan

Overview of Goals and Policies Impacting Harbor and Bay in 2006



Ownership of Harbor Resources and Harbor Management

Defraying and rearranging of Harbor resources between the City, County, and Federal agencies

Preserve the Use Cases, Look and Feel of the Harbor

Preserve the character and uses that contribute to Newport Bay, maintain harbor beaches and profile, preserve water-related land uses.

Maintain a Functional Recreational and Commercial Harbor

Continue to support and service diverse use cases of recreation and commercial activity in Newport Harbor. Where possible invest in land or services that can support these uses cases.

Vision for Public Access and Water Quality

Expansion of waterfront public access and facilities supporting public access. Protection of the Upper Bay and water quality is a focus.

Expense Management and Funding

Balance the needs of the Harbor and Expenses, ensuring a market rate of return from all tideland users.

Ownership of Harbor Resources and Harbor Management



Goal	Policies
HB10 - Coordination between City, county, state, federal agencies having regulatory authority in the Harbor and Bay	<ul style="list-style-type: none"> Joint City and Council Study - Fund a study that would identify services provided by City and County in Newport Harbor <ul style="list-style-type: none"> Determine the cost of those services and identify opportunities for the City to realign resources to provide services at reduced cost Identify sources of revenue available to defray the cost of those services Develop a Harbor Area Management Plan that will provide a comprehensive approach to the management of resources in Newport Bay
HB 11 - Adequate harbor access for coastal-dependent harbor maintenance and equipment facilities.	<ul style="list-style-type: none"> Provide harbor access for maintenance equipment and facilities. This includes dredging, dock demolition, repair services, mooring services, debris and spill management, general harbor construction. Work with other agencies within the Harbor and Bay to define an area that can support harbor maintenance
HB13- Maintain and enhance deep water channels and ensure they remain navigable by boats	<ul style="list-style-type: none"> Sediment Management in Newport Bay - develop a comprehensive sediment management program providing for safe navigation and water quality Cooperation with US Army Corps of Engineers Permit Processing - Secure blanket permits through US Army Corps of Engineers and Coastal Commission to expedite permit processing for residential and commercial dock owners. Shoreline Protection - Encourage use of nonstructural methods, dune restoration and sane nourishment, as alternatives to shoreline protective structures.

Preserve recreational and commercial use cases, and the look and feel of the Harbor



Goal	Policies
<p>HB1 - Preservation of the diverse uses of the Harbor and the waterfront that contribute to the charm and character of Newport Bay. Support recreational boaters, visitors, and residents</p>	<ul style="list-style-type: none"> • HB1.1 - Preserve and enhance the uses that contribute to Newport Bay: recreational activities (boating), water related commercial activities (passenger / sightseeing boats, fishing boats, rentals and sales), Water-enhanced commercial uses (restaurants and stores), Public recreation and education areas (beaches, piers, view parks, public areas). • HB1.2 Encourage the creation of waterfront public spaces and beaches with water access and docking. These serve as identity and activity “centers” of Newport Harbor.
<p>HB9 A variety of beach / bulkhead profiles that characterize its recreational, residential, and commercial waterfronts</p>	<ul style="list-style-type: none"> • Design of new or renovated bulkheads • Protection of harbor beaches and beach profile • Management of abandoned vessels
<p>HB3 Enhanced and updated waterfront commercial areas.</p>	<ul style="list-style-type: none"> • Preserve and enhance existing water-related commercial uses and marine oriented commercial areas through improvements and programs that preserve the character of the Harbor. • Re-use of properties. Discourage re-use of properties that result in reduction of water-dependent commercial uses. Allow re-use of properties that assure water-dependent uses remain.

Maintain a functional commercial and recreational harbor



Goal	Policies
<p>HB2 Retention of water-dependent and water-related uses and recreational activities as primary uses of properties funding the Harbor.</p>	<ul style="list-style-type: none"> • Policy summary: Prioritize zoning that does not disturb water-dependent or water-related uses. Consider water-uses when making all land use decisions. Encourage marine support in these decisions and accommodate private sector uses (vessel assistance and environmental services). • Encourage development of waterfront facilities that displace water-dependent uses. Public access facilities are important to invest in, including parking and restrooms.
<p>HB4 Preservation of existing commercial uses in the Harbor to maintain and enhance the charm and character of the Harbor and to provide support services for visitors, recreational boaters, and other uses.</p>	<ul style="list-style-type: none"> • Support continued operation of passenger / sightseeing boats, fishing boats, and long term boat rentals and sales. Support safe short-term rental of small boats. • Support entertainment and tour vessels.
<p>HB5 Variety of vessel berthing and storage opportunities</p>	<ul style="list-style-type: none"> • Marinas and Dry Boat Storage - Protect, enhance, expand marina and dry boat storage • Berthings and Moorings - Provide a variety of berthing and mooring opportunities, reflecting state and regional demand for slip size and affordability • Anchorages - Provide anchorages in designated federal areas that minimize interference with safe navigation • Piers - Authorize, pursuant to permit, license, or lease, new and existing piers and docks bayward of waterfront residential properties. • Moorings - Foster public access to moorings by enforcing and refining the derelict boat ordinance and regulating transfers by permit holders. • Live Aboard Vessels - Allow liveaboard vessels subject to reasonable maximum number of annual permits.

A Vision for Public Access and Protection of Water Quality



Goal	Policies
<p>HB6 Provision and maintenance of public access for recreational purposes to the City's coastal resource</p>	<ul style="list-style-type: none"> • Provide adequate public access to the shoreline, beach, coastal parks, trails, and bay. • Acquire additional public access points where possible and provide parking. • Develop and implement a long range plan for public trails and walkways. <ul style="list-style-type: none"> ◦ Expand Lido Marina Village boardwalk ◦ Provide continuous waterfront along the Rhine Channel ◦ Provide a walkway to connect Lido Village with Mariners' Mile ◦ Provide a continuous walkway along Mariners' Mile waterfront • Enhancement of guest and public facilities, including vessel launching, waste pump-out, guest docks, and harbor support • Expand public water transportation services and expanded public water transportation uses
<p>HB7 Water Quality and the Environment - Protection and management of Upper Newport Bay commensurate with the standards applicable to our nation's most valuable natural resources.</p>	



Goal	Policies
HB12 - Balance between Harbor and Expenses	<ul style="list-style-type: none">• Tideland Revenue - receive a market rate from all tideland users to recapture all related City investment and management costs• Supplemental Funding - Provide supplementation Harbor funding, seek federal and state grants, loans for boater safety, education, maintenance and capital improvements.• Tidelands Leases and Permits - review the administration of leases and permits, considering best management practices to assist in redevelopment, maintenance and financing of waterfront developments, and to reflect market value in lease rates.

