



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, November 8, 2023 - 5:00 PM

Harbor Commission Members:

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

Staff Members:

Paul Blank, Harbormaster
Jennifer Biddle, Administrative Support Specialist

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

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

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

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

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

1) **CALL MEETING TO ORDER**

2) **ROLL CALL**

3) **PLEDGE OF ALLEGIANCE**

4) **PUBLIC COMMENTS**

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

5) **APPROVAL OF MINUTES**

1. **Draft Minutes of the October 11, 2023 Harbor Commission Regular Meeting**

[10-11-2023 Harbor Commission Draft Meeting Minutes](#)

[10-11-2023 Harbor Commission Draft Minutes Chair Scully Comments](#)

[10-11-2023 Harbor Commission Draft Minutes Vice Chair Beer Comments](#)

6) CURRENT BUSINESS

1. 2024 Harbor and Beaches Master Plan - Approve

Staff will provide an overview of the 2024 Harbor and Beaches Master Plan. The Harbor Commission is requested to approve the plan so it can be forwarded to the Finance Committee in early 2024.

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, 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) Approve the 2024 Harbor and Beaches Master Plan and recommend staff forward to the Finance Committee for consideration.

[Staff Report](#)

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

2. Disband Ad Hoc Subcommittee on 2024 Harbor Commission Objectives

The Harbor Commission periodically conducts a review and updates its Objectives. This year they decided to continue working on the 2022 Objectives instead of creating new ones for 2023, as there was still much work to be done and it would allow the new City Council Members time to settle in and learn about the Harbor Commission. At their July 2023 meeting the Commission voted to create an ad hoc committee to prepare the objectives for 2024. On October 11, 2023, the Harbor Commissioners agreed on recommended objectives for 2024. The recommended objectives will be forwarded to the City Council for review in the near future. Now that the recommended objectives have been agreed upon, the ad hoc subcommittee that developed the recommendations can be disbanded.

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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and

2) Disband the ad hoc subcommittee convened to develop and recommend 2024 Harbor Commission Objectives.

[Staff Report](#)

3. Ad Hoc 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:

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.

[Staff Report](#)

4. Harbor Commission Current Objectives Update

At the February 8, 2023, Harbor Commission meeting the decision was made by the Commission to continue the 2022 Objectives instead of creating new ones for 2023. The Commission felt there was still much work to be done on the current Objectives and it would allow the new City Council Members to get settled and learn about the Harbor Commission. Each ad hoc committee studying their respective Functional Area within the Commission's current Objectives, will provide a progress update.

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.

[Staff Report](#)

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

[Attachment B - Harbor Commission Current Objectives Tracking Sheet](#)

5. Harbormaster Update - October 2023 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:

- 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.

[Staff Report](#)

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

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

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

[Attachment D - Harbor Department Definitions](#)

7) **MOTION FOR RECONSIDERATION**

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

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

9) **PUBLIC COMMENTS ON NON-AGENDA 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, January 8, 2024 at 5 p.m. (December 2023 Meeting - Canceled)**

12) **ADJOURNMENT**

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach, CA
Wednesday, October 11, 2023
5 p.m.

1. CALL MEETING TO ORDER

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

2. ROLL CALL

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

ABSENT: None

Staff Members: Paul Blank, Harbormaster
Matt Cosyion, Deputy Harbormaster
Jeremy Jung, Deputy City Attorney
Chris Miller, Public Works Administrative Manager
Jeff Goldfarb, Code Enforcement Officer
Jennifer Biddle, Administrative Assistant

3. PLEDGE OF ALLEGIANCE – Led by Commissioner Cunningham

4. PUBLIC COMMENTS

Chair Scully outlined the meeting rules of decorum and opened the floor to public comments on non-agenda items.

Wade Womack expressed concern that notification related to potential mooring revocations was not being sent via certified mail to the applicable parties and requested the City to proactively attempt to contact mooring permittees in this manner.

There were no other members of the public who elected to make public comments on non-agenda items. Chair Scully closed the floor to public comments.

5. APPROVAL OF MINUTES

1. Draft Minutes of the September 13, 2023 Harbor Commission Regular Meeting

Chair Scully opened the floor to public comments. Noting there were no other individuals requesting to speak, Chair Scully closed the floor to public comments.

Chair Scully referenced an email from Mr. Lee Pearl requesting the Commission reconsider the July 2023 meeting minutes for purposes of changing the comments reflected in the record. There was general Commission consensus to let the July 2023 minutes stand as originally approved and add his comments for the record.

Commissioner Marston moved to approve the minutes of the September 13, 2023, as amended. Seconded by Commissioner Williams. The motion carried by the following roll call vote:

Ayes: Cunningham, Svrcek, Williams, Scully
Nays: None
Abstain: Yahn, Beer
Absent: None

6. PUBLIC HEARING

1. Appeal of Harbormaster's Decision to Revoke Mooring Permit J-0107

Newport Beach Municipal Code ("NBMC") Section 17.70.020 provides that a mooring permit may be revoked upon a determination of the Harbormaster that a permittee has failed to comply with the terms and conditions of the mooring permit and other relevant sections of Title 17. The Harbormaster revoked the permit for Mooring J-0107 on August 31, 2023, and the permittee is appealing the revocation to the Harbor Commission.

Recommendation:

1. Hold a revocation appeal hearing and, if justified under NBMC Section 17.20.020(A) (3), affirm the Harbormaster's decision to revoke the permit for Mooring J-0107 based on the following:
 - a) The permittee failed for a period of sixty (60) days or more to pay the mooring fees for J-0107 in violation of NBMC Section 17.70.020(A)(1)(e) and Conditions 4 and 5 of the mooring permit signed on August 29, 2022.
 - b) The permittee failed to provide proof of insurance for the vessel on Mooring J-0107 naming the City as an additional insured as required by NBMC Section 17.60.040(B)(2)(f) and Condition 12 of the mooring permit signed on August 29, 2022.
 - c) The permittee has breached and failed to comply with the terms and conditions of the mooring permit in violation of NBMC 17.70.020(A)(1)(h).
- OR
2. Hold a revocation appeal hearing and rescind the Harbormaster's decision to revoke the permit for Mooring J-0107.
- AND
3. Determine that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it will not result in a physical change to the environment, directly or indirectly.

Deputy Harbormaster Matt Cosylon stated for the record, the City's policy as it relates to revocations and the policy of the City to the Harbor Department, of the stance that revocations are the last step in the enforcement process. The Department attempts to exhaust every opportunity to obtain voluntary compliance.

Code Enforcement Officer Jeffrey Goldfarb provided a summary of the publicly noticed agenda report. A PowerPoint presentation was displayed. A summary of the violations was presented, including failure to pay mooring fees, which were more than 120 days past due when the notice of revocation was issued. The fees were ultimately paid after the notice of revocation was issued. The second reason for the revocation was the failure to provide insurance as required by the City's municipal code and the permittee's signed agreement; the insurance had expired on May 25, 2023. Four notices were sent between April 4 and August 17, 2023 with requests for insurance. Ultimately, the insurance was submitted after the notice of revocation was served. In summary, failure to provide the insurance and failure to timely pay mooring fees were grounds for revocation of the permit.

Mr. Goldfarb provided a summary of the relevant municipal code sections as they related to the subject mooring revocation, citing the permittee's history of delinquent mooring fees. Several notices were issued regarding the subject mooring in 2020 and 2021 for failure to remit timely payment. Mr. Goldfarb provided a summary of the courtesy and regular noticing provided to the permittee regarding failure to remit insurance. After the third notice, an administrative citation was issued with no response and another issued without response, as well. A \$500 administrative citation was subsequently issued. A letter requesting a meeting with the permittee was then sent, notifying the permittee that if there is no response to set up a meeting with the City, the City would have to revoke the mooring permit. After no response from the permittee, the City issued the notice of revocation for the subject permit. Mr. Goldfarb also provided detail regarding the historical actions taken regarding the subject permit since 2019, including eight issued notices for delinquent mooring overhauls, two notices for delinquent registration and documentation for the vessel, 16 notices for delinquent vessel insurance, and five notices for having multiple vessels on the mooring.

Commissioner and staff discussion ensued with Mr. Goldfarb confirming the following information in response to inquiries from Commissioners. The revocation notice was sent via email and personally served by himself to the permittee on his vessel, as well as by certified mail.

Commissioner Yahn inquired if the revocation notice was sent via registered mail. Mr. Goldfarb noted it was sent via email and it was personally hand-served by himself to the permittee while the permittee was on his vessel on August 21, 2023, as well as sent via certified mail. The Department's standard practices were followed with certainty of the applicable addresses. The delinquent mooring fee and proof of insurance were provided subsequent to the issuance of the notice of revocation. Payment was made on September 11, 2023. Staff sent out administrative citations, but does not have confirmation that those payments were made.

Mr. Goldfarb further stated that once moorings are revoked, the permittee is given 30 days to remove the vessel from the mooring. The permittee can keep the ground tackle the permittee owns and the mooring reverts to the City. He stated his understanding that the subject permittee could reapply after a year, but another individual could apply prior to the end of that year-long period. Mr. Goldfarb confirmed the subject vessel was not a live-aboard.

Chair Scully opened the public hearing and public comments.

Thomas MacNeil, appellant, provided detail regarding his poor health condition as the primary cause for his inability to adhere to the conditions of his issued mooring permit. He stated he could have communicated more effectively with the Harbor Department regarding this matter, but had been struggling with his stated health conditions. He stated he has complied with all requirements, paid the requisite fees, and will not put himself in this position again. He further noted his experience running a company in the City for the last twenty years.

A friend of Mr. MacNeil reported on his good character and stated his awareness of the subject violations and noted their significant impact. He inquired if the Commission would be amenable to his taking over payment of the subject mooring fees and insurance from this point forward, even offering a direct withdrawal from his bank account.

Vice Chair Beer offered his sympathy for the health concerns of the appellant, and also inquired as to how the City can be assured, given the long history of payment and documentation delinquency, of the appellant's ability to comply with requirements in the future. The appellant acknowledged his culpability and noted his complete understanding of the current and future requirements.

Secretary Marston noted the appellant's delinquencies commenced almost immediately after the initial issuance of the subject mooring permit. The appellant noted the challenges involved with insuring the

subject vessels, including hauling and surveying processes that must be completed. Discussion ensued regarding the obligations upon which permit holders enter upon their receipt of a mooring permit.

Harbormaster Blank confirmed the Commission can recommend or take action to direct staff as they deem appropriate and if the revocation is not upheld, then a condition can be applied reversing the revocation such that an additional permittee can be added to the permit and title of the vessel, or any other condition the Commission may deem necessary. Mr. Blank confirmed that approximately 200 hours of staff time has been spent on the subject delinquencies as related to this mooring permit and permittee.

Wade Womack requested the Commission extend grace to the appellant and acknowledged a prior speaker's offer to take over payments on the subject mooring permit.

Chuck South, South Mooring Company, spoke to the appellant's dedication to maintaining the subject vessel and noted the appellant pays him for his services on time.

Seeing no others who wanted to speak, Chair Scully closed public comments and the public hearing.

Commissioner Cunningham inquired whether conditions could be applied if the permit was not revoked and memorialized in such a manner as to automatically revoke the permit if the subject conditions were not met. Harbormaster Blank responded an additional permittee could be added and that payment may be made by automated clearing house but the municipal code, Title 17, cannot be violated. The process for revocation cannot be subverted.

Commissioner Yahn inquired regarding the City's process and hours dedicated to collecting the delinquent and administrative fees. Harbormaster Blank responded stating the Department has a budget line item that accounts for or pays for collection services by third party vendors, but the Department is not aware of status of payments until delinquencies or deficiencies reach levels such as those under consideration during this public hearing.

Commissioner Yahn acknowledged the health concerns expressed by the appellant and also the processes and steps taken by the Harbor Department concerning this matter. He also stated the Commission could not institute a condition that resulted in an automatic revocation.

Commissioner Williams moved to affirm the Harbormaster's decision to revoke the permit for Mooring J-0107 based on the following:

- a) The permittee failed for a period of sixty (60) days or more to pay the mooring fees for J-0107 in violation of NBMC Section 17.70.020(A)(1)(e) and Conditions 4 and 5 of the mooring permit signed on August 29, 2022.
- b) The permittee failed to provide proof of insurance for the vessel on Mooring J-0107 naming the City as an additional insured as required by NBMC Section 17.60.040(B)(2)(f) and Condition 12 of the mooring permit signed on August 29, 2022.
- c) The permittee has breached and failed to comply with the terms and conditions of the mooring permit in violation of NBMC 17.70.020(A)(1)(h).

Seconded by Vice Chair Beer. The motion carried by the following roll call vote:

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

2. Variance Request: Vessel Berthing at 1324 E. Balboa Blvd.

Tom LeBeau ("Applicant"), property owner of 1324 E. Balboa Blvd ("Property") has applied for a variance, Variance No. HCVAR2023-002 ("Variance"), from the conditions of Harbor Permit/Approval in Concept 109-1322 ("Permit") restricting the size of the vessel that may be berthed on the east side of the single -finger float adjacent to F Street end in order that he may be able to berth a larger vessel.

Recommendation:

1. Conduct a public hearing;
2. Find that the denial of the variance 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
3. Adopt Resolution HC2023-011 of the Harbor Commission of the City of Newport Beach denying Variance No. HCVAR2023-002 requesting modification of Harbor Permit 109-1322 in order to berth a vessel that exceeds a length of 55-feet and a width of 15-feet on the east side of the float and into F Street end.

This item was postponed to a future meeting pursuant to a request by the applicant.

There was no further action taken on this item.

7. CURRENT BUSINESS**1. 2024 Harbor and Beaches Master Plan - Review**

Staff will provide an overview of the 2024 Harbor and Beaches Master Plan ("Plan"). The Harbor Commission is requested to provide an initial Plan review this evening, then consider it for approval at the November meeting.

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, 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; and
- 2) Receive and file.

Public Works Administrative Manager Chris Miller provided a summary of the publicly noticed agenda report. A PowerPoint presentation was displayed.

Commission and staff discussion ensued including suggestions and comments regarding correlating the potential project "Mooring Field Realignment/Optimization" associated budget number of \$320,000 with City Council approval for the item, whether design start years on the list have been updated, acknowledgement of the Finance Committee's review of the list in February, categorizing the list by project status including completed, potential, other, and ongoing, the embedded nature of the data in the spreadsheet as maintained by the Finance staff as related to making any formatting changes, having a column that denotes "ongoing" projects, and providing updated estimates on the list at the next meeting.

Commission and staff discussion ensued on the matter of the ferry restrooms, including confirmation by staff that the ferry, including restrooms, were slated to be rebuilt eventually. It was affirmed that the matter of floating restrooms has been an item under consideration by the Water Quality and Coastal Tidelands Committee, and that the Harbor Commission previously "turned down" the option to take that item on as a goal.

Commission and staff discussion ensued including comments affirming the costs listed for various projects on the subject spreadsheet, the potential of including a significant investment into Balboa Island for drainage projects, providing clarification regarding the debt service as a percentage of dedicated revenues at an upcoming meeting, clarification of past decisions to earmark incremental revenues toward Harbor-related costs, and a request that the replacement values for the slips at Marina Park and Balboa Yacht Basin slips be the same for consistency purposes.

Chair Scully opened the floor to public comments.

Jim Mosher stated the subject document is modeled over an older document called the "Facilities Financial Plan" which still exists on the City's website. He suggested the Commission would benefit from clarification as to why projects are listed on a certain document and not another, and cited various projects such as the Balboa Yacht Basin buildings, Corona Del Mar beach concessions and lifeguard headquarters, Dory Fisherman Fleet Market, and Marina Park improvements.

Seeing no others who wanted to speak, Chair Scully closed the floor to public comments.

It was noted this item would return on the next meeting agenda as updated pursuant to Commission discussion for further review and consideration.

There was no further action taken on this item.

2. Discussion of History, Current Status and Opportunities for Lower Castaways

As part of their current objectives, a subcommittee of the Harbor Commission is reviewing the history and current uses of the Lower Castaways facility. The subcommittee has conducted field studies observing current uses, met with various constituents as well as staff, and documented their findings and conclusions.

This report and presentation will update the Harbor Commission on the ad hoc committee's process, research and findings. The ad hoc committee seeks input from the full Commission and the public to further refine their recommendations related to improving the use of the facility. The subcommittee expects to present finalized recommendations for adoption by the full Commission at a meeting in the near future.

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) Review the recent history of Lower Castaway uses and previously considered potential uses; and
- 3) Discuss additional opportunities for use of Lower Castaways and, if desired, formulate a recommendation to be forwarded to the City Council on a plan to develop possible uses and designs.