Summary of Relevant Background and Opportunities for 2024 / 2025

Looking Forward

Dudek, the General Plan and City Consultant, has highlighted background analysis and opportunities for the 2024 General Plan that are relevant to our committee's scope. They have conducted studies across topics so far - each linked to the research

1. Coastal Resilience
2. Natural Resources
3. Harbor and Bay and Safety - coming to public within next two weeks

Background and 2024 Context

Harbor Bay and Beaches Economic Value - Harbor Bay and Beaches are a major economic driver for Newport Beach, driving \$547M in direct economic output. This supports 4,400 direct jobs with \$196M in total earnings. In total, Newport Harbor and Beaches are estimated to support approximately 5,900 indirect jobs. Newport Harbor and Beaches drive \$787M in total economic activity to the county economy. It is a major driver to the General Fund as it contributes to property taxes and property values.

Wetlands - Newport is rich in wetlands, including the Upper Bay Ecological Reserve and freshwater creeks that lead to the Ocean. For development and permitting purposes it is important that on-the-ground surveys are conducted to identify wetland habitats. These can change over time.

Public Access (Beach and Harbor) Due to SLR and Flooding - Future projections point to beach sites and harbor resources being at risk from water inundation. Low emissions scenarios would indicate that by 2100 80% of beach access will be threatened, 40% of beach parking will be threatened.

Opportunities for GP Relevant to Harbor and Bay

1. **Long term planning for the protection of commercial and recreational activities in the harbor and beaches is critical.** Firstly because it is now required by CCC, but opportunistically because significant funding exists for communities with robust plans.
2. **Tension between development and natural resources** - Coordination with City State important to protect important habitats for Newport Beach.
3. **Regional, State and Federal Coordination** - Study recommends great collaboration and interagency coordination to meet SLR guidance and requirements throughout region and State. City must be sure to resolve or address any areas where partner agencies have different guidance.
4. **Plan for Sea Level Rise** - Sea level rise is deemed as a threat to Newport Beach in the study. The study cites a 2019 SLR Vulnerability analysis identifying impacts throughout Newport Beach. But this can be built upon with adaptation strategies and phased plans that follow regional and state guidelines. Planning will help Newport identify areas that are a better fit for hard armoring solutions (seawalls, bulkheads, groins) vs. natural solutions (beach nourishment, dunes, wetland restorations, living shorelines)

Background and Opportunity

1. **State and Local Funding Sources Identified** - Some relevant to Harbor Commission
 - a. **Proposition 84 - Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act** (great name) - funds a variety of resilience and coastal resource projects, including sea rise adaptation projects.
 - b. **Water Quality Supply, Infrastructure Improvement Act** - Prop 1 - aims to provide funding for multi-benefit coastal restoration and resilience
 - c. **Coastal Conservancy Grant Program** - Awards between \$200K and \$5M for projects in coastal watersheds to increase availability of beaches, parks, trails, wetlands and habitats. Can be used towards property acquisition, project planning, permitting, construction.
2. **Federal Funding Sources**
 - a. **NOAA's Coastal Resilience Fund** - provides funding for projects to increase natural infrastructure to protect coastal communities while enhancing habitats for fish and wildlife. Awards range from \$100K to \$1M, restoration projects range from \$1M to \$10M. No matching funds are required.
 - b. **FEMA Building Resilient Infrastructure and Communities (BRIC)** - grant program provides funding for hazard mitigation projects that reduce the risk of disasters.
 - c. **Flood Mitigation Assistance Program** - funds projects that reduce risk of flood damage to buildings insured by NFIP.

Next Steps



Harbor Commission's Role



1. **Open Discussion Today** - high level themes or goals that you would like to see represented over next 20 years.
2. **Committee Recommendation of Goals and / or Policies Relevant to Harbor Commission Scope** - Committee to gather feedback, structure a recommendation for included goals and relevant policies for inclusion in General Plan.



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

October 9, 2024
Agenda Item No. 7.2

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

October 9, 2024
Agenda Item No. 7.3

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)

Motion for Newport Beach Harbor Commission Consideration

Subject: Approval of Four 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 mooring sites to be located off Big Corona Beach. These mooring sites will be secured using a Helix Screw Anchoring System, providing a safe and environmentally friendly mooring solution.

Background and Justification:

The establishment of additional mooring sites off Big Corona Beach will help accommodate the increasing demand for moorings in Newport Beach, providing more options for boaters while maintaining safety and environmental standards. The Helix Screw Anchoring System has been chosen for its proven effectiveness in securely anchoring moorings with minimal environmental impact.

Financial Considerations:

The total cost for the installation of four mooring sites, utilizing the Helix Screw Anchoring System, is estimated at \$30,000.00. Additionally, an allocation of \$10,000 is requested to cover the costs of consultants and engineering services required to ensure the proper planning, design, and implementation of the mooring sites.

Action Requested:

The Harbor Commission recommends that the City Council:

1. Approve the installation of four mooring sites off Big Corona Beach.
2. Allocate \$30,000.00 for the installation of the moorings, secured by the Helix Screw Anchoring System.
3. Allocate an additional \$10,000 for consulting and engineering services related to the project.
4. Authorize city staff to proceed with the necessary steps for implementation upon approval.

Conclusion:

Approval of this motion will facilitate better access to mooring facilities for boaters in Newport Beach, contribute to the sustainable management of our harbor, and ensure the continued enjoyment and safety of our coastal resources.

Submitted by:

Steve Scully
Gary Williams
Newport Beach Harbor Commission

Date:

October 9, 2024



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

October 9, 2024
Agenda Item No. 7.4

TO: HARBOR COMMISSION

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

TITLE: Harbormaster Update – August and September 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, 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:

Ensuring all mariners in Newport Harbor had a safe and enjoyable end of the summer experience was the focus of activities for the Harbor Department in August and September. Water quality was also a heavy focus of activity. Especially gratifying for the team was hitting a couple of big waypoints including:

- Ribbon cutting for the new public dock at 29th Street
- Delivery of the new all-electric patrol vessel
- Initiating identification of a vessel reported as stolen, subsequent arrest of an alleged thief, and return of the vessel to the reporting agency

Details on delivering a small fraction of the services performed in support of our mission are summarized below.

Clean

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

- In association with the California Coastal Cleanup Day, an underwater cleanup was conducted in the harbor. This was the fourth such underwater cleanup that has taken place in recent years and the first time it was conducted from Marina Park. Nearly 100 divers and more than 120 above the surface volunteers participated
- We initiated the “arrest” of a persistently challenging vessel abandoned and impounded. The arrest is required due to the significant liens on the vessel. The last time the City had a vessel arrested was in 2016. It’s a time-consuming and resource-intensive process, but ultimately worthwhile for the harbor
- An abandoned trimaran that ended up on a seawall in Bayshore was removed from the harbor and destroyed
- A battery, unidentifiable fluids, and debris collected at various public docks and Marina Park were dropped off at the municipal yard for proper disposal
- Assisted a mooring permittee with proper disposal of trash and debris at Fernando Street public dock
- A vessel moored in the H field was determined to be overcrowded with storage of several smaller vessels. Education resulted in compliance and more sanitary conditions
- A guest vessel at Marina Park was determined to be leaking diesel after a sheen was observed by OCSD Harbor Patrol. A collaborative effort to identify the source and contain the spill resulted and included deploying our containment equipment. Both agencies worked well together. As is required, the Coast Guard was notified and paid a visit to review the scene
- Graffiti on the wall at CDM State Beach was observed and abated via a collaborative effort with our colleagues in Public Works
- We’ve begun recording the weight of trash and debris collected and are tracking successfully against the Performance Measure set for us this fiscal year. A typical day nets between 20 and 30 pounds of debris removed from the harbor
- We addressed several instances of misuse at the Balboa Marina Public Dock
- The privately owned and operated debris collection barge was very active. We were pleased to support their efforts
- A significant effort was put into follow-up and further investigations on the deteriorating situation at a residential address with dock in the Upper Bay
- A clever graffiti artist and vandal made modifications to the time limit markings on the Emerald St. public dock. Removal and restoration of the markings were quickly accomplished
- We began documenting a challenging situation with the substandard condition of a vessel in the G mooring field which is not within the City’s jurisdiction

Safe

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

Highlights included:

- A boat reported as stolen out of impound in Long Beach was identified in Avalon. Avalon Harbor Department worked with the LA Sheriff's Department to stake out and apprehend an alleged thief and retrieve and return the stolen vessel. This episode was initiated by a request to us to publish a vessel dossier and share it via the Southern California United Marine Working Group on Vessels of Concern. Avalon sent us a text that read, "With the help of LASD, we took the guy off and impounded the boat. Going back to Alamitos tomorrow. Your email was crucial to this happening. Thank you."
- A paddleboarder out of Lido was reported overdue and missing. The paddleboarder was located and identified by Harbor Service Workers (HSW) who ensured she made her way back to the rental company
- HSWs assisted a Lido 14 with sail adjustments and vessel repositioning during a stop at Marina Park
- HSWs towed an inoperable vessel out of the main channel and to the Balboa Marina public dock
- Potential jumpers at the 38th Street bridge were deterred by HSWs
- A rental electric vessel fouled its propeller on a mooring in the K field. We freed it and ensured it was safely on its way
- Youths with no Personal Floatation Devices on SUPs were educated/corrected
- Provided first aid to an angler with a fishing hook through his finger
- HSWs performed many mooring assists throughout all fields
- An HSW was in the department truck when he noticed the results of a traffic collision involving an NBPd motor officer. Lead HSW Maberry helped the disoriented officer until the medics arrived and additionally assisted with traffic control
- Several instances of speeding in the harbor were addressed, advised and compliance was achieved
- The anchorage boundary buoys were replaced and the signage was refreshed and improved
- A new swim ladder was installed and then subsequently modified to be more effective and less of a hazard at the 10th Street Beach swim platform
- Towboat US was undertow with a 41' M/V and asked our help escorting them to a shipyard. We were very pleased to provide escort assistance
- HSW Lebano took the initiative of visiting the OCSHP offices and asking for information on a vessel involved in a bridge-jumping incident. The parents of the youths involved were subsequently invited to a meeting with the Harbormaster and a discussion on safety in the harbor
- HSWs were flagged down to assist a vessel owner with a small engine fire
- Another call on a vessel fire came to the Harbor Department office indicating an electric boat at 15th Public Dock had a small fire and was taking on water. Several HSWs arrived on the scene within minutes. The battery/wiring of the electric boat had sparked a small fire due to significant water in the bilge/battery

area. HSWs assisted with the dewatering of the vessel and extinguished the fire. They then waited on the scene until the rental company arrived. HSWs followed the towing vessel until they safely reached the rental company. Interesting coincidence: one year ago, we dealt with the same exact electric vessel with the same exact issue

- Reckless boat handling by a vessel participating in a sailing race was reported, observed and video documented. We addressed the situation with the permitted race organizers and vessel skipper. We also communicated with several concerned onlookers about our approach to educate, educate, educate, and then only when education doesn't work, enforce
- Approved solar lights were affixed to several more Private Aids to Navigation in the harbor. We have two lights left to install and are waiting on repairs to two additional marks after which we will declare the project complete

Well-enjoyed

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

- Several instances of sea lion intrusions onto docks and vessels in various locations were addressed and corrected
- A homeless encampment observed at 19th Public Dock was reported to the NBPd
- A thorough, thoughtful, and very involved investigation with great communication and coordination by several members of the Department resulted in the following citations being issued to a single vessel operator:
 - \$1,000 for offering charters without a MAP
 - \$100 for conducting charters from a public dock
 - \$100 for not having a valid business license
 - \$2,000 for offering charters without a MAP after the first notification
- We procured and deployed new signage at Rhine Wharf consistent with current code, conditions, and requirements for use
- Our collection of burgees from visiting mariners and clubs is now properly mounted and displayed above the front desk in our office
- There is a renewed and stronger focus on fishing restrictions at public docks. The focus includes ensuring anglers give way to mariners, limiting the number of poles per person, and requiring active use of poles/equipment left on the public dock
- New location identification stickers were applied on the anchorage buoys
- HSWs returned a sailboat to the recreation sailing center that had called us in distress
- A couple of regular visitors overstayed their welcome (and the time limit) in the anchorages. We addressed this comprehensively and consistently. Active enforcement of anchorage limits is very important in ensuring conditions do not degrade into situations we have seen elsewhere. There are a couple of vessels that continually disregard and test the limits. NOVs are issued and when necessary, citations are issued