Harbormaster Paul Blank noted the publicly noticed agenda report provided background history and status regarding Lower Castaways.

Secretary Marston provided an overview report on Lower Castaways and a PowerPoint presentation was displayed. General information was provided on the location, size, ownership, prohibitions, development, uses, zoning, policies, deed restrictions, traffic implications, easements, and CEQA requirements applicable to the subject site. Secretary Marston reported the Harbor Commission's objective in 2012 to complete development of recommendations for the best public use of the subject property. The project was assigned as a collaborative effort via a subcommittee formed consisting of representatives from both the

Harbor and Parks, Beaches, and Recreation Commission. As a result, a report was generated in 2013 and it was determined that the bulkhead needs to be reconstructed.

Secretary Marston continued, noting a landscape architect was hired to develop concept plans for the site, resulting in three concepts, which were displayed in the PowerPoint presentation along with a video. The summary of the subcommittee recommendation at that time was to utilize the site to provide for recreational biking, including a bike hub, a ride-to space for hiking and boating activities with 0 to 90 parking spaces, public restrooms, and a stairway connecting to Upper Castaways. It was her recollection, the Council at the time preferred to not include the stairway connection, as a sidewalk was already available on Dover, and there was the potential for other environmental issues due to construction. The project would be built in phases, however, there were concerns at the time regarding gaining the necessary approvals from the Coastal Commission. Other information regarding protected environmental areas was reported. Opportunities for community feedback were provided which resulting in support for use of the property as a revenue producing asset, commercial marine uses, parking mix, bicycle parking, low levels of light in order not to spill over to Kings Road homes, small craft access, and other accommodations.

Secretary Marston continued, noting in 2020 the idea for a swimming pool was suggested by Evelyn Hart and various locations were reviewed as potential sites, including Lower Castaways, with the size to be determined. Subsequent to that time, the Harbor Commission has placed Lower Castaways on their objectives, but since then, she was mostly talking to the Outrigger Club monthly, who was performing volunteer clean-up and maintenance work at the location. The pending question at this juncture is to discuss actual opportunities for the site, as it is the only remaining City-owned parcel that has access to the Harbor. The site is outdated looking and appears to require bulkhead maintenance. Her initial recommendation was to request the City Council set-aside funds for the conduct of a highest and best land-use study from which ideas could be generated. She requested input from the Harbor Commission.

Discussion ensued included comments related to City Council support for the Harbor Commission and Parks, Beaches, and Recreation Commission (PBR) to work jointly on development of a concept for Lower Castaways, creation of a joint ad hoc subcommittee comprised of members from both public bodies, prioritizing continued public access to the Harbor from the subject site, lack of previous momentum on the PBR Commission to move forward on this project, and obtaining further definition of previous studies instead of conducting a new highest and best land-use study.

It was stated that the Harbor Commission could not take formal action on to forward a recommendation to the City Council as the consideration with that level of specificity was not noticed as part of this agenda. Direction can be provided to staff and the item can be agendaized for the next meeting with the appropriate agenda title language and noticing.

Discussion ensued concerning the lack of support at the PBR Commission to form an ad hoc subcommittee on this subject matter, the need for a centralized position on Lower Castaways, obtaining PBR Commission support once the Harbor Commission has more fully formulated a concept for the site's use, potential for discussion with the appropriate regulatory agency on moving the southern boundary line, consideration of options for reconstruction of the bulkhead, exploration of the marine protected area boundary, a proposal to focus on concepts that did not have existing or regulatory restrictions that could prevent a project from moving forward, continued support for a project that would continue to allow for human-powered vessels and outrigger access to the Harbor, support for the park concept with public educational opportunities, including information regarding the site's flora, the challenges with proposing concepts which exceed the site's existing 2000 square foot development restrictions, support for a project that preserves the City's last waterfront site and that a park concept may result in underutilization of the site's value, and support for a larger scale educational venue, such as a research and learning center or aquarium with various active amenities beyond a passive park use.

Discussion ensued regarding the limitations of the MPA, whether the Irvine Company had been engaged for input, previous discussions held with the Department of Fish and Wildlife concerning the boundary for the MPA and what is prohibited and allowed, the nature of existing deed restrictions which serve to limit economic competition in certain cases, the potential to negotiate with the Irvine Company regarding the existing deed restrictions, the potential negative impact of increased traffic as a result of certain types of tourism-driven projects, and the potential to develop a concept that combines active park use with educational components while simultaneously preserving public Harbor access and scaling the project up or down based upon input received.

Chair Scully opened the floor to public comments.

Jim Mosher offered historical information regarding the movement of the monument sign across Coast Highway by the entry of Bayshores. He noted it would be more historically correct to site the monument at Lower Castaways rather than at Bayshores. He did not recall the PBR Commission ever promoting the concept of a swimming pool at the site, but did know that Evelyn Hart promoted such. He stated a rumor was circulating the Council considered a proposal from the YMCA in Closed Session to move their facility to Lower Castaways, which would include a swimming pool and other recreation. He further stated his understanding that the Irvine Company's plan was for a commercial marina, as related to the 2000 square foot building restriction. He also noted the PBR Commission's charter per the City Council makes them the public body to make recommendations regarding recreational facilities and he is hopeful they will be engaged in this process. He cited his review of the study session conducted on May 27, 2014, which seemed to memorialize support for the presentation on Lower Castaways, but nothing followed after that meeting. He is hopeful that this process will move forward.

Wade Womack suggested the Commission reach out to the public for input to narrow the top three or other suggested concepts for the site as well as preserving the site's public access to the Harbor. He believed the State would be on board with a proposed municipally-owned marina as the Coastal Commission has already approved the local coastal program, the City could generate revenues, and it would create additional boat slips.

Seeing no others who wanted to speak, Chair Scully closed the floor to public comments.

Discussion ensued concerning formalizing a recommendation from the Harbor Commission to the City Council or at least begin conversations with members of the City Council, prior to suggesting projects which require funding, determining whether it should be a passive or non-passive use, creation of recommendations the ad hoc committee could be working towards, establishing a clearer direction before approaching City Council for support, adding to the existing historical plan to make it a more active center which ultimately will be driven by community input, City Council-approved funding would also impact the actual scale of the ultimate product, and development of an organically grown concept with Harbor Commission objectives behind it that was focused on the Bay with educational and research opportunities.

Further discussion ensued including prioritizing projects that could gain funding support, appointment of an ad hoc committee to conduct an internal study amongst themselves and return to the Harbor Commission within 30 to 60 days with their findings. Based on those findings, a vote could be taken on what concept to forward to the City Council for funding consideration.

In response to a request for clarification on his public comments, Mr. Mosher responded he believed the City Council Closed Session he referenced in his earlier comments was conducted approximately one year ago.

Discussion ensued including comments on utilizing City staff to confirm what resources are available for consideration of existing concepts without having to ask for additional funding from the City Council, determining what can be accomplished at the site at this time realistically, focusing on a project or concept

that can pass effectively through the Coastal Commission, MPA review process, and Department of Fish and Wildlife review processes, the potential to expand on a park-based concept with larger, educational and recreational amenities, including a potential aquarium, and gauge the level of support for same, and engaging the services of Jim Campbell from Community Development as a resource for what can be accomplished in the subject site from a land-use perspective.

There was general Commission consensus to have the ad hoc committee discuss the concepts offered at this meeting via discussion, meet with City staff to determine available resources, and report back to the Harbor Commission at a future meeting.

There was no further action taken on this item.

3. Review and Approve Recommended Harbor Commission Objectives for 2024

The Harbor Commission periodically conducts a review and updates its Objectives. This year they decided to continue working on the 2022 Objectives instead of creating new ones for 2023, as there was still much work to be done and it would allow the new City Council Members to settle in and learn about the Harbor Commission. At a previous Harbor Commission meeting, the Commission formed an ad hoc subcommittee to recommend 2024 Objectives. That subcommittee sought guidance and feedback from the Commission at the September 2023 meeting. The subcommittee has prepared a list of proposed Objectives for 2024 and seeks the full Commission's approval of their recommendations. If approved, the recommended 2024 Objectives will be forwarded to the City Council for review and consideration.

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) Approve recommended 2024 Harbor Commission Objectives and forward them to the City Council for review.

Chair Scully provided a summary of the publicly noticed agenda report. He noted he had added the responsibilities of the Harbor Commission as memorialized in the City Charter and added the ten objectives. If approved by the Harbor Commission tonight, the 2024 Harbor Commission objectives would be forwarded to the City Council for review and consideration.

Chair Scully opened the floor to public comments. Seeing no one who wanted to speak, Chair Scully closed the floor to public comments.

Vice Chair Beer moved to:

- 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) Approve recommended 2024 Harbor Commission Objectives and forward them to the City Council for review.

Seconded by Secretary Marston. The motion carried by the following roll call vote:

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

4. Report on Progress of Converting Mooring Permits to New City Form and Action on Those Still Outstanding

The City took over management of nearly 1,200 moorings in Newport Harbor on July 1, 2017. Records associated with the mooring permits were transferred from the Orange County Sheriff's Department Harbor Patrol to the City at that time. Subsequently, the mooring permit form was updated and all permittees were asked to sign the new City issued form. There are 991 individual mooring permits not held by the Balboa Yacht Club, Lido Isle Community Association or the Newport Harbor Yacht Club. The process of converting those 991 individual permits to the new City form has been slower than anticipated.

This report will update the Harbor Commission on the process and progress for converting the 9 permits that remain unexecuted on the new City permit form. The Commission is asked to affirmatively recommend that staff proceed with revocations of those that remain outstanding or recommend other appropriate action.

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) Direct staff to proceed with Notice of Violations and revocations of the mooring permits that have not yet been executed on the new City permit form.

Harbormaster Paul Blank provided a summary of the publicly noticed agenda report. A PowerPoint presentation was displayed.

Commission discussed ensued regarding consistency with the application of the revocation process, including the wording "final notice" in bold on the letter prior to issuing the revocation notice, and clarifying the Commission is not in a position at this point in time to revoke the four subject permits referenced in the presentation.

Chair Scully opened the public comment period.

Wade Womack expressed support for the issuance of certified letters regarding official mooring permit notices.

Sally Peterson commented that many mooring permit holders may not be receiving the notices and that she could assist with contacting those she was acquainted with. She suggested offering more time to ensure individuals are contacted.

Seeing no others who wanted to speak, Chair Scully closed the public comment period.

Vice Chair Beer motioned to:

- 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) Direct staff to proceed with Notice of Violations and revocations of the mooring permits that have not yet been executed on the new City permit form.

Seconded by Commissioner Williamson. The motion carried by the following roll call vote:

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

5. Ad Hoc Committee Updates

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

Recommendation:

- 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.

Staff was directed to place an item on the next meeting agenda for Commission consideration of disbandment of the ad hoc committee related to the 2024 Harbor Commission objectives.

General Plan Vision Statement ad hoc committee report

No update at this time.

Balboa Ferry ad hoc committee report:

A call was received requesting a letter from the City supporting the need for charting at the ferries. City staff was consulted and were able to commence work on obtaining potential grant funding for electric charging at the Ferry. It does appear the City is working with the ferry to be prepared for an alternative energy plan.

Chair Scully opened the floor to public comments.

Jim Mosher commented that the General Plan project appears to be on hold at the moment as the City's consultant asked for a pause from the General Plan Advisory Committee to get themselves organized. It may be several months before the project starts up again. This will allow more time to develop outreach efforts and coordination with City staff.

Seeing no others who wanted to speak, Chair Scully closed the floor to public comments.

There was no further action taken on this item.

6. Harbor Commission Current Objectives Update

At the February 8, 2023, Harbor Commission meeting the decision was made by the Commission to continue the 2022 Objectives instead of creating new ones for 2023. The Commission felt there was still much work to be done on the 2022 Objectives and it would allow the new City Council Members to get settled and learn about the Harbor Commission. Each ad hoc committee studying their respective Functional Area within the Commission's 2022 Objectives, will provide a progress update.

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.

Functional Area 1: Harbor Operations (Yahn)		
Matters pertaining to the Management, Policies, Codes, Regulations and Enforcement		
Objective		Report
1.1	Conduct an annual review of Title 17 and recommend updates to the City Council where necessary (Yahn)	Work has been conducted with Matt Cosylion on revisions, with approximately 6 topics identified. Redlined documents with proposed wording has been provided to legal staff; once legal review is completed, the item will return to the Commission for review in approximately 30 to 60 days from this meeting.
1.2	Conduct an annual review of the Marine Activities Permits and recommend updates thereto as necessary.	Nothing to report
1.3	Work with City Staff to bring all onshore and offshore Mooring Permittees permit forms current and properly on file. (Beer, Cunningham)	Nothing to report
1.4	Evaluate current Harbor Department Operations to determine if the department is structured properly to meet all responsibilities of the Harbor on a daily basis.	Nothing to report
Functional Area 2: Harbor Viability (Beer)		
Matters pertaining to Assets, Amenities, and Access		
Objective		Report
2.1	Study and provide recommendations to the transfer permit policy for onshore and offshore moorings. (Beer, Cunningham)	Nothing to report
2.2	Work with City Staff on an update of the market rent to be charged for onshore and offshore moorings. (Beer, Cunningham)	Vice Chair Beer reported they are in the process of obtaining the appraisal for the offshore moorings; timeline is approximately 30 days; will update the Commission when received
2.3	Evaluate the current mooring fields and provide a recommendation for new guidelines that better define rows and fairways to improve navigation, safety, and optimization of space within the mooring fields. (Beer)	Vice Chair Beer reported the mooring initiative for optimization of the fields is approved, but is currently under review by the Coastal Commission
2.4	Review the On-shore mooring vessel specifications providing a long-term plan with the goal of insuring adequate spacing between moorings, residential docks, and street ends. (Cunningham, Scully)	Nothing to report

2.5	Evaluate options for additional City Moorings and/or Multi Vessel Mooring Systems (MVMS) for temporary use by visiting mariners or long-term mooring permittees. (Williams)	Nothing to report
2.6	Complete evaluation for establishing day moorings off Big Corona beach and harbor moorings. (Williams)	Nothing to report
Functional Area 3: Harbor Infrastructure (Cunningham)		
Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches		
Objective		Report
3.1	Support staff on the rehabilitation of the current public floats and gangways including areas of the harbor that could benefit with additional public access.	No report
3.2	Evaluate and identify the responsibilities and obligations of the city for additional safety vessels/equipment that may be added to the Harbor in the future.	No report
Functional Area 4: Harbor Stakeholders (Scully)		
Matters pertaining to Residential, Recreational, and Commercial Users		
Objective		Report
4.1	Evaluate enhancements and/or services to City amenities which will improve the operation and enjoyment of the Harbor. Additionally, identify new revenue generating offerings that would be administered through the Harbor Department. (Scully)	Chair Scully reported the new public dock under construction by the Irvine Company will result in additional location for handicapped or disabled individuals to access a lift to get into boats.
4.2	Evaluate and make recommendations for Lower Castaways. (Marston)	(Report was provided under an earlier agenda item by Secretary Marston)
4.3	Continue the dialogue with representatives of the Harbor Charter Fleet industry, commercial vessel operators and rental concessionaires to: (1) promote best practices for all charter and commercial boat operations in Newport Harbor with particular attention to safety, operational support, speed, noise and pollution control/compliance and (2) evaluate (a) total number of vessels for hire on the harbor, (b) maximum passenger capacity for each vessel and in total, and (c) overall height of the superstructure of vessels for charter within the Harbor. (Williams)	4.3.1 No new report. 4.3.2 This objective is complete.

Chair Scully opened the floor to public comments. Seeing none, Chair Scully closed the floor to public comments.

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

7. Harbormaster Update – September 2023 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:

- 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 Paul 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 clarification of the use of Rhine Wharf public dock for commercial fishing activities, bridge jumping injuries, and noting the Fire Department had not reported any such incidents, residents and boaters are the main source of bridge jumping reports, and that the majority of rescues are performed on renters versus private individuals.

Harbormaster Blank briefly mentioned an incident of significance regarding wind on the Harbor affecting a kayaker and his daughter, where the tired kayaker was not wearing a flotation device and the vessel was capsizing. Discussion ensued with suggestions for rental companies to educate their customers about the wind. Additional discussion ensued regarding the Harbor Department's ability to write citations for bridge jumping as it is a violation of the municipal code. Harbormaster Blank confirmed the Department's approach to educate bridge jumpers who are seen to inform them of the hazards and fines associated with engaging in the prohibited activity.