Odds and Ends

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

- A dozen or so historical drawings related to the development of the harbor were contributed and will be preserved in the City's archives. These documents date back to the 1930s. The source for some or all is the Army Corp of Engineers and the collection included images of soundings after completion in 1936
- Office staff with the Lido Isle Community Association were concerned about the health of a sea lion. The sea lion was observed by HSWs and found to be healthy and exhibiting normal behaviors. We reported our findings to the concerned callers and they were very grateful for our response and the update
- We did a great job of coordinating some overlapping reservations/permits at the Rhine Wharf. All permittees were cordial and accommodating of other users. In the end, all users had access when they needed it and observed that the permitting and scheduling system works
- The California Coastal Commission asked us to delay the hearing on our application for the C Field mooring optimization project. We agreed to a 90-day delay
- We have begun tracking progress against all of the performance metrics set for the Harbor Department including:
 - Removal of 15 unseaworthy, unsafe or unsanitary vessels
 - Improved occupancy for Marina Park slips and moorings as well as mooring sub-permits
 - Achieving 90% occupancy in the Mooring License Program
 - Monthly community engagement via public appearances, presentations and outreach
 - Removal of 1200 pounds of hazards, debris and trash from the harbor
- We hope to bring the Commission regular reporting against our performance metrics in the New Year
- Registration for the new HD-EV was achieved within the 30-day window after delivery for the first time in Department history
- The abatement efforts related to a residential property with a dock and several vessels were significant and are ongoing. One vessel was raised and impounded and will likely be declared marine debris. We continue to work on compliance with requirements for three other vessels plus the status of the dock. We are also working with landside Code Enforcement on other complaints related to this property

The most amusing call in the two months covered in this report came from an in-person visit to the Harbormaster while he was off-duty and in a remote location. The visiting party was concerned about a verbal warning his girlfriend's daughter received while operating a foil board in the harbor in excess of the speed limit. The concerned visitor wanted to argue with Harbormaster about the law/rule. This after having bluffed staff by telling them the Harbormaster said it was okay if the foil board was operated

with no wake. The Harbormaster attempted to educate the visitor on the necessity to enforce safe navigation rules consistently across ALL users of the harbor. The example of an inexperienced mariner not expecting a foil board or any other craft to exceed the speed limit was offered. Still wanting to argue his point, the visitor was offered the opportunity to reach out to the Harbormaster in his office and carry the conversation on further during the Department's operating hours. Further education was provided to staff who find themselves in such situations where the Harbormaster is quoted as authorizing an exception to the rules. Staff are now all trained to ask whether the parties quoting the Harbormaster have the exception in writing as the Harbormaster is very diligent about issuing written permits for unusual or unexpected activities in the harbor.

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).

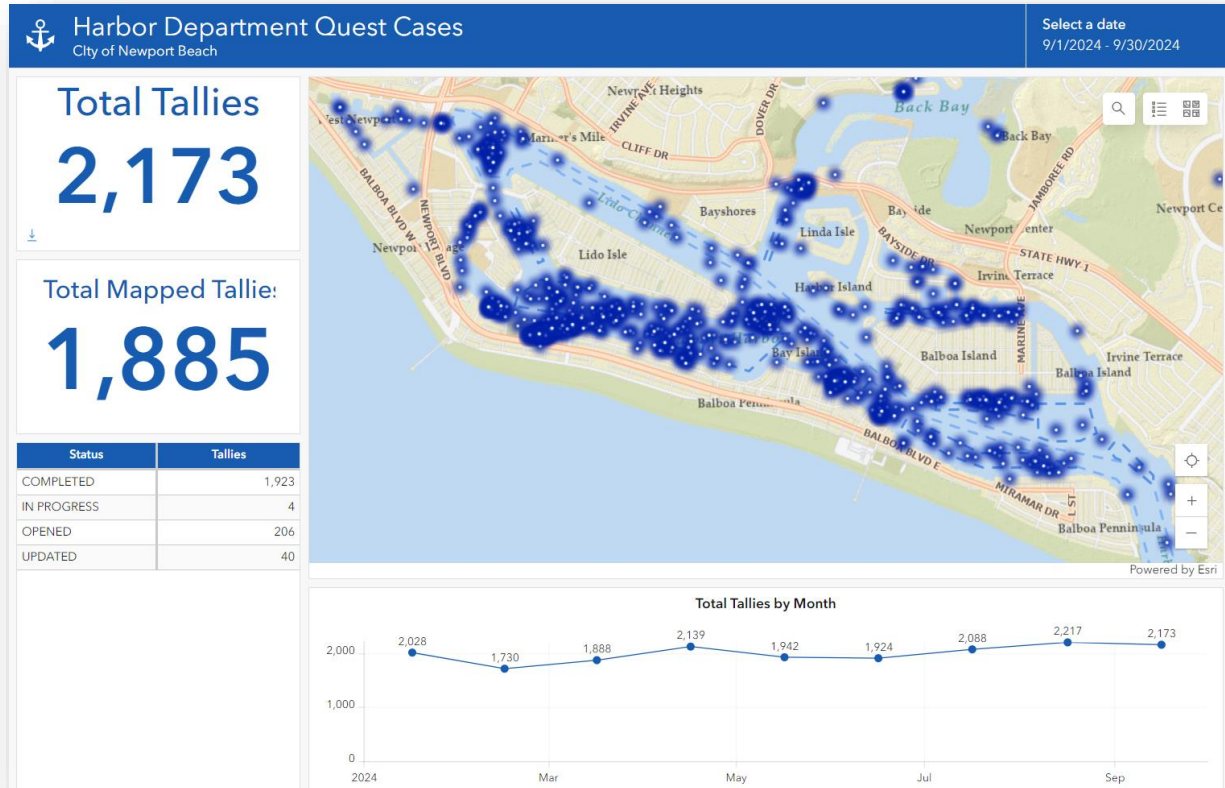
ATTACHMENTS:

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

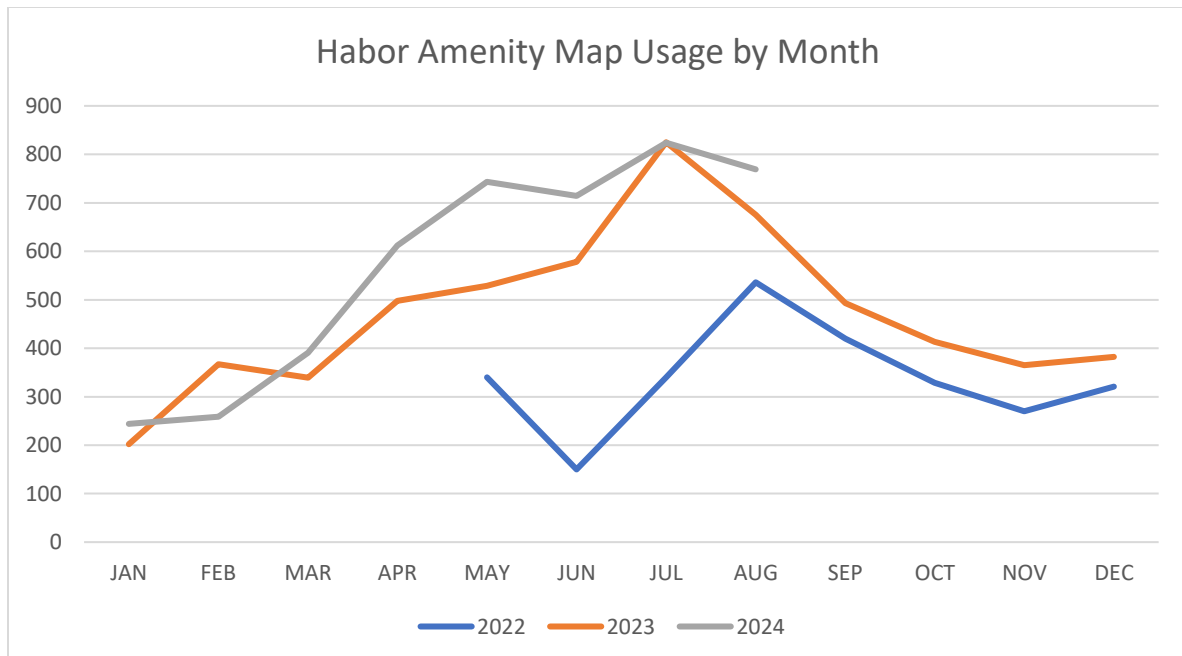
HARBOR DEPARTMENT STATISTICS INFOGRAPHIC

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

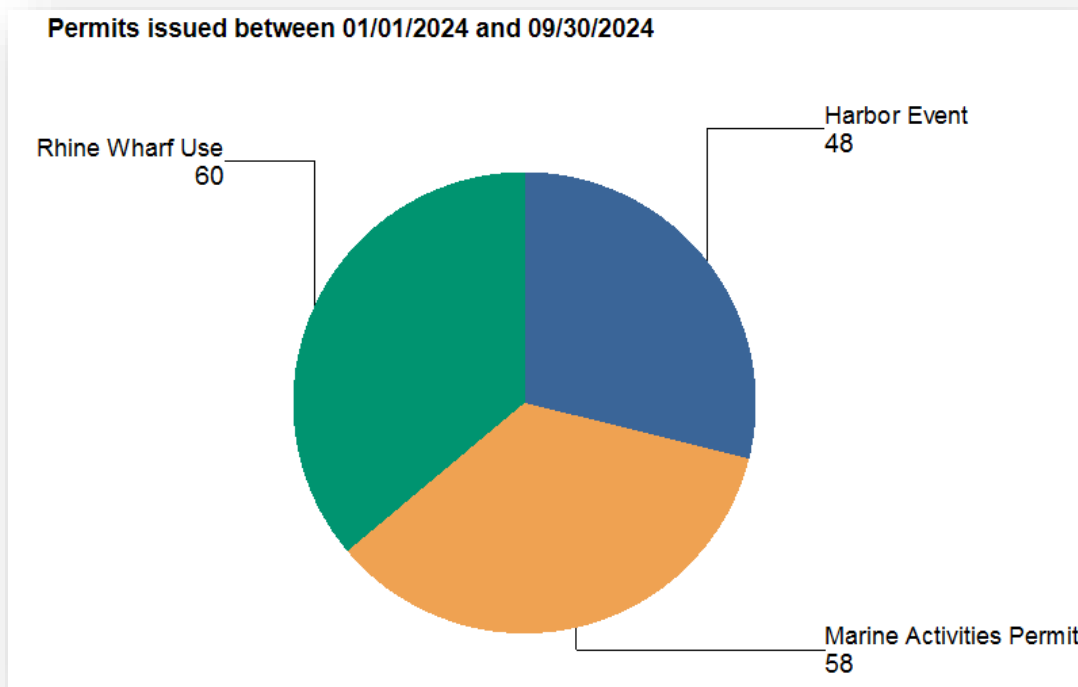
Heatmap of Harbor Service Requests – Year-to-Date



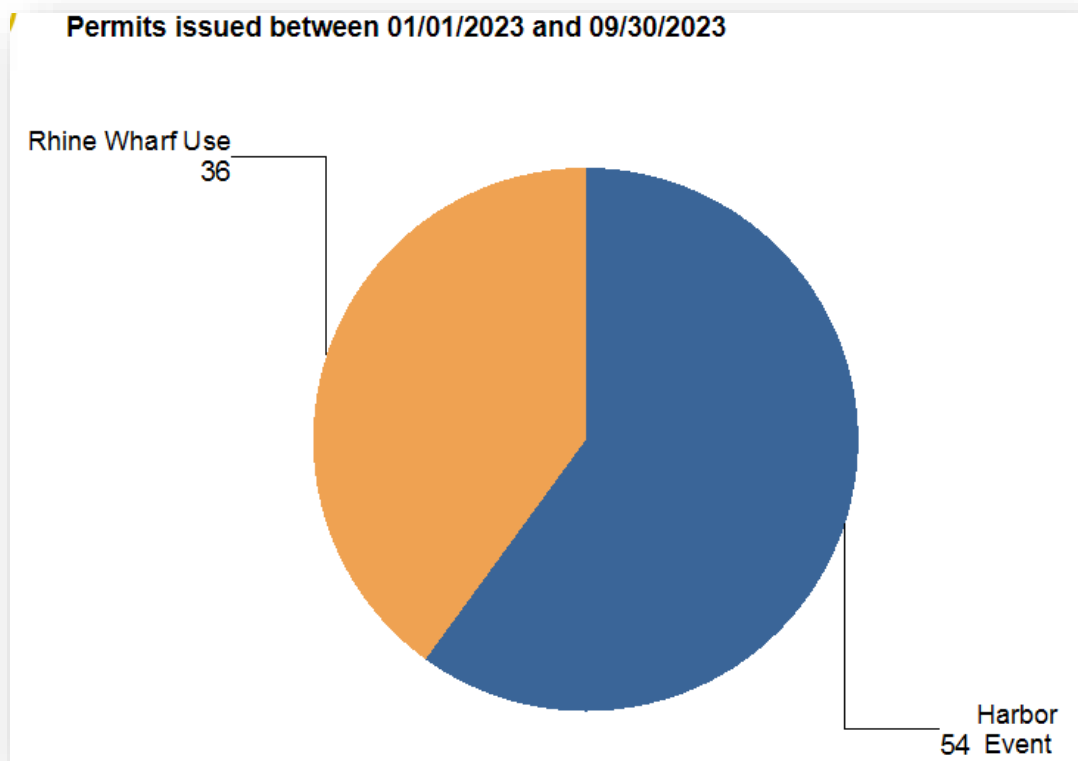
Harbor Adjacent Public Amenity Map Usage



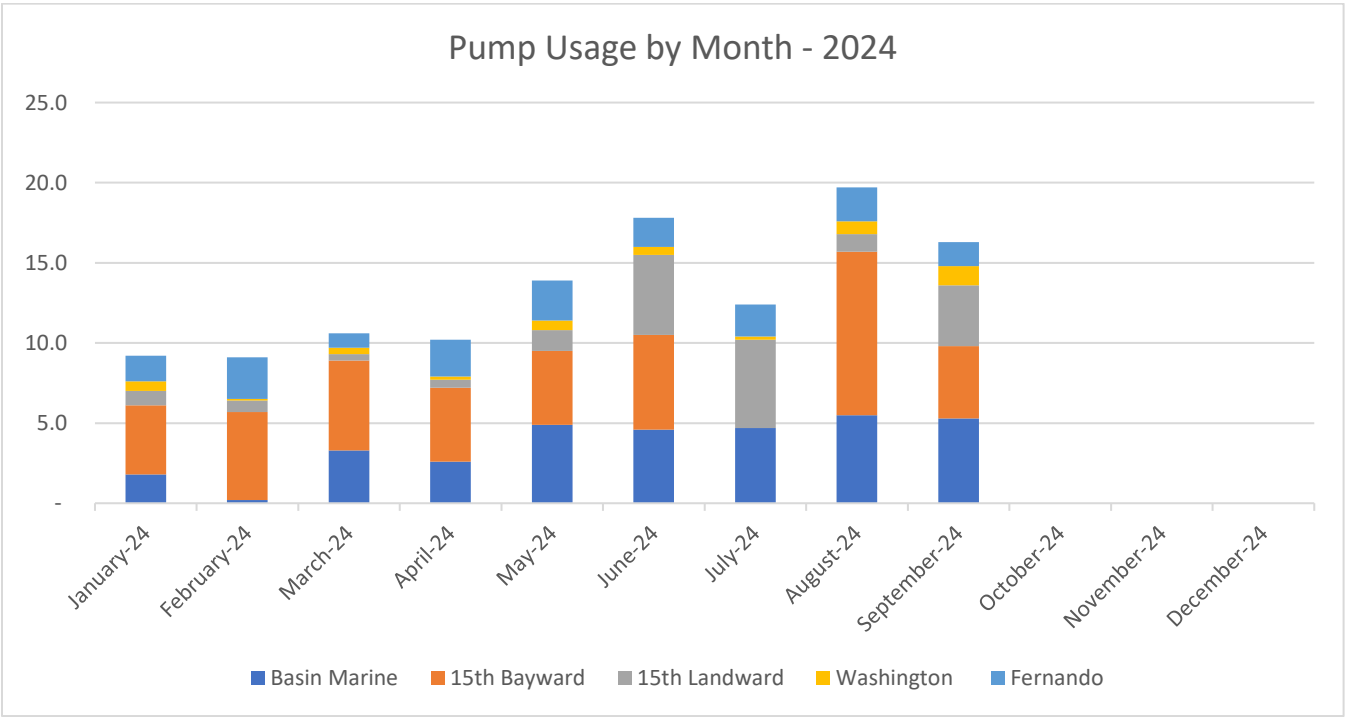
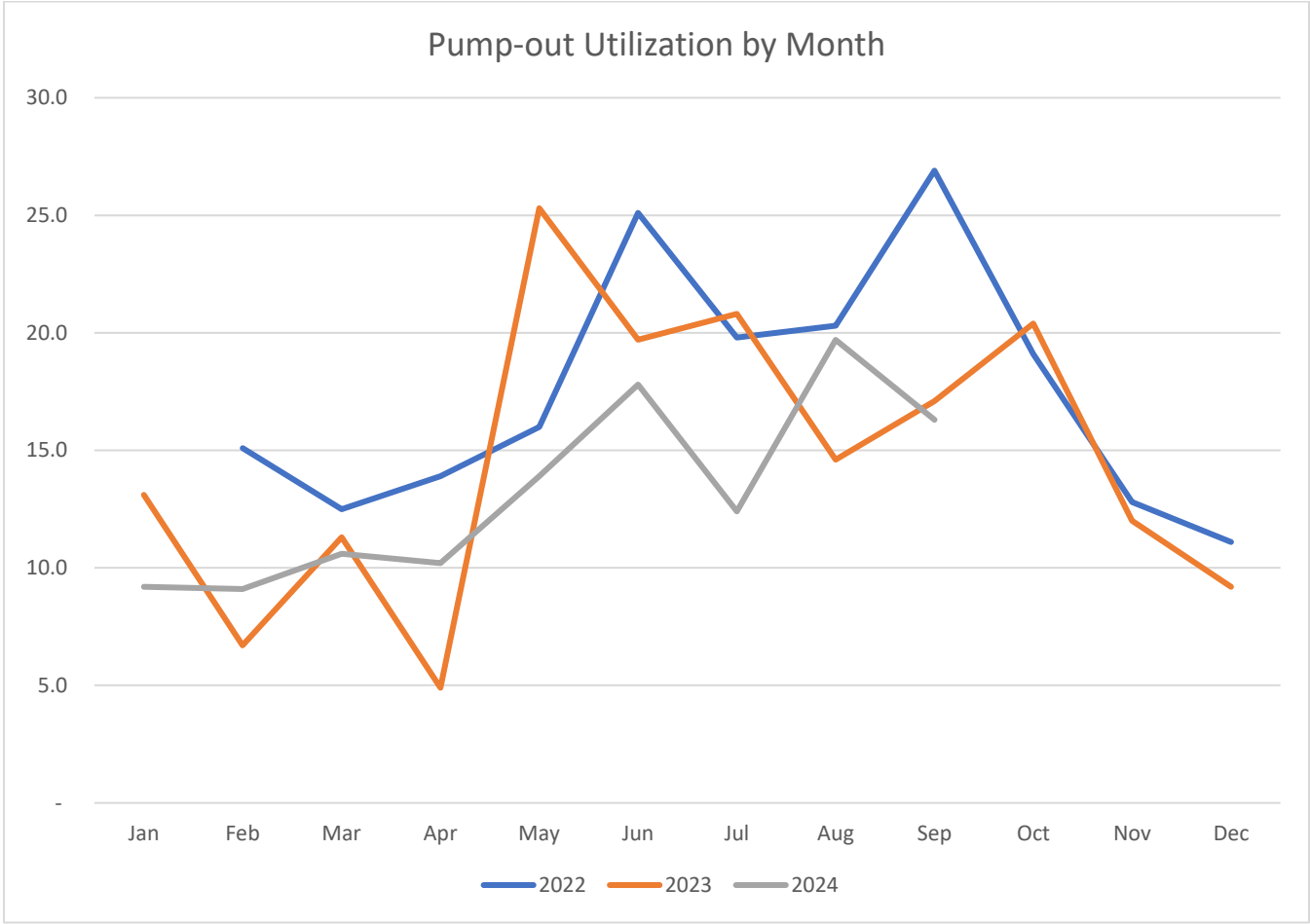
Permit Activity in 2024