Harbormaster Blank elaborated on recent training conducted with the Fire Department, including conduct of a survey and tour of the Harbor with one of the engine companies. He further elaborated on the process for private party impounds of boats, noting the Department now has the authority to conduct such activity. He noted the consequences of illegal parking of vessels, including the assessed impound and storage fees.

Chair Scully opened the floor to public comments.

Hein Austin commented on the number of bridge jumpers he has personally observed at the Balboa Island bridge and expressed concern regarding the lack of resources to address the issue. He suggested placement of a safety net or barrier so that individuals could not leap into the water.

Seeing no others who wished to speak, Chair Scully closed the floor to public comments.

It was affirmed that it is the Harbor Department's standard practice when issuing a notice of violation for any reason to send that by certified mail, every single notice of violation is posted on the vessel and if it can be handed to a person directly, that is also done. Additionally, City staff utilizes all forms of contact, including voice mail, email, and a hardcopy printed and placed in a sealed in an envelope that is identified with return address for the City of Newport Beach Harbor Department. The letter is also sent via certified mail.

There was no further action taken on this item.

8. MOTION FOR RECONSIDERATION

None.

9. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Chair Scully confirmed the December meeting will be canceled.

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

The following items were discussed as matters to be placed on a future agenda:

1. Harbor and Beaches Master Plan
2. Disband 2024 Objectives Ad Hoc Committee

11. DATE AND TIME FOR NEXT MEETING: Wednesday, November 8, 2023 at 5 p.m.

The next meeting is scheduled for Wednesday, January 10, 2024 at 5 p.m.

12. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:54 p.m.

DRAFT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach, CA
Wednesday, October 11, 2023
5 p.m.

1. CALL MEETING TO ORDER

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

2. ROLL CALL

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

ABSENT: None

Staff Members: Paul Blank, Harbormaster
Matt Cosyion, Deputy Harbormaster
Jeremy Jung, Deputy City Attorney
Chris Miller, Public Works Administrative Manager
Jeff Goldfarb, Code Enforcement Officer
Jennifer Biddle, Administrative Assistant

3. PLEDGE OF ALLEGIANCE – Led by Commissioner Cunningham

4. PUBLIC COMMENTS

Chair Scully outlined the meeting rules of decorum and opened the floor to public comments on non-agenda items.

Wade Womack expressed concern that notification related to potential mooring revocations was not being sent via certified mail to the applicable parties and requested the City to proactively attempt to contact mooring permittees in this manner.

There were no other members of the public who elected to make public comments on non-agenda items. Chair Scully closed the floor to public comments.

5. APPROVAL OF MINUTES

1. Draft Minutes of the September 13, 2023 Harbor Commission Regular Meeting

Chair Scully opened the floor to public comments. Noting there were no other individuals requesting to speak, Chair Scully closed the floor to public comments.

Chair Scully referenced an email from Mr. Lee Pearl requesting the Commission reconsider the July 2023 meeting minutes for purposes of changing ~~the-Mr. Pearl's~~ comments on the topic of potentially removing mooring lines from Ruby Beach that was reflected in the record. There was general Commission consensus to let the July 2023 minutes stand as originally approved and add his emailed comments for the record.

Commissioner Marston moved to approve the minutes of the September 13, 2023, as amended. Seconded by Commissioner Williams. The motion carried by the following roll call vote:

Ayes: Cunningham, Svrcek, Williams, Scully
Nays: None
Abstain: Yahn, Beer
Absent: None

6. PUBLIC HEARING

1. Appeal of Harbormaster's Decision to Revoke Mooring Permit J-0107

Newport Beach Municipal Code ("NBMC") Section 17.70.020 provides that a mooring permit may be revoked upon a determination of the Harbormaster that a permittee has failed to comply with the terms and conditions of the mooring permit and other relevant sections of Title 17. The Harbormaster revoked the permit for Mooring J-0107 on August 31, 2023, and the permittee is appealing the revocation to the Harbor Commission.

Recommendation:

1. Hold a revocation appeal hearing and, if justified under NBMC Section 17.20.020(A) (3), affirm the Harbormaster's decision to revoke the permit for Mooring J-0107 based on the following:
 - a) The permittee failed for a period of sixty (60) days or more to pay the mooring fees for J-0107 in violation of NBMC Section 17.70.020(A)(1)(e) and Conditions 4 and 5 of the mooring permit signed on August 29, 2022.
 - b) The permittee failed to provide proof of insurance for the vessel on Mooring J-0107 naming the City as an additional insured as required by NBMC Section 17.60.040(B)(2)(f) and Condition 12 of the mooring permit signed on August 29, 2022.
 - c) The permittee has breached and failed to comply with the terms and conditions of the mooring permit in violation of NBMC 17.70.020(A)(1)(h).
- OR
2. Hold a revocation appeal hearing and rescind the Harbormaster's decision to revoke the permit for Mooring J-0107.
- AND
3. Determine that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it will not result in a physical change to the environment, directly or indirectly.

Deputy Harbormaster Matt Cosyion stated for the record, the City's policy as it relates to revocations ~~and the policy of the City to the Harbor Department, of the stance are~~ that revocations are the last step in the enforcement process. The Department attempts to exhaust every opportunity to obtain voluntary compliance.

Code Enforcement Officer Jeffrey Goldfarb provided a summary of the publicly noticed agenda report. A PowerPoint presentation was displayed. A summary of the violations was presented, including failure to pay mooring fees, which were more than 120 days past due when the notice of revocation was issued. The fees were ultimately paid after the notice of revocation was issued. The second reason for the revocation was the failure to provide insurance as required by the City's municipal code and as outlined in Mr. MacNeil's executed Mooring Permit, the permittee's signed agreement; the insurance had expired on May 25, 2023. Four notices were sent between April 4 and August 17, 2023 with requests for insurance. Ultimately, the insurance was submitted after the notice of revocation was served. In summary, failure to provide the insurance and failure to timely pay mooring fees were grounds for revocation of the permit.

Mr. Goldfarb provided a summary of the relevant municipal code sections as they related to the subject mooring revocation, citing the permittee's history of delinquent mooring fees. Several notices were issued regarding the subject mooring in 2020 and 2021 for failure to remit timely payment. Mr. Goldfarb provided a summary of the courtesy and regular noticing provided to the permittee regarding failure to remit insurance. After the third notice, an administrative citation was issued with no response and another issued without response, as well. A \$500 administrative citation was subsequently issued. A letter requesting a meeting with the permittee was then sent, notifying the permittee that if there is no response to set up a meeting with the City, the City would have to revoke the mooring permit. After no response from the permittee, the City issued the notice of revocation for the subject permit. Mr. Goldfarb also provided detail regarding the historical actions taken regarding the subject permit since 2019, including eight issued notices for delinquent mooring overhauls, two notices for delinquent registration and documentation for the vessel, 16 notices for delinquent vessel insurance, and five notices for having multiple vessels on the mooring.

Commissioner and staff discussion ensued with Mr. Goldfarb confirming the following information in response to inquiries from Commissioners. The revocation notice was sent via email and personally served by himself to the permittee on his vessel, as well as by certified mail.

Commissioner Yahn inquired if the revocation notice was sent via registered mail. Mr. Goldfarb noted it was sent via email and it was personally hand-served by himself to the permittee while the permittee was on his vessel on August 21, 2023, as well as sent via certified mail. The Department's standard practices were followed with certainty of the applicable addresses. The delinquent mooring fee and proof of insurance were provided subsequent to the issuance of the notice of revocation. Payment was made on September 11, 2023. Staff sent out administrative citations, but does not have confirmation that those payments were made.

Mr. Goldfarb further stated that once moorings are revoked, the permittee is given 30 days to remove the vessel from the mooring. The permittee can keep the ground tackle the permittee owns and the mooring reverts to the City. He stated his understanding that the subject permittee could reapply after a year, but another individual could apply prior to the end of that year-long period. Mr. Goldfarb confirmed the subject vessel was not a live-aboard.

Chair Scully opened the public hearing and public comments.

Thomas MacNeil, appellant, provided detail regarding his poor health condition as the primary cause for his inability to adhere to the conditions of his issued mooring permit. He stated he could have communicated more effectively with the Harbor Department regarding this matter, but had been struggling with his stated health conditions. He stated he has complied with all requirements, paid the requisite fees, and will not put himself in this position again. He further noted his experience running a company in the City for the last twenty years.

A friend of Mr. MacNeil reported on his good character and stated his awareness of the subject violations and noted their significant impact. He inquired if the Commission would be amenable to his taking over payment of the subject mooring fees and insurance from this point forward, even offering a direct withdrawal from his bank account.

Vice Chair Beer offered his sympathy for the health concerns of the appellant, and also inquired as to how the City can be assured, given the long history of payment and documentation delinquency, of the appellant's ability to comply with requirements in the future. The appellant acknowledged his culpability and noted his complete understanding of the current and future requirements.

Secretary Marston noted the appellant's delinquencies commenced almost immediately after the initial issuance of the subject mooring permit. The appellant noted the challenges involved with insuring the

subject vessels, including hauling and surveying processes that must be completed. Discussion ensued regarding the obligations upon which permit holders enter upon their receipt of a mooring permit.

Harbormaster Blank confirmed the Commission can recommend or take action to direct staff as they deem appropriate and if the revocation is not upheld, then a condition can be applied reversing the revocation such that an additional permittee can be added to the permit and title of the vessel, or any other condition the Commission may deem necessary. Mr. Blank confirmed that approximately 200 hours of staff time has been spent on the subject delinquencies as related to this mooring permit and permittee.

Wade Womack requested the Commission extend grace to the appellant and acknowledged a prior speaker's offer to take over payments on the subject mooring permit.

Chuck South, South Mooring Company, spoke to the appellant's dedication to maintaining the subject vessel and noted the appellant pays him for his services on time.

Seeing no others who wanted to speak, Chair Scully closed public comments and the public hearing.

Commissioner Cunningham inquired whether conditions could be applied if the permit was not revoked and memorialized in such a manner as to automatically revoke the permit if the subject conditions were not met. Harbormaster Blank responded an additional permittee could be added and that payment may be made by automated clearing house but the municipal code, Title 17, cannot be violated. The process for revocation cannot be subverted.

Commissioner Yahn inquired regarding the City's process and hours dedicated to collecting the delinquent and administrative fees. Harbormaster Blank responded stating the Department has a budget line item that accounts for or pays for collection services by third party vendors, but the Department is not aware of status of payments until delinquencies or deficiencies reach levels such as those under consideration during this public hearing.

Commissioner Yahn acknowledged the health concerns expressed by the appellant and also the processes and steps taken by the Harbor Department concerning this matter. He also stated the Commission could not institute a condition that resulted in an automatic revocation.

Commissioner Williams moved to affirm the Harbormaster's decision to revoke the permit for Mooring J-0107 based on the following:

- a) The permittee failed for a period of sixty (60) days or more to pay the mooring fees for J-0107 in violation of NBMC Section 17.70.020(A)(1)(e) and Conditions 4 and 5 of the mooring permit signed on August 29, 2022.
- b) The permittee failed to provide proof of insurance for the vessel on Mooring J-0107 naming the City as an additional insured as required by NBMC Section 17.60.040(B)(2)(f) and Condition 12 of the mooring permit signed on August 29, 2022.
- c) The permittee has breached and failed to comply with the terms and conditions of the mooring permit in violation of NBMC 17.70.020(A)(1)(h).

Seconded by Vice Chair Beer. The motion carried by the following roll call vote:

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

2. Variance Request: Vessel Berthing at 1324 E. Balboa Blvd.

Tom LeBeau ("Applicant"), property owner of 1324 E. Balboa Blvd ("Property") has applied for a variance, Variance No. HCVAR2023-002 ("Variance"), from the conditions of Harbor Permit/Approval in Concept 109-1322 ("Permit") restricting the size of the vessel that may be berthed on the east side of the single-finger float adjacent to F Street end in order that he may be able to berth a larger vessel.

Recommendation:

1. Conduct a public hearing;
2. Find that the denial of the variance 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
3. Adopt Resolution HC2023-011 of the Harbor Commission of the City of Newport Beach denying Variance No. HCVAR2023-002 requesting modification of Harbor Permit 109-1322 in order to berth a vessel that exceeds a length of 55-feet and a width of 15-feet on the east side of the float and into F Street end.

This item was postponed to a future meeting pursuant to a request by the applicant.

There was no further action taken on this item.

7. CURRENT BUSINESS**1. 2024 Harbor and Beaches Master Plan - Review**

Staff will provide an overview of the 2024 Harbor and Beaches Master Plan ("Plan"). The Harbor Commission is requested to provide an initial Plan review this evening, then consider it for approval at the November meeting.

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, 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; and
- 2) Receive and file.

Public Works Administrative Manager Chris Miller provided a summary of the publicly noticed agenda report. A PowerPoint presentation was displayed.

Commission and staff discussion ensued including suggestions and comments regarding correlating the potential project "Mooring Field Realignment/Optimization" associated budget number of \$320,000 with City Council approval for the item, whether design start years on the list have been updated, acknowledgement of the Finance Committee's review of the list in February, categorizing the list by project status including completed, potential, other, and ongoing, the embedded nature of the data in the spreadsheet as maintained by the Finance staff as related to making any formatting changes, having a column that denotes "ongoing" projects, and providing updated estimates on the list at the next meeting.

Commission and staff discussion ensued on the matter of the ferry restrooms, including confirmation by staff that the ferry, including restrooms, were slated to be rebuilt eventually. It was affirmed that the matter of floating restrooms has been an item under consideration by the Water Quality and Coastal Tidelands Committee, and that the Harbor Commission previously "turned down" the option to take that item on as a goal.

Commission and staff discussion ensued including comments affirming the costs listed for various projects on the subject spreadsheet, the potential of including a significant investment into Balboa Island for drainage projects, providing clarification regarding the debt service as a percentage of dedicated revenues at an upcoming meeting, clarification of past decisions to earmark incremental revenues toward Harbor-related costs, and a request that the replacement values for the slips at Marina Park and Balboa Yacht Basin slips be the same for consistency purposes.

Chair Scully opened the floor to public comments.

Jim Mosher stated the subject document is modeled over an older document called the "Facilities Financial Plan" which still exists on the City's website. He suggested the Commission would benefit from clarification as to why projects are listed on a certain document and not another, and cited various projects such as the Balboa Yacht Basin buildings, Corona Del Mar beach concessions and lifeguard headquarters, Dory Fisherman Fleet Market, and Marina Park improvements.

Seeing no others who wanted to speak, Chair Scully closed the floor to public comments.

It was noted this item would return on the next meeting agenda as updated pursuant to Commission discussion for further review and consideration.

There was no further action taken on this item.

2. Discussion of History, Current Status and Opportunities for Lower Castaways

As part of their current objectives, a subcommittee of the Harbor Commission is reviewing the history and current uses of the Lower Castaways facility. The subcommittee has conducted field studies observing current uses, met with various constituents as well as staff, and documented their findings and conclusions.

This report and presentation will update the Harbor Commission on the ad hoc committee's process, research and findings. The ad hoc committee seeks input from the full Commission and the public to further refine their recommendations related to improving the use of the facility. The subcommittee expects to present finalized recommendations for adoption by the full Commission at a meeting in the near future.

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) Review the recent history of Lower Castaway uses and previously considered potential uses; and
- 3) Discuss additional opportunities for use of Lower Castaways and, if desired, formulate a recommendation to be forwarded to the City Council on a plan to develop possible uses and designs.

Harbormaster Paul Blank noted the publicly noticed agenda report provided background history and status regarding Lower Castaways.

Secretary Marston provided an overview report on Lower Castaways and a PowerPoint presentation was displayed. General information was provided on the location, size, ownership, prohibitions, development, uses, zoning, policies, deed restrictions, traffic implications, easements, and CEQA requirements applicable to the subject site. Secretary Marston reported the Harbor Commission's objective in 2012 to complete development of recommendations for the best public use of the subject property. The project was assigned as a collaborative effort via a subcommittee formed consisting of representatives from both the

Harbor and Parks, Beaches, and Recreation Commission. As a result, a report was generated in 2013 and it was determined that the bulkhead needs to be reconstructed.

Secretary Marston continued, noting a landscape architect was hired to develop concept plans for the site, resulting in three concepts, which were displayed in the PowerPoint presentation along with a video. The summary of the subcommittee recommendation at that time was to utilize the site to provide for recreational biking, including a bike hub, a ride-to space for hiking and boating activities with 0 to 90 parking spaces, public restrooms, and a stairway connecting to Upper Castaways. It was her recollection, the Council at the time preferred to not include the stairway connection, as a sidewalk was already available on Dover, and there was the potential for other environmental issues due to construction. The project would be built in phases, however, there were concerns at the time regarding gaining the necessary approvals from the Coastal Commission. Other information regarding protected environmental areas was reported. Opportunities for community feedback were provided which resulting in support for use of the property as a revenue producing asset, commercial marine uses, parking mix, bicycle parking, low levels of light in order not to spill over to Kings Road homes, small craft access, and other accommodations.