Permit Activity in 2023



Pump-out Equipment Utilization Over Time



Anchorage Usage for the Month

Search Anchorage Stays		Search	Clear	Find Potential Violations		
<div> <div>◀ ▶</div> <div>today</div> <div> <div>📅</div> <div>Sep, 2024</div> </div> </div>		Week		Month		
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 Sep	2	3	4	5	6	7
<div>Blue Knight - E</div> <div>Calypso 8/24/2024 - E</div> <div>Inclination 8/24/2024 - E</div> <div>Sail Le vie 9/1/2024 - W</div> <div>Commocean</div> <div>more...</div>	<div>Hooligan - compost head 9/3/2024 - W</div> <div>RESILIENCE CF 5909 TM 9/3/2024 - E</div> <div>PRAIRIE GIRL 9/3/2024 - E</div>		<div>AEOLUS 9/4/2024 - E</div> <div>MAHOEE 9/4/2024 - E</div>	<div>Livin 9/6/2024 - E</div> <div>Spirit of the wind 9/6/2024 - E</div> <div>Champ 9/6/2024 - E</div> <div>Born to win 9/6/2024 - E</div> <div>more...</div> <div>more...</div>		
8	9	10	11	12	13	14
<div>Cien anos - E</div> <div>Cielito Lindo 9/7/2024 - W</div> <div>Freyja 9/8/2024 - W</div> <div>Bella 9/8/2024 - E</div>				<div>Wind dancer - E</div> <div>Serenity now 9/12/2024 - W</div>		
15	16	17	18	19	20	21
<div>Wind dancer - E</div> <div>Catalytic 9/13/2024 - E</div> <div>New Beginnings 9/15/2024 - E</div> <div>Bella 9/16/2024 - E</div>	<div>Island Pacific 9/17/2024 - E</div> <div>Blackbird - E</div>			<div>Sea haggis 9/19/2024 - E</div>	<div>INTREPID 9/21/2024 - E</div> <div>Hooker 9/20/2024 - E</div> <div>Soiree 9/24/2024 - E</div> <div>BLUE AYES 9/24/2024 - E</div> <div>AMERICAN HONEY</div>	
22	23	24	25	26	27	28
<div>Hooker 9/20/2024 - E</div> <div>INTREPID 9/21/2024 - E</div> <div>Soiree 9/24/2024 - E</div> <div>BLUE AYES 9/24/2024 - E</div> <div>AMERICAN HONEY</div> <div>more...</div>	<div>New beginnings - E</div> <div>more...</div>	<div>OTARIA 9/24/2024 - W</div> <div>ORION - W</div>	<div>Wind Star 9/25/2024 - E</div>	<div>Dopamine 9/27/2024 - E</div>		
29	30	1 Oct	2	3	4	5
<div>OTARIA 9/24/2024 - W</div> <div>Dopamine 9/27/2024 - E</div>						