Secretary Marston continued, noting in 2020 the idea for a swimming pool was suggested by Evelyn Hart and various locations were reviewed as potential sites, including Lower Castaways, with the size to be determined. Subsequent to that time, the Harbor Commission has placed Lower Castaways on their objectives, but since then, she was mostly talking to the Outrigger Club monthly, who was performing volunteer clean-up and maintenance work at the location. The pending question at this juncture is to discuss actual opportunities for the site, as it is the only remaining City-owned parcel that has access to the Harbor. The site is outdated looking and appears to require bulkhead maintenance. Her initial recommendation was to request the City Council set-aside funds for the conduct of a highest and best land-use study from which ideas could be generated. She requested input from the Harbor Commission.

Discussion ensued included comments related to City Council support for the Harbor Commission and Parks, Beaches, and Recreation Commission (PBR) to work jointly on development of a concept for Lower Castaways, creation of a joint ad hoc subcommittee comprised of members from both public bodies, prioritizing continued public access to the Harbor from the subject site, lack of previous momentum on the PBR Commission to move forward on this project, and obtaining further definition of previous studies instead of conducting a new highest and best land-use study.

It was stated that the Harbor Commission could not take formal action on to forward a recommendation to the City Council as the consideration with that level of specificity was not noticed as part of this agenda. Direction can be provided to staff and the item can be agendaized for the next meeting with the appropriate agenda title language and noticing.

Discussion ensued concerning the lack of support at the PBR Commission to form an ad hoc subcommittee on this subject matter, the need for a centralized position on Lower Castaways, obtaining PBR Commission support once the Harbor Commission has more fully formulated a concept for the site's use, potential for discussion with the appropriate regulatory agency on moving the southern boundary line, consideration of options for reconstruction of the bulkhead, exploration of the marine protected area boundary, a proposal to focus on concepts that did not have existing or regulatory restrictions that could prevent a project from moving forward, continued support for a project that would continue to allow for human-powered vessels and outrigger access to the Harbor, support for the park concept with public educational opportunities, including information regarding the site's flora, the challenges with proposing concepts which exceed the site's existing 2000 square foot development restrictions, support for a project that preserves the City's last waterfront site and that a park concept may result in underutilization of the site's value, and support for a larger scale educational venue, such as a research and learning center or aquarium with various active amenities beyond a passive park use.

Discussion ensued regarding the limitations of the MPA, whether the Irvine Company had been engaged for input, previous discussions held with the Department of Fish and Wildlife concerning the boundary for the MPA and what is prohibited and allowed, the nature of existing deed restrictions which serve to limit economic competition in certain cases, the potential to negotiate with the Irvine Company regarding the existing deed restrictions, the potential negative impact of increased traffic as a result of certain types of tourism-driven projects, and the potential to develop a concept that combines active park use with educational components while simultaneously preserving public Harbor access and scaling the project up or down based upon input received.

Chair Scully opened the floor to public comments.

Jim Mosher offered historical information regarding the movement of the monument sign across Coast Highway by the entry of Bayshores. He noted it would be more historically correct to site the monument at Lower Castaways rather than at Bayshores. He did not recall the PBR Commission ever promoting the concept of a swimming pool at the site, but did know that Evelyn Hart promoted such. He stated a rumor was circulating the Council considered a proposal from the YMCA in Closed Session to move their facility to Lower Castaways, which would include a swimming pool and other recreation. He further stated his understanding that the Irvine Company's plan was for a commercial marina, as related to the 2000 square foot building restriction. He also noted the PBR Commission's charter per the City Council makes them the public body to make recommendations regarding recreational facilities and he is hopeful they will be engaged in this process. He cited his review of the study session conducted on May 27, 2014, which seemed to memorialize support for the presentation on Lower Castaways, but nothing followed after that meeting. He is hopeful that this process will move forward.

Wade Womack suggested the Commission reach out to the public for input to narrow the top three or other suggested concepts for the site as well as preserving the site's public access to the Harbor. He believed the State would be on board with a proposed municipally-owned marina as the Coastal Commission has already approved the local coastal program, the City could generate revenues, and it would create additional boat slips.

Seeing no others who wanted to speak, Chair Scully closed the floor to public comments.

Discussion ensued concerning formalizing a recommendation from the Harbor Commission to the City Council or at least begin conversations with members of the City Council, prior to suggesting projects which require funding, determining whether it should be a passive or non-passive use, creation of recommendations the ad hoc committee could be working towards, establishing a clearer direction before approaching City Council for support, adding to the existing historical plan to make it a more active center which ultimately will be driven by community input, City Council-approved funding would also impact the actual scale of the ultimate product, and development of an organically grown concept with Harbor Commission objectives behind it that was focused on the Bay with educational and research opportunities.

Further discussion ensued including prioritizing projects that could gain funding support, appointment of an ad hoc committee to conduct an internal study amongst themselves and return to the Harbor Commission within 30 to 60 days with their findings. Based on those findings, a vote could be taken on what concept to forward to the City Council for funding consideration.

In response to a request for clarification on his public comments, Mr. Mosher responded he believed the City Council Closed Session he referenced in his earlier comments was conducted approximately one year ago.

Discussion ensued including comments on utilizing City staff to confirm what resources are available for consideration of existing concepts without having to ask for additional funding from the City Council, determining what can be accomplished at the site at this time realistically, focusing on a project or concept

that can pass effectively through the Coastal Commission, MPA review process, and Department of Fish and Wildlife review processes, the potential to expand on a park-based concept with larger, educational and recreational amenities, including a potential aquarium, and gauge the level of support for same, and engaging the services of Jim Campbell from Community Development as a resource for what can be accomplished in the subject site from a land-use perspective.

There was general Commission consensus to have the ad hoc committee discuss the concepts offered at this meeting via discussion, meet with City staff to determine available resources, and report back to the Harbor Commission at a future meeting.

There was no further action taken on this item.

3. Review and Approve Recommended Harbor Commission Objectives for 2024

The Harbor Commission periodically conducts a review and updates its Objectives. This year they decided to continue working on the 2022 Objectives instead of creating new ones for 2023, as there was still much work to be done and it would allow the new City Council Members to settle in and learn about the Harbor Commission. At a previous Harbor Commission meeting, the Commission formed an ad hoc subcommittee to recommend 2024 Objectives. That subcommittee sought guidance and feedback from the Commission at the September 2023 meeting. The subcommittee has prepared a list of proposed Objectives for 2024 and seeks the full Commission's approval of their recommendations. If approved, the recommended 2024 Objectives will be forwarded to the City Council for review and consideration.

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) Approve recommended 2024 Harbor Commission Objectives and forward them to the City Council for review.

Chair Scully provided a summary of the publicly noticed agenda report. He noted he had added the responsibilities of the Harbor Commission as memorialized in the City Charter and ~~added-outlined~~ the ten objectives. If approved by the Harbor Commission tonight, the 2024 Harbor Commission objectives would be forwarded to the City Council for review and consideration.

Chair Scully opened the floor to public comments. Seeing no one who wanted to speak, Chair Scully closed the floor to public comments.

Vice Chair Beer moved to:

- 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) Approve recommended 2024 Harbor Commission Objectives and forward them to the City Council for review.

Seconded by Secretary Marston. The motion carried by the following roll call vote:

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

4. Report on Progress of Converting Mooring Permits to New City Form and Action on Those Still Outstanding

The City took over management of nearly 1,200 moorings in Newport Harbor on July 1, 2017. Records associated with the mooring permits were transferred from the Orange County Sheriff's Department Harbor Patrol to the City at that time. Subsequently, the mooring permit form was updated and all permittees were asked to sign the new City issued form. There are 991 individual mooring permits not held by the Balboa Yacht Club, Lido Isle Community Association or the Newport Harbor Yacht Club. The process of converting those 991 individual permits to the new City form has been slower than anticipated.

This report will update the Harbor Commission on the process and progress for converting the 9 permits that remain unexecuted on the new City permit form. The Commission is asked to affirmatively recommend that staff proceed with revocations of those that remain outstanding or recommend other appropriate action.

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) Direct staff to proceed with Notice of Violations and revocations of the mooring permits that have not yet been executed on the new City permit form.

Harbormaster Paul Blank provided a summary of the publicly noticed agenda report. A PowerPoint presentation was displayed.

Commission discussed ensued regarding consistency with the application of the revocation process, including the wording "final notice" in bold on the letter prior to issuing the revocation notice, and clarifying the Commission is not in a position at this point in time to revoke the four subject permits referenced in the presentation.

Chair Scully opened the public comment period.

Wade Womack expressed support for the issuance of certified letters regarding official mooring permit notices.

Sally Peterson commented that many mooring permit holders may not be receiving the notices and that she could assist with contacting those she was acquainted with. She suggested offering more time to ensure individuals are contacted.

Seeing no others who wanted to speak, Chair Scully closed the public comment period.

Vice Chair Beer motioned to:

- 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) Direct staff to proceed with Notice of Violations and revocations of the mooring permits that have not yet been executed on the new City permit form.

Seconded by Commissioner Williamson. The motion carried by the following roll call vote:

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

5. Ad Hoc Committee Updates

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

Recommendation:

- 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.

Staff was directed to place an item on the next meeting agenda for Commission consideration of disbandment of the ad hoc committee related to the 2024 Harbor Commission objectives.

General Plan Vision Statement ad hoc committee report

No update at this time.

Balboa Ferry ad hoc committee report:

~~A call was~~ Chair Scully received a call from the owner of the Balboa Ferry requesting a letter from the City supporting the need for charting at grant funding for the ferries. City staff was consulted and were already in process of directly assisting the Beeks unable to commence work on obtaining potential grant funding for converting the ferry's to electric power and for electric charging ~~at the Ferry~~. ~~It does appear the~~ The City is working with the ferry to be prepared for an alternative energy plan.

Chair Scully opened the floor to public comments.

Jim Mosher commented that the General Plan project appears to be on hold at the moment as the City's consultant asked for a pause from the General Plan Advisory Committee to get themselves organized. It may be several months before the project starts up again. This will allow more time to develop outreach efforts and coordination with City staff.

Seeing no others who wanted to speak, Chair Scully closed the floor to public comments.

There was no further action taken on this item.

6. Harbor Commission Current Objectives Update

At the February 8, 2023, Harbor Commission meeting the decision was made by the Commission to continue the 2022 Objectives instead of creating new ones for 2023. The Commission felt there was still much work to be done on the 2022 Objectives and it would allow the new City Council Members to get settled and learn about the Harbor Commission. Each ad hoc committee studying their respective Functional Area within the Commission's 2022 Objectives, will provide a progress update.

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.

Functional Area 1: Harbor Operations (Yahn)		
Matters pertaining to the Management, Policies, Codes, Regulations and Enforcement		
Objective		Report
1.1	Conduct an annual review of Title 17 and recommend updates to the City Council where necessary (Yahn)	Work has been conducted with Matt Cosylion on revisions, with approximately 6 topics identified. Redlined documents with proposed wording has been provided to legal staff; once legal review is completed, the item will return to the Commission for review in approximately 30 to 60 days from this meeting.
1.2	Conduct an annual review of the Marine Activities Permits and recommend updates thereto as necessary.	Nothing to report
1.3	Work with City Staff to bring all onshore and offshore Mooring Permittees permit forms current and properly on file. (Beer, Cunningham)	Nothing to report
1.4	Evaluate current Harbor Department Operations to determine if the department is structured properly to meet all responsibilities of the Harbor on a daily basis.	Nothing to report
Functional Area 2: Harbor Viability (Beer)		
Matters pertaining to Assets, Amenities, and Access		
Objective		Report
2.1	Study and provide recommendations to the transfer permit policy for onshore and offshore moorings. (Beer, Cunningham)	Nothing to report
2.2	Work with City Staff on an update of the market rent to be charged for onshore and offshore moorings. (Beer, Cunningham)	Vice Chair Beer reported they are in the process of obtaining the appraisal for the offshore moorings; timeline is approximately 30 days; will update the Commission when received
2.3	Evaluate the current mooring fields and provide a recommendation for new guidelines that better define rows and fairways to improve navigation, safety, and optimization of space within the mooring fields. (Beer)	Vice Chair Beer reported the mooring initiative for optimization of the fields is approved, but is currently under review by the Coastal Commission

2.4	Review the On-shore mooring vessel specifications providing a long-term plan with the goal of insuring adequate spacing between moorings, residential docks, and street ends. (Cunningham, Scully)	Nothing to report
2.5	Evaluate options for additional City Moorings and/or Multi Vessel Mooring Systems (MVMS) for temporary use by visiting mariners or long-term mooring permittees. (Williams)	Nothing to report
2.6	Complete evaluation for establishing day moorings off Big Corona beach and harbor moorings. (Williams)	Nothing to report
Functional Area 3: Harbor Infrastructure (Cunningham)		
Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches		
Objective		Report
3.1	Support staff on the rehabilitation of the current public floats and gangways including areas of the harbor that could benefit with additional public access.	No report
3.2	Evaluate and identify the responsibilities and obligations of the city for additional safety vessels/equipment that may be added to the Harbor in the future.	No report
Functional Area 4: Harbor Stakeholders (Scully)		
Matters pertaining to Residential, Recreational, and Commercial Users		
Objective		Report
4.1	Evaluate enhancements and/or services to City amenities which will improve the operation and enjoyment of the Harbor. Additionally, identify new revenue generating offerings that would be administered through the Harbor Department. (Scully)	Chair Scully reported the new public dock under construction by the Irvine Company will result in additional location for handicapped or disabled individuals to access a lift to get into boats.
4.2	Evaluate and make recommendations for Lower Castaways. (Marston)	(Report was provided under an earlier agenda item by Secretary Marston)
4.3	Continue the dialogue with representatives of the Harbor Charter Fleet industry, commercial vessel operators and rental concessionaires to: (1) promote best practices for all charter and commercial boat operations in Newport Harbor with particular attention to safety, operational support, speed, noise and pollution control/compliance and (2) evaluate (a) total number of vessels for hire on the harbor, (b) maximum passenger capacity for each vessel and in total, and (c) overall height of the superstructure of vessels for charter within the Harbor. (Williams)	4.3.1 No new report. 4.3.2 This objective is complete.

Chair Scully opened the floor to public comments. Seeing none, Chair Scully closed the floor to public comments.

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

7. Harbormaster Update – September 2023 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:

- 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 Paul 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 clarification of the use of Rhine Wharf public dock for commercial fishing activities, bridge jumping injuries, and noting the Fire Department had not reported any such incidents, residents and boaters are the main source of bridge jumping reports, and that the majority of rescues are performed on renters versus private individuals.

Harbormaster Blank briefly mentioned an incident of significance regarding wind on the Harbor affecting a kayaker and his daughter, where the tired kayaker was not wearing a flotation device and the vessel was capsizing. Discussion ensued with suggestions for rental companies to educate their customers about the wind. Additional discussion ensued regarding the Harbor Department's ability to write citations for bridge jumping as it is a violation of the municipal code. Harbormaster Blank confirmed the Department's approach to educate bridge jumpers who are seen to inform them of the hazards and fines associated with engaging in the prohibited activity.

Harbormaster Blank elaborated on recent training conducted with the Fire Department, including conduct of a survey and tour of the Harbor with one of the engine companies. He further elaborated on the process for private party impounds of boats, noting the Department now has the authority to conduct such activity. He noted the consequences of illegal parking of vessels, including the assessed impound and storage fees.

Chair Scully opened the floor to public comments.

Hein Austin commented on the number of bridge jumpers he has personally observed at the Balboa Island bridge and expressed concern regarding the lack of resources to address the issue. He suggested placement of a safety net or barrier so that individuals could not leap into the water.

Seeing no others who wished to speak, Chair Scully closed the floor to public comments.

It was affirmed that it is the Harbor Department's standard practice when issuing a notice of violation for any reason to send that by certified mail, every single notice of violation is posted on the vessel and if it can be handed to a person directly, that is also done. Additionally, City staff utilizes all forms of contact, including voice mail, email, and a hardcopy printed and placed in a sealed in an envelope that is identified with return address for the City of Newport Beach Harbor Department. The letter is also sent via certified mail.

There was no further action taken on this item.

8. MOTION FOR RECONSIDERATION

None.

9. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Chair Scully confirmed the December meeting will be canceled.

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

The following items were discussed as matters to be placed on a future agenda:

1. Harbor and Beaches Master Plan
2. Disband 2024 Objectives Ad Hoc Committee

11. DATE AND TIME FOR NEXT MEETING: Wednesday, November 8, 2023 at 5 p.m.

The next meeting is scheduled for Wednesday, January 10, 2024 at 5 p.m.

12. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:54 p.m.

DRAFT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach, CA
Wednesday, October 11, 2023
5 p.m.

1. CALL MEETING TO ORDER

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

2. ROLL CALL

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

ABSENT: None

Staff Members: Paul Blank, Harbormaster
Matt Cosyion, Deputy Harbormaster
Jeremy Jung, Deputy City Attorney
Chris Miller, Public Works Administrative Manager
Jeff Goldfarb, Code Enforcement Officer
Jennifer Biddle, Administrative Assistant

3. PLEDGE OF ALLEGIANCE – Led by Commissioner Cunningham

4. PUBLIC COMMENTS

Chair Scully outlined the meeting rules of decorum and opened the floor to public comments on non-agenda items.

Wade Womack expressed concern that notification related to potential mooring revocations was not being sent via certified mail to the applicable parties and requested the City to proactively attempt to contact mooring permittees in this manner.

There were no other members of the public who elected to make public comments on non-agenda items. Chair Scully closed the floor to public comments.

5. APPROVAL OF MINUTES

1. Draft Minutes of the September 13, 2023 Harbor Commission Regular Meeting

Chair Scully opened the floor to public comments. Noting there were no other individuals requesting to speak, Chair Scully closed the floor to public comments.

Chair Scully referenced an email from Mr. Lee Pearl requesting the Commission reconsider the July 2023 meeting minutes for purposes of changing the comments reflected in the record. There was general Commission consensus to let the July 2023 minutes stand as originally approved and add his comments for the record.

Commissioner Marston moved to approve the minutes of the September 13, 2023, as amended. Seconded by Commissioner Williams. The motion carried by the following roll call vote:

Ayes: Cunningham, Svrcek, Williams, Scully
Nays: None
Abstain: Yahn, Beer
Absent: None

6. PUBLIC HEARING

1. Appeal of Harbormaster's Decision to Revoke Mooring Permit J-0107

Newport Beach Municipal Code ("NBMC") Section 17.70.020 provides that a mooring permit may be revoked upon a determination of the Harbormaster that a permittee has failed to comply with the terms and conditions of the mooring permit and other relevant sections of Title 17. The Harbormaster revoked the permit for Mooring J-0107 on August 31, 2023, and the permittee is appealing the revocation to the Harbor Commission.

Recommendation:

1. Hold a revocation appeal hearing and, if justified under NBMC Section 17.20.020(A) (3), affirm the Harbormaster's decision to revoke the permit for Mooring J-0107 based on the following:
 - a) The permittee failed for a period of sixty (60) days or more to pay the mooring fees for J-0107 in violation of NBMC Section 17.70.020(A)(1)(e) and Conditions 4 and 5 of the mooring permit signed on August 29, 2022.
 - b) The permittee failed to provide proof of insurance for the vessel on Mooring J-0107 naming the City as an additional insured as required by NBMC Section 17.60.040(B)(2)(f) and Condition 12 of the mooring permit signed on August 29, 2022.
 - c) The permittee has breached and failed to comply with the terms and conditions of the mooring permit in violation of NBMC 17.70.020(A)(1)(h).
- OR
2. Hold a revocation appeal hearing and rescind the Harbormaster's decision to revoke the permit for Mooring J-0107.
- AND
3. Determine that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it will not result in a physical change to the environment, directly or indirectly.

Deputy Harbormaster Matt Cosylon stated for the record, the City's policy as it relates to revocations and the policy of the City to the Harbor Department, of the stance that revocations are the last step in the enforcement process. The Department attempts to exhaust every opportunity to obtain voluntary compliance.

Code Enforcement Officer Jeffrey Goldfarb provided a summary of the publicly noticed agenda report. A PowerPoint presentation was displayed. A summary of the violations was presented, including failure to pay mooring fees, which were more than 120 days past due when the notice of revocation was issued. The fees were ultimately paid after the notice of revocation was issued. The second reason for the revocation was the failure to provide insurance as required by the City's municipal code and the permittee's signed agreement; the insurance had expired on May 25, 2023. Four notices were sent between April 4 and August 17, 2023 with requests for insurance. Ultimately, the insurance was submitted after the notice of revocation was served. In summary, failure to provide the insurance and failure to timely pay mooring fees were grounds for revocation of the permit.

Mr. Goldfarb provided a summary of the relevant municipal code sections as they related to the subject mooring revocation, citing the permittee's history of delinquent mooring fees. Several notices were issued regarding the subject mooring in 2020 and 2021 for failure to remit timely payment. Mr. Goldfarb provided a summary of the courtesy and regular noticing provided to the permittee regarding failure to remit insurance. After the third notice, an administrative citation was issued with no response and another issued without response, as well. A \$500 administrative citation was subsequently issued. A letter requesting a meeting with the permittee was then sent, notifying the permittee that if there is no response to set up a meeting with the City, the City would have to revoke the mooring permit. After no response from the permittee, the City issued the notice of revocation for the subject permit. Mr. Goldfarb also provided detail regarding the historical actions taken regarding the subject permit since 2019, including eight issued notices for delinquent mooring overhauls, two notices for delinquent registration and documentation for the vessel, 16 notices for delinquent vessel insurance, and five notices for having multiple vessels on the mooring.

Commissioner and staff discussion ensued with Mr. Goldfarb confirming the following information in response to inquiries from Commissioners. The revocation notice was sent via email and personally served by himself to the permittee on his vessel, as well as by certified mail.

Commissioner Yahn inquired if the revocation notice was sent via registered mail. Mr. Goldfarb noted it was sent via email and it was personally hand-served by himself to the permittee while the permittee was on his vessel on August 21, 2023, as well as sent via certified mail. The Department's standard practices were followed with certainty of the applicable addresses. The delinquent mooring fee and proof of insurance were provided subsequent to the issuance of the notice of revocation. Payment was made on September 11, 2023. Staff sent out administrative citations, but does not have confirmation that those payments were made.

Mr. Goldfarb further stated that once moorings are revoked, the permittee is given 30 days to remove the vessel from the mooring. The permittee can keep the ground tackle the permittee owns and the mooring reverts to the City. He stated his understanding that the subject permittee could reapply after a year, but another individual could apply prior to the end of that year-long period. Mr. Goldfarb confirmed the subject vessel was not a live-aboard.

Chair Scully opened the public hearing and public comments.

Thomas MacNeil, appellant, provided detail regarding his poor health condition as the primary cause for his inability to adhere to the conditions of his issued mooring permit. He stated he could have communicated more effectively with the Harbor Department regarding this matter, but had been struggling with his stated health conditions. He stated he has complied with all requirements, paid the requisite fees, and will not put himself in this position again. He further noted his experience running a company in the City for the last twenty years.

A friend of Mr. MacNeil reported on his good character and stated his awareness of the subject violations and noted their significant impact. He inquired if the Commission would be amenable to his taking over payment of the subject mooring fees and insurance from this point forward, even offering a direct withdrawal from his bank account.

Vice Chair Beer offered his sympathy for the health concerns of the appellant, and also inquired as to how the City can be assured, given the long history of payment and documentation delinquency, of the appellant's ability to comply with requirements in the future. The appellant acknowledged his culpability and noted his complete understanding of the current and future requirements.

Secretary Marston noted the appellant's delinquencies commenced almost immediately after the initial issuance of the subject mooring permit. The appellant noted the challenges involved with insuring the

subject vessels, including hauling and surveying processes that must be completed. Discussion ensued regarding the obligations upon which permit holders enter upon their receipt of a mooring permit.

Harbormaster Blank confirmed the Commission can recommend or take action to direct staff as they deem appropriate and if the revocation is not upheld, then a condition can be applied reversing the revocation such that an additional permittee can be added to the permit and title of the vessel, or any other condition the Commission may deem necessary. Mr. Blank confirmed that approximately 200 hours of staff time has been spent on the subject delinquencies as related to this mooring permit and permittee.

Wade Womack requested the Commission extend grace to the appellant and acknowledged a prior speaker's offer to take over payments on the subject mooring permit.

Chuck South, South Mooring Company, spoke to the appellant's dedication to maintaining the subject vessel and noted the appellant pays him for his services on time.

Seeing no others who wanted to speak, Chair Scully closed public comments and the public hearing.

Commissioner Cunningham inquired whether conditions could be applied if the permit was not revoked and memorialized in such a manner as to automatically revoke the permit if the subject conditions were not met. Harbormaster Blank responded an additional permittee could be added and that payment may be made by automated clearing house but the municipal code, Title 17, cannot be violated. The process for revocation cannot be subverted.

Commissioner Yahn inquired regarding the City's process and hours dedicated to collecting the delinquent and administrative fees. Harbormaster Blank responded stating the Department has a budget line item that accounts for or pays for collection services by third party vendors, but the Department is not aware of status of payments until delinquencies or deficiencies reach levels such as those under consideration during this public hearing.

Commissioner Yahn acknowledged the health concerns expressed by the appellant and also the processes and steps taken by the Harbor Department concerning this matter. He also stated the Commission could not institute a condition that resulted in an automatic revocation.

Commissioner Williams moved to affirm the Harbormaster's decision to revoke the permit for Mooring J-0107 based on the following:

- a) The permittee failed for a period of sixty (60) days or more to pay the mooring fees for J-0107 in violation of NBMC Section 17.70.020(A)(1)(e) and Conditions 4 and 5 of the mooring permit signed on August 29, 2022.
- b) The permittee failed to provide proof of insurance for the vessel on Mooring J-0107 naming the City as an additional insured as required by NBMC Section 17.60.040(B)(2)(f) and Condition 12 of the mooring permit signed on August 29, 2022.
- c) The permittee has breached and failed to comply with the terms and conditions of the mooring permit in violation of NBMC 17.70.020(A)(1)(h).

Seconded by Vice Chair Beer. The motion carried by the following roll call vote:

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

2. Variance Request: Vessel Berthing at 1324 E. Balboa Blvd.

Tom LeBeau ("Applicant"), property owner of 1324 E. Balboa Blvd ("Property") has applied for a variance, Variance No. HCVAR2023-002 ("Variance"), from the conditions of Harbor Permit/Approval in Concept 109-1322 ("Permit") restricting the size of the vessel that may be berthed on the east side of the single -finger float adjacent to F Street end in order that he may be able to berth a larger vessel.

Recommendation:

1. Conduct a public hearing;
2. Find that the denial of the variance 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
3. Adopt Resolution HC2023-011 of the Harbor Commission of the City of Newport Beach denying Variance No. HCVAR2023-002 requesting modification of Harbor Permit 109-1322 in order to berth a vessel that exceeds a length of 55-feet and a width of 15-feet on the east side of the float and into F Street end.

This item was postponed to a future meeting pursuant to a request by the applicant.

There was no further action taken on this item.

7. CURRENT BUSINESS**1. 2024 Harbor and Beaches Master Plan - Review**

Staff will provide an overview of the 2024 Harbor and Beaches Master Plan ("Plan"). The Harbor Commission is requested to provide an initial Plan review this evening, then consider it for approval at the November meeting.

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, 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; and
- 2) Receive and file.

Public Works Administrative Manager Chris Miller provided a summary of the publicly noticed agenda report. A PowerPoint presentation was displayed.

Commission and staff discussion ensued including suggestions and comments regarding correlating the potential project "Mooring Field Realignment/Optimization" associated budget number of \$320,000 with City Council approval for the item, whether design start years on the list have been updated, acknowledgement of the Finance Committee's review of the list in February, categorizing the list by project status including completed, potential, other, and ongoing, the embedded nature of the data in the spreadsheet as maintained by the Finance staff as related to making any formatting changes, having a column that denotes "ongoing" projects, and providing updated estimates on the list at the next meeting.

Commission and staff discussion ensued on the matter of the ferry restrooms, including confirmation by staff that the ferry, including restrooms, were slated to be rebuilt eventually. It was affirmed that the matter of floating restrooms has been an item under consideration by the Water Quality and Coastal Tidelands Committee, and that the Harbor Commission previously "turned down" the option to take that item on as a goal.

Commission and staff discussion ensued including comments affirming the costs listed for various projects on the subject spreadsheet, the potential of including a significant investment into Balboa Island for drainage projects, providing clarification regarding the debt service as a percentage of dedicated revenues at an upcoming meeting, clarification of past decisions to earmark incremental revenues toward Harbor-related costs, and a request that the replacement values for the slips at Marina Park and Balboa Yacht Basin slips be the same for consistency purposes.

Chair Scully opened the floor to public comments.

Jim Mosher stated the subject document is modeled over an older document called the "Facilities Financial Plan" which still exists on the City's website. He suggested the Commission would benefit from clarification as to why projects are listed on a certain document and not another, and cited various projects such as the Balboa Yacht Basin buildings, Corona Del Mar beach concessions and lifeguard headquarters, Dory Fisherman Fleet Market, and Marina Park improvements.

Seeing no others who wanted to speak, Chair Scully closed the floor to public comments.

It was noted this item would return on the next meeting agenda as updated pursuant to Commission discussion for further review and consideration.

There was no further action taken on this item.

2. Discussion of History, Current Status and Opportunities for Lower Castaways

As part of their current objectives, a subcommittee of the Harbor Commission is reviewing the history and current uses of the Lower Castaways facility. The subcommittee has conducted field studies observing current uses, met with various constituents as well as staff, and documented their findings and conclusions.

This report and presentation will update the Harbor Commission on the ad hoc committee's process, research and findings. The ad hoc committee seeks input from the full Commission and the public to further refine their recommendations related to improving the use of the facility. The subcommittee expects to present finalized recommendations for adoption by the full Commission at a meeting in the near future.

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) Review the recent history of Lower Castaway uses and previously considered potential uses; and
- 3) Discuss additional opportunities for use of Lower Castaways and, if desired, formulate a recommendation to be forwarded to the City Council on a plan to develop possible uses and designs.

Harbormaster Paul Blank noted the publicly noticed agenda report provided background history and status regarding Lower Castaways.

Secretary Marston provided an overview report on Lower Castaways and a PowerPoint presentation was displayed. General information was provided on the location, size, ownership, prohibitions, development, uses, zoning, policies, deed restrictions, traffic implications, easements, and CEQA requirements applicable to the subject site. Secretary Marston reported the Harbor Commission's objective in 2012 to complete development of recommendations for the best public use of the subject property. The project was assigned as a collaborative effort via a subcommittee formed consisting of representatives from both the

Harbor and Parks, Beaches, and Recreation Commission. As a result, a report was generated in 2013 and it was determined that the bulkhead needs to be reconstructed.

Secretary Marston continued, noting a landscape architect was hired to develop concept plans for the site, resulting in three concepts, which were displayed in the PowerPoint presentation along with a video. The summary of the subcommittee recommendation at that time was to utilize the site to provide for recreational biking, including a bike hub, a ride-to space for hiking and boating activities with 0 to 90 parking spaces, public restrooms, and a stairway connecting to Upper Castaways. It was her recollection, the Council at the time preferred to not include the stairway connection, as a sidewalk was already available on Dover, and there was the potential for other environmental issues due to construction. The project would be built in phases, however, there were concerns at the time regarding gaining the necessary approvals from the Coastal Commission. Other information regarding protected environmental areas was reported. Opportunities for community feedback were provided which resulting in support for use of the property as a revenue producing asset, commercial marine uses, parking mix, bicycle parking, low levels of light in order not to spill over to Kings Road homes, small craft access, and other accommodations.

Secretary Marston continued, noting in 2020 the idea for a swimming pool was suggested by Evelyn Hart and various locations were reviewed as potential sites, including Lower Castaways, with the size to be determined. Subsequent to that time, the Harbor Commission has placed Lower Castaways on their objectives, but since then, she was mostly talking to the Outrigger Club monthly, who was performing volunteer clean-up and maintenance work at the location. The pending question at this juncture is to discuss actual opportunities for the site, as it is the only remaining City-owned parcel that has access to the Harbor. The site is outdated looking and appears to require bulkhead maintenance. Her initial recommendation was to request the City Council set-aside funds for the conduct of a highest and best land-use study from which ideas could be generated. She requested input from the Harbor Commission.