Harbor Department Statistics				
Fiscal Year 2024-25				
	July	August	Sept.	YTD
Anchorage-Daytime Raft-up, No Permit Required	0	0	0	0
Anchorage -3 Day Limit Violation	1	4	6	11
Anchorage -Improper Anchoring	30	32	12	74
Anchorage-Raft-up permit Required	0	0	5	5
Anchorage Raft-up Violation	0	0	1	1
Anchorage-Unattended Vessel	0	2	2	4
Anchorage Dye Tab	30	33	31	94
Assisting Vessels Over 20'	5	15	13	33
Assisting Vessels Under 20'	8	8	3	19
Boat Maintenance	13	19	36	68
Bridge Jumpers	41	55	23	119
Code Enforcement	77	78	84	239
Daily Anchorage Check	90	72	101	263
Dewatering Vessels	0	2	1	3
Discharge/Pollution	9	8	7	24
Fishing Enforcement	0	0	4	4
Dock/Pier/Bridge Issue	89	134	31	254
Emergency	1	3	0	4
General Assist	52	63	39	154
Hazards/Debris	4	10	21	35
Human Lift Use Request	0	1	1	2
Impound	11	16	48	75
Impound Relocation	10	6	8	24
Incident	11	8	20	39
Marina Park Dock Maintenance	23	18	29	70
Mooring Assist	23	19	24	66
Mooring Check	52	45	46	143
Mooring Field Vacancy Check	107	151	155	413
Navigational Lighting	21	0	3	24
Noise	2	18	3	23
Paddleboard/Kayak	15	28	2	45
Patrol Check	38	38	21	97
Proactive Patrol	1	3	15	19
Public Contact	87	129	107	323
Public Dock Enforcement	1002	979	1083	3064
Pump Out	6	15	7	28
Registration & Insurance	58	35	79	172
Sea Lions	13	58	51	122
Speeding	28	37	17	82
Spreader Line	4	4	8	16
Sub Permit Dye Tab	1	1	4	6
Swim Line	4	5	3	12
Training	8	0	2	10
Trash	111	59	48	218
Vessel Inspections	2	8	8	18
				0
Rentals - Marina Park Slips	177	161	140	478
# of nights	548	543	419	1510
Rentals - MP Sand Lines	19	9	10	38
# of nights	62	42	26	130
Offshore Mooring Sub-permittee	135	112	90	337
# of nights	846	764	483	2093
Onshore Mooring Sub-permittee	44	39	39	122
# of nights	570	527	536	1633
Code Enforcement				
New Cases	67	81	96	244
Closed Cases	71	56	92	219
Verbal Warning	7	7	10	24
Warning Notices	68	94	118	280
Admin Cites	0	17	18	35
MAPS Issued	0	0	0	0

Harbor Department Statistics Comparison Year over Year								
	Jul-23	Jul-24	Aug-23	Aug-24	Sep-23	Sep-24	YTD 23-24	YTD 24-25
Anchorage-Daytime Raft-up, No Permit Required	0	0	0	0	0	0	0	0
Anchorage -3 Day Limit Violation	1	1	0	4	6	6	7	11
Anchorage -Improper Anchoring	22	30	10	32	19	12	51	74
Anchorage-Raft-up permit Required	0	0	0	0	0	5	0	5
Anchorage-Raft-Up Violation	0	0	0	0	0	1	0	0
Anchorage-Unattended Vessel	0	0	0	2	0	2	0	4
Anchorage Dye Tab	36	30	27	33	25	31	88	94
Assisting Vessels Over 20'	19	5	9	15	18	13	46	33
Assisting Vessels Under 20'	10	8	18	8	14	3	42	19
Boat Maintenance	4	13	13	19	21	36	38	68
Bridge Jumpers	42	41	80	55	43	23	165	119
Code Enforcement	134	77	62	78	65	84	261	239
Daily Anchorage Check	53	90	40	72	68	101	161	263
Dewatering Vessel	0	0	0	2	0	1	0	3
Discharge/Pollution	4	9	5	8	6	7	15	24
Fishing Enforcement	0	0	0	0	0	4	0	
Dock/Pier/Bridge Issue	42	89	18	134	9	31	69	254
Emergency	2	1	2	3	0	0	4	4
General Assist	47	52	125	63	71	39	243	154
Hazards/Debris	11	4	20	10	14	21	45	35
Human Lift Use Request	0	0	0	1	2	1	2	2
Impound	9	11	15	16	10	48	34	75
Impound Relocation	0	10	0	6	0	8	0	24
Incident	32	11	25	8	27	20	84	39
Marina Park Dock Maintenance	12	23	27	18	9	29	48	70
Mooring Assist	22	23	14	19	20	24	56	66
Mooring Check	158	52	117	45	97	46	372	143
Mooring Field Vacancy Check	31	107	28	151	19	155	78	413
Navigational Lighting	0	21	0	0	0	3	0	24
Noise	1	2	0	18	1	3	2	23
Paddleboard/Kayak	8	15	18	28	4	2	30	45
Patrol Check	0	38	0	38		21	0	97
Proactive Patrol	0	1	0	3	0	15	0	19
Public Contact	143	87	104	129	76	107	323	323
Public Dock Enforcement	669	1002	706	979	804	1083	2,179	3064
Pump Out	19	6	15	15	14	7	48	28
Registration & Insurance	16	58	34	35	21	79	71	172
Sea Lions	15	13	58	58	106	51	179	122
Speeding	37	28	23	37	23	17	83	82
Spreader Line	2	4	6	4	6	8	14	16
Sub Permit Dye Tab	0	1	7	1	3	4	10	6
Swim Line	5	4	4	5	2	3	11	12
Training	0	8	0	0	0	2	0	10
Trash	7	111	85	59	62	48	154	218
Vessel Inspections	0	2	0	8	0	8	0	18
Rentals - Marina Park Slips	170	177	173	161	170	140	513	478
# of nights	510	548	495	543	441	419	1,446	1510
Rentals - MP Sand Lines	24	19	18	9	19	10	61	38
# of nights	82	62	99	42	76	26	257	130
Offshore Mooring Sub-permit	116	135	92	112	121	90	329	337
# of nights	696	846	876	764	971	483	2,543	2093
Onshore Mooring Sub-permit	61	44	52	39	48	39	161	122
# of nights	744	570	755	527	913	536	2,412	1633
Code Enforcement								
New Cases	102	67	98	81	97	96	297	244
Closed Cases	64	71	98	56	63	92	225	219
Verbal Warning	13	7	12	7	8	10	33	24
Warning Notices	76	68	83	94	83	118	242	280
Admin Cites	18	0	19	17	16	18	53	35
MAPS Issued	0	0	0	0	3	0	3	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-aboards, 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