Discussion ensued included comments related to City Council support for the Harbor Commission and Parks, Beaches, and Recreation Commission (PBR) to work jointly on development of a concept for Lower Castaways, creation of a joint ad hoc subcommittee comprised of members from both public bodies, prioritizing continued public access to the Harbor from the subject site, lack of previous momentum on the PBR Commission to move forward on this project, and obtaining further definition of previous studies instead of conducting a new highest and best land-use study.

It was stated that the Harbor Commission could not take formal action on to forward a recommendation to the City Council as the consideration with that level of specificity was not noticed as part of this agenda. Direction can be provided to staff and the item can be agendaized for the next meeting with the appropriate agenda title language and noticing.

Discussion ensued concerning the lack of support at the PBR Commission to form an ad hoc subcommittee on this subject matter, the need for a centralized position on Lower Castaways, obtaining PBR Commission support once the Harbor Commission has more fully formulated a concept for the site's use, potential for discussion with the appropriate regulatory agency on moving the southern boundary line, consideration of options for reconstruction of the bulkhead, exploration of the marine protected area boundary, a proposal to focus on concepts that did not have existing or regulatory restrictions that could prevent a project from moving forward, continued support for a project that would continue to allow for human-powered vessels and outrigger access to the Harbor, support for the park concept with public educational opportunities, including information regarding the site's flora, the challenges with proposing concepts which exceed the site's existing 2000 square foot development restrictions, support for a project that preserves the City's last waterfront site and that a park concept may result in underutilization of the site's value, and support for a larger scale educational venue, such as a research and learning center or aquarium with various active amenities beyond a passive park use.

Discussion ensued regarding the limitations of the MPA, whether the Irvine Company had been engaged for input, previous discussions held with the Department of Fish and Wildlife concerning the boundary for the MPA and what is prohibited and allowed, the nature of existing deed restrictions which serve to limit economic competition in certain cases, the potential to negotiate with the Irvine Company regarding the existing deed restrictions, the potential negative impact of increased traffic as a result of certain types of tourism-driven projects, and the potential to develop a concept that combines active park use with educational components while simultaneously preserving public Harbor access and scaling the project up or down based upon input received.

Chair Scully opened the floor to public comments.

Jim Mosher offered historical information regarding the movement of the monument sign across Coast Highway by the entry of Bayshores. He noted it would be more historically correct to site the monument at Lower Castaways rather than at Bayshores. He did not recall the PBR Commission ever promoting the concept of a swimming pool at the site, but did know that Evelyn Hart promoted such. He stated a rumor was circulating the Council considered a proposal from the YMCA in Closed Session to move their facility to Lower Castaways, which would include a swimming pool and other recreation. He further stated his understanding that the Irvine Company's plan was for a commercial marina, as related to the 2000 square foot building restriction. He also noted the PBR Commission's charter per the City Council makes them the public body to make recommendations regarding recreational facilities and he is hopeful they will be engaged in this process. He cited his review of the study session conducted on May 27, 2014, which seemed to memorialize support for the presentation on Lower Castaways, but nothing followed after that meeting. He is hopeful that this process will move forward.

Wade Womack suggested the Commission reach out to the public for input to narrow the top three or other suggested concepts for the site as well as preserving the site's public access to the Harbor. He believed the State would be on board with a proposed municipally-owned marina as the Coastal Commission has already approved the local coastal program, the City could generate revenues, and it would create additional boat slips.

Seeing no others who wanted to speak, Chair Scully closed the floor to public comments.

Discussion ensued concerning formalizing a recommendation from the Harbor Commission to the City Council or at least begin conversations with members of the City Council, prior to suggesting projects which require funding, determining whether it should be a passive or non-passive use, creation of recommendations the ad hoc committee could be working towards, establishing a clearer direction before approaching City Council for support, adding to the existing historical plan to make it a more active center which ultimately will be driven by community input, City Council-approved funding would also impact the actual scale of the ultimate product, and development of an organically grown concept with Harbor Commission objectives behind it that was focused on the Bay with educational and research opportunities.

Further discussion ensued including prioritizing projects that could gain funding support, appointment of an ad hoc committee to conduct an internal study amongst themselves and return to the Harbor Commission within 30 to 60 days with their findings. Based on those findings, a vote could be taken on what concept to forward to the City Council for funding consideration.

In response to a request for clarification on his public comments, Mr. Mosher responded he believed the City Council Closed Session he referenced in his earlier comments was conducted approximately one year ago.

Discussion ensued including comments on utilizing City staff to confirm what resources are available for consideration of existing concepts without having to ask for additional funding from the City Council, determining what can be accomplished at the site at this time realistically, focusing on a project or concept

that can pass effectively through the Coastal Commission, MPA review process, and Department of Fish and Wildlife review processes, the potential to expand on a park-based concept with larger, educational and recreational amenities, including a potential aquarium, and gauge the level of support for same, and engaging the services of Jim Campbell from Community Development as a resource for what can be accomplished in the subject site from a land-use perspective.

There was general Commission consensus to have the ad hoc committee discuss the concepts offered at this meeting via discussion, meet with City staff to determine available resources, and report back to the Harbor Commission at a future meeting.

There was no further action taken on this item.

3. Review and Approve Recommended Harbor Commission Objectives for 2024

The Harbor Commission periodically conducts a review and updates its Objectives. This year they decided to continue working on the 2022 Objectives instead of creating new ones for 2023, as there was still much work to be done and it would allow the new City Council Members to settle in and learn about the Harbor Commission. At a previous Harbor Commission meeting, the Commission formed an ad hoc subcommittee to recommend 2024 Objectives. That subcommittee sought guidance and feedback from the Commission at the September 2023 meeting. The subcommittee has prepared a list of proposed Objectives for 2024 and seeks the full Commission's approval of their recommendations. If approved, the recommended 2024 Objectives will be forwarded to the City Council for review and consideration.

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) Approve recommended 2024 Harbor Commission Objectives and forward them to the City Council for review.

Chair Scully provided a summary of the publicly noticed agenda report. He noted he had added the responsibilities of the Harbor Commission as memorialized in the City Charter and added the ten objectives. If approved by the Harbor Commission tonight, the 2024 Harbor Commission objectives would be forwarded to the City Council for review and consideration.

Chair Scully opened the floor to public comments. Seeing no one who wanted to speak, Chair Scully closed the floor to public comments.

Vice Chair Beer moved to:

- 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) Approve recommended 2024 Harbor Commission Objectives and forward them to the City Council for review.

Seconded by Secretary Marston. The motion carried by the following roll call vote:

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

4. Report on Progress of Converting Mooring Permits to New City Form and Action on Those Still Outstanding

The City took over management of nearly 1,200 moorings in Newport Harbor on July 1, 2017. Records associated with the mooring permits were transferred from the Orange County Sheriff's Department Harbor Patrol to the City at that time. Subsequently, the mooring permit form was updated and all permittees were asked to sign the new City issued form. There are 991 individual mooring permits not held by the Balboa Yacht Club, Lido Isle Community Association or the Newport Harbor Yacht Club. The process of converting those 991 individual permits to the new City form has been slower than anticipated.

This report will update the Harbor Commission on the process and progress for converting the 9 permits that remain unexecuted on the new City permit form. The Commission is asked to affirmatively recommend that staff proceed with revocations of those that remain outstanding or recommend other appropriate action.

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) Direct staff to proceed with Notice of Violations and revocations of the mooring permits that have not yet been executed on the new City permit form.

Harbormaster Paul Blank provided a summary of the publicly noticed agenda report. A PowerPoint presentation was displayed.

Commission discussed ensued regarding consistency with the application of the revocation process, including the wording "final notice" in bold on the letter prior to issuing the revocation notice, and clarifying the Commission is not in a position at this point in time to revoke the four subject permits referenced in the presentation.

Chair Scully opened the public comment period.

Wade Womack expressed support for the issuance of certified letters regarding official mooring permit notices.

Sally Peterson commented that many mooring permit holders may not be receiving the notices and that she could assist with contacting those she was acquainted with. She suggested offering more time to ensure individuals are contacted.

Seeing no others who wanted to speak, Chair Scully closed the public comment period.

Vice Chair Beer motioned to:

- 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) Direct staff to proceed with Notice of Violations and revocations of the mooring permits that have not yet been executed on the new City permit form.

Seconded by Commissioner ~~Williamson~~Williams. The motion carried by the following roll call vote:

Ayes: Cunningham, Marston, Svrcek, Williams, Scully, Beer, Yahn
Nays: None
Abstain: None
Absent: None~~Yahn, Beer~~

5. Ad Hoc Committee Updates

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

Recommendation:

- 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.

Staff was directed to place an item on the next meeting agenda for Commission consideration of disbandment of the ad hoc committee related to the 2024 Harbor Commission objectives.

General Plan Vision Statement ad hoc committee report

No update at this time.

Balboa Ferry ad hoc committee report:

A call was received requesting a letter from the City supporting the need for charting at the ferries. City staff was consulted and were able to commence work on obtaining potential grant funding for electric charging at the Ferry. It does appear the City is working with the ferry to be prepared for an alternative energy plan.

Chair Scully opened the floor to public comments.

Jim Mosher commented that the General Plan project appears to be on hold at the moment as the City's consultant asked for a pause from the General Plan Advisory Committee to get themselves organized. It may be several months before the project starts up again. This will allow more time to develop outreach efforts and coordination with City staff.

Seeing no others who wanted to speak, Chair Scully closed the floor to public comments.

There was no further action taken on this item.

6. Harbor Commission Current Objectives Update

At the February 8, 2023, Harbor Commission meeting the decision was made by the Commission to continue the 2022 Objectives instead of creating new ones for 2023. The Commission felt there was still much work to be done on the 2022 Objectives and it would allow the new City Council Members to get settled and learn about the Harbor Commission. Each ad hoc committee studying their respective Functional Area within the Commission's 2022 Objectives, will provide a progress update.

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.

Functional Area 1: Harbor Operations (Yahn)		
Matters pertaining to the Management, Policies, Codes, Regulations and Enforcement		
Objective		Report
1.1	Conduct an annual review of Title 17 and recommend updates to the City Council where necessary (Yahn)	Work has been conducted with Matt Cosylion on revisions, with approximately 6 topics identified. Redlined documents with proposed wording has been provided to legal staff; once legal review is completed, the item will return to the Commission for review in approximately 30 to 60 days from this meeting.
1.2	Conduct an annual review of the Marine Activities Permits and recommend updates thereto as necessary.	Nothing to report
1.3	Work with City Staff to bring all onshore and offshore Mooring Permittees permit forms current and properly on file. (Beer, Cunningham)	Nothing to report
1.4	Evaluate current Harbor Department Operations to determine if the department is structured properly to meet all responsibilities of the Harbor on a daily basis.	Nothing to report
Functional Area 2: Harbor Viability (Beer)		
Matters pertaining to Assets, Amenities, and Access		
Objective		Report
2.1	Study and provide recommendations to the transfer permit policy for onshore and offshore moorings. (Beer, Cunningham)	Nothing to report
2.2	Work with City Staff on an update of the market rent to be charged for onshore and offshore moorings. (Beer, Cunningham)	Vice Chair Beer reported they are in the process of obtaining the appraisal for the offshore moorings; timeline is approximately 30 days; will update the Commission when received
2.3	Evaluate the current mooring fields and provide a recommendation for new guidelines that better define rows and fairways to improve navigation, safety, and optimization of space within the mooring fields. (Beer)	Vice Chair Beer reported the mooring initiative for optimization of the fields is approved, but is currently under review by the Coastal Commission
2.4	Review the On-shore mooring vessel specifications providing a long-term plan with the goal of insuring adequate spacing between moorings, residential docks, and street ends. (Cunningham, Scully)	Nothing to report

2.5	Evaluate options for additional City Moorings and/or Multi Vessel Mooring Systems (MVMS) for temporary use by visiting mariners or long-term mooring permittees. (Williams)	Nothing to report
2.6	Complete evaluation for establishing day moorings off Big Corona beach and harbor moorings. (Williams)	Nothing to report
Functional Area 3: Harbor Infrastructure (Cunningham)		
Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches		
Objective		Report
3.1	Support staff on the rehabilitation of the current public floats and gangways including areas of the harbor that could benefit with additional public access.	No report
3.2	Evaluate and identify the responsibilities and obligations of the city for additional safety vessels/equipment that may be added to the Harbor in the future.	No report
Functional Area 4: Harbor Stakeholders (Scully)		
Matters pertaining to Residential, Recreational, and Commercial Users		
Objective		Report
4.1	Evaluate enhancements and/or services to City amenities which will improve the operation and enjoyment of the Harbor. Additionally, identify new revenue generating offerings that would be administered through the Harbor Department. (Scully)	Chair Scully reported the new public dock under construction by the Irvine Company will result in additional location for handicapped or disabled individuals to access a lift to get into boats.
4.2	Evaluate and make recommendations for Lower Castaways. (Marston)	(Report was provided under an earlier agenda item by Secretary Marston)
4.3	Continue the dialogue with representatives of the Harbor Charter Fleet industry, commercial vessel operators and rental concessionaires to: (1) promote best practices for all charter and commercial boat operations in Newport Harbor with particular attention to safety, operational support, speed, noise and pollution control/compliance and (2) evaluate (a) total number of vessels for hire on the harbor, (b) maximum passenger capacity for each vessel and in total, and (c) overall height of the superstructure of vessels for charter within the Harbor. (Williams)	4.3.1 No new report. 4.3.2 This objective is complete.

Chair Scully opened the floor to public comments. Seeing none, Chair Scully closed the floor to public comments.

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

7. Harbormaster Update – September 2023 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:

- 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 Paul 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 clarification of the use of Rhine Wharf public dock for commercial fishing activities, bridge jumping injuries, and noting the Fire Department had not reported any such incidents, residents and boaters are the main source of bridge jumping reports, and that the majority of rescues are performed on renters versus private individuals.

Harbormaster Blank briefly mentioned an incident of significance regarding wind on the Harbor affecting a kayaker and his daughter, where the tired kayaker was not wearing a flotation device and the vessel was capsizing. Discussion ensued with suggestions for rental companies to educate their customers about the wind. Additional discussion ensued regarding the Harbor Department's ability to write citations for bridge jumping as it is a violation of the municipal code. Harbormaster Blank confirmed the Department's approach to educate bridge jumpers who are seen to inform them of the hazards and fines associated with engaging in the prohibited activity.

Harbormaster Blank elaborated on recent training conducted with the Fire Department, including conduct of a survey and tour of the Harbor with one of the engine companies. He further elaborated on the process for private party impounds of boats, noting the Department now has the authority to conduct such activity. He noted the consequences of illegal parking of vessels, including the assessed impound and storage fees.

Chair Scully opened the floor to public comments.

Hein Austin commented on the number of bridge jumpers he has personally observed at the Balboa Island bridge and expressed concern regarding the lack of resources to address the issue. He suggested placement of a safety net or barrier so that individuals could not leap into the water.

Seeing no others who wished to speak, Chair Scully closed the floor to public comments.

It was affirmed that it is the Harbor Department's standard practice when issuing a notice of violation for any reason to send that by certified mail, every single notice of violation is posted on the vessel and if it can be handed to a person directly, that is also done. Additionally, City staff utilizes all forms of contact, including voice mail, email, and a hardcopy printed and placed in a sealed in an envelope that is identified with return address for the City of Newport Beach Harbor Department. The letter is also sent via certified mail.

There was no further action taken on this item.

8. MOTION FOR RECONSIDERATION

None.

9. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Chair Scully confirmed the December meeting will be canceled.

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

The following items were discussed as matters to be placed on a future agenda:

1. Harbor and Beaches Master Plan
2. Disband 2024 Objectives Ad Hoc Committee

11. DATE AND TIME FOR NEXT MEETING: Wednesday, November 8, 2023 at 5 p.m.

The next meeting is scheduled for Wednesday, January 10, 2024 at 5 p.m.

12. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:54 p.m.

DRAFT



NEWPORT BEACH

Harbor Commission Staff Report

November 8, 2023
Agenda Item No. 6.1

TO: HARBOR COMMISSION

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

TITLE: 2024 Harbor and Beaches Master Plan – Approve

ABSTRACT:

Staff will provide an overview of the 2024 Harbor and Beaches Master Plan. The Harbor Commission is requested to approve the plan so it can be forwarded to the Finance Committee in early 2024.

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, 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) Approve the 2024 Harbor and Beaches Master Plan and recommend staff forward to the Finance Committee for consideration.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

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

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

Attached is the current, approved 2023 Plan. Please note that the smaller details (e.g., dates and project dollar amounts) within the Plan will be addressed when the Plan is finalized by the Finance Department later.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

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

ATTACHMENTS:

Attachment A – 2023 Harbor and Beaches Master Plan

HARBOR & BEACHES MASTER PLAN PROJECTS

Last Updated: 02/08/2023

2023

Attachment A

Ref #	Project	Category	Units Measurement	Total Units	Today's Unit Cost	Current Age:	Estimated Useful Life	Project Estimate	FY Design Start Year	FY Const Start Year	FV Cost Est @2.5% Growth	External Contributions	Net Proposed Cost
UTILITIES													
32	Tide Gate Valves (Peninsula): Replace	Gate Valves	EA	39	\$50,000	**	25	\$1,950,000	2025	2030	\$2,317,937		\$2,317,937
SUBTOTAL								\$1,950,000			\$2,317,937	\$0	\$2,317,937
BULKHEAD/STRUCTURES													
8	Bulkhead (American Legion): Repair	Bulkhead	LF	1	\$1,700,000	66	40	\$1,700,000	2019	2022	\$1,742,500		\$1,742,500
39	Lower Castaways: Bulkhead Only	Bulkhead	LF	265	\$7,000	**	80	\$1,855,000	2025	2027	\$2,047,573		\$2,047,573
41	Balboa Island, N, S, E & GC: Boardwalk & Perimeter Drainage System only (Little Island not include ~42k SF)	Other	SF	92,000	\$25	**	80	\$2,300,000	2026	2030	\$2,733,977		\$2,733,977
45	Balboa Island, N, S, E & GC: Replace Seawall SBF	Bulkhead	LF	4,386	\$7,000	93	81	\$30,703,596	2026	2028	\$34,738,301		\$34,738,301
46	Balboa Island, N, S, E & GC: Replace Seawall GC and EBF	Bulkhead	LF	4,386	\$7,000	93	80	\$30,703,596	2026	2028	\$34,738,301		\$34,738,301
47	Balboa Island, N, S, E & GC: Replace Seawall NBF	Bulkhead	LF	4,386	\$7,000	93	82	\$30,703,596	2026	2030	\$36,496,927		\$36,496,927
61	Bulkhead (American Legion): Replace	Bulkhead	LF	336	\$7,000	66	80	\$2,352,000	2051	2070	\$7,506,872		\$7,506,872
65	Bulkhead (West Newport): Replace	Bulkhead	LF	1,722	\$7,000	**	80	\$12,054,000	2023	2041	\$18,800,126		\$18,800,126
66	Bulkhead (Corona Del Mar): Replace	Bulkhead	LF	175	\$7,000	**	80	\$1,225,000	2042	2045	\$2,108,925		\$2,108,925
67	Bulkhead (Promontory Bay): Replace	Bulkhead	LF	1,158	\$7,000	58	80	\$8,106,000	2042	2045	\$13,955,058		\$13,955,058
69	Bulkhead (Rhine Wharf): Replace	Bulkhead	LF	343	\$7,000	63	80	\$2,401,000	2046	2049	\$4,562,603		\$4,562,603
71	Bulkhead (Street Ends - Peninsula): Replace	Bulkhead	LF	2,217	\$7,000	**	80	\$15,519,000	2023	2056	\$35,055,107		\$35,055,107
27	Bulkhead (Balboa Yacht Basin): Replace	Bulkhead	LF	1,370	\$7,000	38	80	\$9,590,000	2063	2065	\$27,053,344		\$27,053,344
37	Bulkhead (Marina Park): Replace	Bulkhead	LF	857	\$7,000	8	80	\$5,999,000	2093	2095	\$35,497,451		\$35,497,451
SUBTOTAL								\$155,211,788			\$257,037,064	\$0	\$257,037,064
PUBLIC PIERS - REPAIR / REPLACE													
11	Public Pier (15th St): Float only	Piers	EA	1	\$60,000	**	20	\$60,000	2021	2025	\$63,038		\$63,038
12	Public Pier (19th St): Float only	Piers	EA	1	\$100,000	**	20	\$100,000	2021	2025	\$105,063		\$105,063
13	Public Pier (Coral Ave): Float only	Piers	EA	1	\$75,000	38	20	\$75,000	2021	2025	\$78,797		\$78,797
14	Public Pier (Fernando St): Float only	Piers	EA	1	\$60,000	**	20	\$60,000	2021	2025	\$63,038		\$63,038
15	Public Pier (M St): Float only	Piers	EA	1	\$100,000	**	20	\$100,000	2021	2025	\$105,063		\$105,063
16	Public Pier (Opal Ave): Float only	Piers	EA	1	\$60,000	**	20	\$60,000	2021	2025	\$63,038		\$63,038
17	Public Pier (Park Ave): Float only	Piers	EA	1	\$60,000	**	20	\$60,000	2021	2025	\$63,038		\$63,038
18	Public Pier (Washington St): Float only	Piers	EA	1	\$60,000	**	20	\$60,000	2021	2025	\$63,038		\$63,038
28	Ocean Piers Maintenance (Balboa and Newport)	Piers	EA	1	500,000	83	0	\$500,000	2023	2024	\$512,500		\$512,500
29	Public Pier (29th St): Pier, Gangway & Float	Piers	EA	1	\$150,000	**	20	\$150,000	2022	2024	\$153,750		\$153,750
30	Public Pier (Emerald Ave): Float only	Piers	EA	1	\$75,000	37	20	\$75,000	2021	2025	\$78,797		\$78,797
31	Public Pier (Sapphire Ave): Float only	Piers	EA	1	\$60,000	**	20	\$60,000	2021	2025	\$63,038		\$63,038
42	Balboa Yacht Basin Marina (Slips): Replace	Slips	Slips	172	\$35,000	38	40	\$6,020,000	2023	2025	\$6,324,763		\$6,324,763
52	Public Pier (15th St): Pier	Piers	EA	1	\$125,000	**	20	\$125,000	2031	2034	\$164,011		\$164,011
53	Public Pier (Coral Ave): Pier only	Piers	EA	1	\$125,000	38	20	\$125,000	2031	2034	\$164,011		\$164,011
54	Public Pier (Emerald Ave): Pier only	Piers	EA	1	\$125,000	37	20	\$125,000	2031	2034	\$164,011		\$164,011
55	Public Pier (Fernando St): Pier only	Piers	EA	1	\$125,000	**	20	\$125,000	2031	2034	\$164,011		\$164,011
56	Public Pier (M St): Pier only	Piers	EA	1	\$150,000	38	20	\$150,000	2031	2034	\$196,813		\$196,813
57	Public Pier (Opal Ave): Pier only	Piers	EA	1	\$125,000	**	20	\$125,000	2031	2034	\$164,011		\$164,011
58	Public Pier (Park Ave): Pier only	Piers	EA	1	\$125,000	**	20	\$125,000	2031	2034	\$164,011		\$164,011
59	Public Pier (Sapphire Ave): Pier only	Piers	EA	1	\$125,000	**	20	\$125,000	2031	2034	\$164,011		\$164,011
60	Public Pier (Washington St): Pier only	Piers	EA	1	\$150,000	**	20	\$150,000	2031	2034	\$196,813		\$196,813
62	Public Pier (Rhine Channel): Float only	Piers	EA	1	\$200,000	16	30	\$200,000	2034	2037	\$282,595		\$282,595
64	Public Pier (Grand Canal, Balboa Ave): Pier Platform	Piers	EA	1	\$25,000	6	20	\$25,000	2037	2038	\$36,207		\$36,207
68	Public Pier (Rhine Channel): Gangway only	Piers	EA	1	\$70,000	**	40	\$70,000	2044	2047	\$126,611		\$126,611
70	Marina Park Slips: Replace	Slips	EA	23	\$40,000	8	40	\$920,000	2052	2055	\$2,027,456		\$2,027,456
72	Public Pier (Balboa Marina West): Float only	Piers	EA	1	\$200,000	2	40	\$200,000	2059	2062	\$523,915		\$523,915
73	Public Pier (Balboa Marina West): Gangway	Piers	EA	1	\$70,000	2	40	\$70,000	2059	2062	\$183,370		\$183,370
26	Public Pier (Central Ave): Gangway and Float	Piers	EA	1	\$250,000	6	40	\$250,000	2055	2057	\$578,831		\$578,831
10	Ocean Pier: Newport	Piers	EA	1	\$20,000,000	83	85	\$20,000,000	2024	2027	\$22,076,258		\$22,076,258
23	Ocean Pier: Balboa	Piers	EA	1	\$15,000,000	83	85	\$15,000,000	2030	2033	\$19,201,268		\$19,201,268
SUBTOTAL								\$45,290,000			\$54,315,169	\$0	\$54,315,169
DREDGING													
2	Grand Canal Dredging and Beach Maintenance	Dredging	CY	1	\$1,500,000	**	20	\$1,500,000	2037	2039	\$2,226,758		\$2,226,758
9	Dredging: Lower Bay (Channels - Ongoing Maintenance)	Dredging	CY	1,200,000	\$19	**	30	\$22,800,000	2019	2023	\$23,370,000	\$10,000,000	\$13,370,000
25	Dredging: Newport Island Area (Channels) - TBD	Dredging	CY	20,000	\$150	**	50	\$3,000,000	2028	2030	\$3,566,057		\$3,566,057
43	Dredging (Balboa Yacht Basin):	Dredging	CY	25,600	\$70	38	40	\$1,792,000	2023	2025	\$1,882,720		\$1,882,720
48	Dredging: Upper Bay Catch Basins	Dredging	CY	500,000	\$30	14	21	\$15,000,000	2027	2030	\$17,830,286	\$17,830,286	\$0
49	Dredging: Upper Bay Channels	Dredging	CY	250,000	\$30	14	21	\$7,500,000	2027	2030	\$8,915,143	\$8,915,143	\$0
SUBTOTAL								\$51,592,000			\$57,790,965	\$36,745,429	\$21,045,536

Ref #	Project	Category	Units Measurement	Total Units	Today's Unit Cost	Current Age:	Estimated Useful Life	Project Estimate	FY Design Start Year	FY Const Start Year	FV Cost Est @2.5% Growth	External Contributions	Net Proposed Cost
FERRY & WHARF REPAIR / REPLACE													
35	Ferry Landing - Agate Avenue	Bulkhead	EA	1	\$0	93	60	\$0	2026	2028	\$0		\$0
36	Ferry Landing - Palm Street	Bulkhead	EA	1	\$0	93	60	\$0	2026	2028	\$0		\$0
SUBTOTAL								\$0			\$0	\$0	\$0
WATER QUALITY													
20	Water Quality: TMDL Compliance:	Water Quality	LS	1	\$200,000	**	Ongoing	\$200,000	2024	2024	\$205,000		\$205,000
33	Vessel Sewage Pumpouts Replacements	Water Quality	EA	5	\$21,255	**	7	\$106,275	2027	2028	\$120,240	\$102,031	\$18,209
SUBTOTAL								\$306,275			\$325,240	\$102,031	\$223,209
BEACH NOURISHMENT - HARBOR & OCEAN													
22	Central Peninsula Sand Nourishment (Ocean Beach)	Sand	CY	1,000,000	\$15	**	20	\$15,000,000	2022	2024	\$15,375,000		\$15,375,000
44	Surfside/Sunset Beach Sand Nourishment Stage 14	Sand	LS	1	\$300,000	0	7	\$300,000	2028	2030	\$356,606		\$356,606
51	Public Bay Beaches: Sand Nourishment (25k yards)	Other	CY	25,000	\$50	7	25	\$1,250,000	2028	2031	\$1,523,004		\$1,523,004
SUBTOTAL								\$16,550,000			\$17,254,609	\$0	\$17,254,609
GRAND TOTAL								\$270,900,063			\$389,040,985	\$36,847,460	\$352,193,524

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COMPLETED													
38	Seawall (Balboa Island N & S): Extend Cap	Bulkhead	LF	7,000	\$100	93	20	\$0	2014	2017	\$0		\$0
40	Seawall (Balboa Island, West End): Extend Cap	Bulkhead	LF	1,300	\$100	93	20	\$0	2014	2017	\$0		\$0
50	Bulkhead (Edge Water Ln) Extend Cap	Bulkhead	LF	145	\$303	6	20	\$0	2017	2017	\$0		\$0
63	Ferry Landings (Agate Ave & Palm St): Replace?	Other	EA	1	\$0	93	75	\$0	2020	2022	\$0		\$0
1	Arches Drain: Dry Weather Diversion	Drain	LS	1	\$860,000	6	80	\$0	2017	2019	\$0	\$820,000	\$0
3	Bilge Pumpout Dock/Oil Collection Center	Water Quality	LS	2	\$100,000	**	15	\$0	2018	2020	\$0		\$0
5	Public Swim Float (10th St)	Other	EA	1	\$30,000	**	20	\$0	2018	2020	\$0		\$0
6	Public Swim Float (Ruby Ave. N Bay Font)	Other	EA	1	\$30,000	**	20	\$0	2018	2020	\$0		\$0
7	Bilge Pumpout Dock/Oil Collection Center	Water Quality	EA	1	\$20,000	0	0	\$0	2018	2021	\$0		\$0
TOTAL					\$1,040,503			\$0			\$0	\$0	\$0

POTENTIAL PROJECTS													
	Onshore Mooring Enhancements	Moorings						\$0			\$0		\$0
	Multiple Vessel Mooring System (MVMS) - City Owned	Moorings	EA	6	\$45,000	**	20	\$270,000	2024	2024	\$270,000		\$270,000
	Mooring Field Realignment / Optimization	Moorings	EA	800	\$400	0	0	\$320,000	2024	2026	\$344,605		\$344,605
	Navigation Markers: Convert Federal Stationary Markers to Floats	Other	LS	1	\$60,000	**	0	\$60,000	2030	2030	\$71,321	\$74,932	(\$3,611)
	Lower Castaways Public Park	Park											
	Restroom (Ferry Landing @ Agate Avenue)	Water Quality											
	Fire Boat	Safety											
TOTAL					\$105,400			\$650,000			\$685,926	\$74,932	\$610,994

** denotes "unknown".



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

November 8, 2023
Agenda Item No. 6.2

TO: HARBOR COMMISSION

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

TITLE: Disband Ad Hoc Subcommittee on 2024 Harbor Commission Objectives

ABSTRACT:

The Harbor Commission periodically conducts a review and updates its Objectives. This year they decided to continue working on the 2022 Objectives instead of creating new ones for 2023, as there was still much work to be done and it would allow the new City Council Members time to settle in and learn about the Harbor Commission. At their July 2023 meeting the Commission voted to create an ad hoc committee to prepare the objectives for 2024. On October 11, 2023, the Harbor Commissioners agreed on recommended objectives for 2024. The recommended objectives will be forwarded to the City Council for review in the near future. Now that the recommended objectives have been agreed upon, the ad hoc subcommittee that developed the recommendations can be disbanded.

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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- 2) Disband the ad hoc subcommittee convened to develop and recommend 2024 Harbor Commission Objectives.

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. An ad hoc committee led by Secretary Scully was convened at the July 2023 Harbor Commission meeting. The ad hoc subcommittee presented a progress report at the September Harbor Commission meeting and recommendations for the 2024 objectives at the October meeting. The recommendations were approved by the full Commission at the October meeting and will be reviewed by the City Council at an upcoming meeting. With their work complete developing the Commission's recommended 2024 Objectives, the ad hoc subcommittee can be disbanded.

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, 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).



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

November 8, 2023
Agenda Item No. 6.3

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:

- 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.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The Harbor Commission has three 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)
- 2024 Objectives Ad Hoc – Commissioners Scully, Svrcek and Marston (07-12-2023)
- General Plan Vision Statement Ad Hoc – Commissioners Scully and Marston (08-09-2023)

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).



NEWPORT BEACH

Harbor Commission Staff Report

November 8, 2023
Agenda Item No. 6.4

TO: HARBOR COMMISSION

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

TITLE: Harbor Commission Current Objectives Update

ABSTRACT:

At the February 8, 2023, Harbor Commission meeting the decision was made by the Commission to continue the 2022 Objectives instead of creating new ones for 2023. The Commission felt there was still much work to be done on the current Objectives and it would allow the new City Council Members to get settled and learn about the Harbor Commission. Each ad hoc committee studying their respective Functional Area within the Commission's current Objectives, will provide a progress update.

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.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

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 Current Objectives

Attachment B – Harbor Commission Current Objectives Tracking Sheet

City of Newport Beach

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.

City of Newport Beach - Harbor Commission Current Objectives

Current Objectives	Functional Area
<ol style="list-style-type: none"> 1. Conduct an annual review of Title 17 and recommend updates to the City Council where necessary. (Yahn) 2. Conduct an annual review of the Marine Activities Permits and recommend updates thereto as necessary. 3. Work with City Staff to bring all onshore and offshore Mooring Permittees permit forms current and properly on file. (Beer, Cunningham) 4. Evaluate current Harbor Department Operations to determine if the department is structured properly to meet all responsibilities of the Harbor on a daily basis. 	<p>1. Harbor Operations (Yahn)</p> <p><i>Matters pertaining to the Management, Policies, Codes, Regulations, and Enforcement.</i></p>
<ol style="list-style-type: none"> 1. Study and provide recommendations to the transfer permit policy for onshore and offshore moorings. (Beer, Cunningham) 2. Work with City Staff on an update of the market rent to be charged for onshore and offshore moorings. (Beer, Cunningham) 3. Evaluate the current mooring fields and provide a recommendation for new guidelines that better define rows and fairways to improve navigation, safety, and optimization of space within the mooring fields. (Beer) 4. Review the On-shore mooring vessel specifications providing a long-term plan with the goal of insuring adequate spacing between moorings, residential docks, and street ends. (Cunningham, Scully) 5. Evaluate options for additional City Moorings and/or Multi Vessel Mooring Systems (MVMS) for temporary use by visiting mariners or long-term mooring permittees. (Williams) 6. Complete evaluation for establishing day moorings off Big Corona beach and harbor moorings. (Williams) 	<p>2. Harbor Viability (Beer)</p> <p><i>Matters pertaining to Assets, Amenities, and Access.</i></p>

Current Objectives	Functional Area
<ol style="list-style-type: none"> 1. Support staff on the rehabilitation of the current public floats and gangways including areas of the harbor that could benefit with additional public access. 2. Evaluate and identify the responsibilities and obligations of the city for additional safety vessels/equipment that may be added to the Harbor in the future. 	<p>3. Harbor Infrastructure (Cunningham)</p> <p><i>Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches.</i></p>
<ol style="list-style-type: none"> 1. Evaluate enhancements and/or services to City amenities which will improve the operation and enjoyment of the Harbor. Additionally, identify new revenue generating offerings that would be administered through the Harbor Department. (Scully) 2. Evaluate and make recommendations for Lower Castaways. (Marston) 3. Continue the dialogue with representatives of the Harbor Charter Fleet industry, commercial vessel operators and rental concessionaires to: (1) promote best practices for all charter and commercial boat operations in Newport Harbor with particular attention to safety, operational support, speed, noise and pollution control/compliance and (2) evaluate (a) total number of vessels for hire on the harbor, (b) maximum passenger capacity for each vessel and in total, and (c) overall height of the superstructure of vessels for charter within the Harbor. (Williams) 	<p>4. Harbor Stakeholders (Scully)</p> <p><i>Matters pertaining to Residential, Recreational, and Commercial Users.</i></p>

1. Harbor Operations (Yahn) - Matters pertaining to the Management, Policies, Codes, Regulations and Enforcement

	1.1 Conduct an annual review of Title 17 and recommend updates to the City Council where necessary. (Yahn)	1.2 Conduct an annual review of the Marine Activities Permits and recommend updates thereto as necessary.	1.3 Work with City Staff to bring all onshore and offshore Mooring Permitees permit forms current and properly on file. (Beer, Cunningham)	1.4 Evaluate current Harbor Department Operations to determine if the department is structured properly to meet all responsibilities of the Harbor on a daily basis.		
January 12, 2022	The Ad Hoc is bringing updates to Title 17 for the Commission's review to the February meeting.	Nothing to report.	Nothing to report.	Nothing to report.		
February 9, 2022	The Ad Hoc brought the suggested updates to the Commission at tonight's meeting and received approval to move them forward for Council approval.	This item will be revisited later in the year.	Staff has collected issues with respect to the Mooring Permit forms and those will be reviewed.	This Objective will be incorporated into Objective 2.1.		
March 9, 2022	It will be submitted to Council for review and approval.	Nothing to report.	Staff will give an update on this project at the next meeting.	This Objective will be incorporated into Objective 2.1.		
April 13, 2022	The recommended changes were submitted to Council for review. Council discussed the revisions and continued the item to the next meeting.	Nothing to report.	Nothing to report.	Nothing to report.		
May 11, 2022	The Ad Hoc noted the updates to Title 17 have been approved by the City Council with the exception of raft-ups. A Special Meeting of the Harbor Commission will be conducted for stakeholder input.	Nothing to report.	Nothing to report.	Nothing to report.		
June 8, 2022	The Ad Hoc is currently taking information from the stakeholder meeting and reviewing floats and lifts in Title 17.	Nothing to report.	Nothing to report.	Nothing to report.		
July 13, 2022	The Ad Hoc continues to review and discuss the feedback from the Community meeting on floats and lifts.	Nothing to report.	Nothing to report.	Nothing to report.		
August 10, 2022	Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.		
September 14, 2022	Comments regarding areas of concern are being collected.	Nothing to report.	This objective is near completion and it is anticipated that it will be done by the end of the year.	Nothing to report.		
October 12, 2022	Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.		
November 9, 2022	Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.		
December 14, 2022			Meeting Canceled			
January 11, 2023			Nothing to report.			
February 8, 2023	The Ad Hoc has received a list of potential updates for review.	Nothing to report.	Great progress has been made and this objective is near completion.	Nothing to report.		
March 8, 2023	Work in this area was submitted to Vice Chair Beer related to Title 17 in regard to the moorings.	Nothing to report.	Nothing to report.	Nothing to report.		
April 12, 2023			Nothing to report.			
May 10, 2023			Nothing to report.			
June 14, 2023	Secretary Yahn noted that there are no recommended updates to Title 17 at this time. Harbormaster Blank noted that a handful of revisions had been sent.	Nothing to report.	To-do list for permits is almost complete; Commissioner Cunningham inquired about the process for updating permits. A request to for a staff presentation outlining all that has been done to update the permits was made.	Nothing to report.		
July 12, 2023	Received input regarding updates; will proceed further with Harbormaster regarding updates to Title 17 and then potentially having an ad hoc committee or the Harbor Commission review them.	Discussion on potential updates for MAPs and possible creation of ad hoc committee to assist with updates.	Nothing to report.	Nothing to report.		
August 9, 2023	The ad hoc has met with the Deputy Harbormaster and is working on finalizing items to present to the full commission at an upcoming meeting.	Nothing to report.	Nothing to report.	Nothing to report.		
September 13, 2023			Nothing to report.			
October 11, 2023	The ad hoc is working on suggested revisions and will bring to the full commission for review at a future meeting.	Nothing to report.	Nothing to report.	Nothing to report.		

2. Harbor Viability (Beer) - Matters pertaining to Assets, Amenities, and Access.

	2.1 Study and provide recommendations to the transfer permit policy for onshore and offshore moorings. (Beer, Cunningham)	2.2 Work with City Staff on an update of the market rent to be charged for onshore and offshore moorings. (Beer, Cunningham)	2.3 Evaluate the current mooring fields and provide a recommendation for new guidelines that better define rows and fairways to improve navigation, safety, and optimization of space within the mooring fields. (Beer)	2.4 Review the On-shore mooring vessel specifications providing a long-term plan with the goal of insuring adequate spacing between moorings, residential docks, and street ends. (Cunningham, Scully)	2.5 Evaluate options for additional City Moorings and/or Multi Vessel Mooring Systems (MVMS) for temporary use by visiting mariners or long-term mooring permittees. (Williams)	2.6 Complete evaluation for establishing day moorings off Big Corona beach and harbor moorings. (Williams)
January 12, 2022	The ad hoc is researching how other Harbors operate their transfers and will provide information to the Commission at a future meeting.	The appraisal for onshore moorings is complete and will be brought back for review by the entire Commission at the February meeting.	Nothing to report.	The ad hoc will explore areas around the Harbor with the new beam specification and length.	The ad hoc suggested a better defined description for MVMS for the Harbor and Beaches Master Plan, as well as quantities and potential cost.	Nothing to report.
February 9, 2022	The ad hoc continues to discuss this item and will provide further information at a future meeting.	This is an ongoing discuss and a special meeting will be set for further input.	Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.
March 9, 2022	Nothing to report.	The Commission received a presentation from the State Lands Commission. This is an ongoing discussion and a special meeting has been set for the Commission to hear additional feedback from the public.	Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.
April 13, 2022	Chair Kenney appointed Commissioner Williams to assist with this objective.	Nothing to report.	Vice Chair Beer discussed this objective in detail earlier in the meeting. He noted he is waiting for the third audit to come in and will bring it back to the Commission.	Nothing to report.	Nothing to report.	Nothing to report.
May 11, 2022	The Ad Hoc will be meeting soon to discuss next steps.	The Ad Hoc is discussing timing and the need for additional meetings.	The third audit has been received. Further feedback will be requested of the Commission at next month's meeting.	Nothing to report.	Nothing to report.	Nothing to report.
June 8, 2022	The Ad Hoc is in the early stages of evaluating the mooring transfer policy.	Nothing to report.	Vice Chair Beer discussed this objective in detail earlier in the meeting. He brought before the Commission his draft plan for feedback.	Nothing to report.	Nothing to report.	Nothing to report.
July 13, 2022	Nothing to report.	Nothing to report.	Vice Chair Beer has received information from the engineering firm and will provide a more comprehensive update at next month's meeting.	Nothing to report.	Nothing to report.	Nothing to report.
August 10, 2022	Nothing to report.	Nothing to report.	Vice Chair Beer noted that he is waiting on the final report from the City's contract engineer. Once he receives that he can verify the information and provide a report to the Commission.	Nothing to report.	Nothing to report.	Nothing to report.
September 14, 2022	Nothing to report.	Nothing to report.	Vice Chair Beer will provide a complete report of this objective at the next meeting.	Nothing to report.	Nothing to report.	Nothing to report.
October 12, 2022	Nothing to report.	Nothing to report.	Vice Chair Beer provided a complete report on Objective goal 2.3 for consideration by the Harbor Department.	Nothing to report.	Nothing to report.	Nothing to report.
November 9, 2022	Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.
December 14, 2022	Meeting Canceled					
January 11, 2023	Nothing to report.	Nothing to report.	Stakeholder meetings have taken place with various groups and constructive feedback has been received. The ad hoc is currently discussing the objective and will return to the Commission with recommendations.	Nothing to report.	Nothing to report.	Nothing to report.
February 8, 2023	Nothing to report.	Nothing to report.	The Ad Hoc members attended the NMA sponsored stakeholder meeting and are almost done reviewing suggestions with the city attorney's office. The Ad Hoc intends to present this item at the March Harbor Commission meeting.	Nothing to report.	Nothing to report.	Nothing to report.
March 8, 2023	Nothing to report.	Nothing to report.	The recommendation for this Objective was presented at tonight's meeting. The Harbor Commission voted to move the recommendations to City Council for consideration.	Nothing to report.	Nothing to report.	Nothing to report.
April 12, 2023	Nothing to report.	The appraisal for offshore moorings should be coming back in a few months.	This item has been forwarded to City Council for review and consideration.	Nothing to report.	Nothing to report.	Nothing to report.
May 10, 2023	Nothing to report.	Commissioner Cunningham reported they would like to see the market rent study completed by the summer and hopefully bring to the Commission thereafter.	Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.
June 14, 2023	Nothing to report.	Nothing to report.	This item was reviewed and approved by the City Council and is moving forward.	Nothing to report.	Nothing to report.	Nothing to report.
July 12, 2023	Nothing to report.	Appraisals are in process; expect back in 60 to 90 days.	This item was reviewed by the City Council and is complete.	Nothing to report.	Nothing to report.	Nothing to report.

August 9, 2023	Nothing to report.	Appraisals are in process; will be brought forward at a future meeting.	This item was reviewed by the City Council and is complete.	BIA came to a previous meeting and were supportive; will address smaller subset such as Ruby Beach.	Will be addressed after the mooring reconfiguration rolls out (in hands of Coastal Commission).	Nothing to report.
September 13, 2023	Nothing to report.					
October 11, 2023	Nothing to report.	Appraisals are in process; will be brought forward at a future meeting.	This objective continues to move forward and is now under review by the California Coastal Commission.	Nothing to report.	Nothing to report.	Nothing to report.

3. Harbor Infrastructure (Cunningham) - Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches.

	3.1 Support staff on the rehabilitation of the current public floats and gangways including areas of the harbor that could benefit with additional public access.	3.2 Evaluate and identify the responsibilities and obligations of the city for additional safety vessels/equipment that may be added to the Harbor in the future.				
January 12, 2022	Nothing to Report	Nothing to Report				
February 9, 2022	Nothing to Report	Nothing to Report				
March 9, 2022	Nothing to Report	Nothing to Report				
April 13, 2022	Nothing to Report	Nothing to Report				
May 11, 2022	The City is requesting approval of dredging permit at the June Coastal Commission meeting.	Nothing to Report				
June 8, 2022	Nothing to Report	There will be a study session item on the next City Council agenda to discuss Fire response on the Harbor.				
July 13, 2022	Nothing to Report	Nothing to Report				
August 10, 2022	Nothing to Report	The request for deep water dredging will go before the Coastal Commission at their September meeting.				
September 14, 2022	Nothing to Report	Nothing to Report				
October 12, 2022	Nothing to Report	Nothing to Report				
November 9, 2022	Nothing to Report	Nothing to Report				
December 14, 2022	Meeting Canceled					
January 11, 2023	Nothing to Report					
February 8, 2023	The Ad Hoc reported that all permitting is complete for deep-water dredging. The MOA that was previously approved has been revised and is under review.	Nothing to Report				
March 8, 2023	Nothing to Report					
April 12, 2023	Nothing to Report					
May 10, 2023	Nothing to Report					
June 14, 2023	Dredging is being delayed and reported on the Coast Keepers lawsuit; is optimistic that the issues can be resolved.	Nothing to Report				
July 12, 2023	Dock plan in progress with Public Works. This objective is considered complete.	Commissioners questioned the need for this to continue to be an objective? Consideration for the 2024 Objectives.				
August 9, 2023	Nothing to Report.					
September 13, 2023	Nothing to Report.					
October 11, 2023	Nothing to Report.					

4. Harbor Stakeholders (Scully) - Matters pertaining to Residential, Recreational, and Commercial Users.

	4.1 Evaluate enhancements and/or services to City amenities which will improve the operation and enjoyment of the Harbor. Additionally, identify new revenue generating offerings that would be administered through the Harbor Department. (Scully)	4.2 Evaluate and make recommendations for Lower Castaways. (Marston)	4.3 Continue the dialogue with representatives of the Harbor Charter Fleet industry, commercial vessel operators and rental concessionaires to: (1) promote best practices for all charter and commercial boat operations in Newport Harbor with particular attention to safety, operational support, speed, noise and pollution control/compliance and (2) evaluate (a) total number of vessels for hire on the harbor, (b) maximum passenger capacity for each vessel and in total, and (c) overall height of the superstructure of vessels for charter within the Harbor. (Williams)			
January 12, 2022	Nothing to report.	The ad hoc with engage Council for interest in improvements for Lower Castaways.	The ad hoc has discussed ideas for promoting best practices and addressing safety in the Harbor. The ad hoc has also discussed establishing a document that lists all the vessels that operate within the Harbor.			
February 9, 2022	Nothing to report.	Council has noted that Lower Castaways should not become a landfill and warrants further improvements. The ad hoc will speak to Council Members.	The ad hoc has drafted a work plan and the next step was to create a Newport Harbor Safety Committee that will hold a bi-monthly meeting with the boating and business community. The committee will discuss best practices within the Harbor, an emergency response plan, pollution identification and other Harbor-related items.			
March 9, 2022	Nothing to report.	The ad hoc has reached out to some of the Council and they are supportive of exploring improvements at Lower Castaways. The next step is to begin discussions with the Community Development Department and Public Works Department.	The ad hoc is in the process of creating the Newport Harbor Safety Committee.			
April 13, 2022	Nothing to report.	Engagement with Council regarding Lower Castaways continues and next steps will be determined.	The ad hoc has identified the framework for the Safety Committee and is in the process of identifying key members. The ad hoc anticipates the first meeting will be held in the third quarter of 2022.			
May 11, 2022	This Ad Hoc is working with the Water Quality Coastal Tidelands Committee to install floating restrooms on opposite sides of the Harbor.	The Ad Hoc is discussing further ideas for Lower Castaways and trying to determine next steps.	The Ad Hoc noted the database of rental charters, non-profit vessels and human-powered craft is near completion.			
June 8, 2022	This Ad Hoc is continuing to discuss installation of floating restrooms for the Harbor.	The Ad Hoc continues to discuss further ideas for Lower Castaways and is working to determine next steps.	The Ad Hoc is starting to identify stakeholders to take part in the Safety Committee.			
July 13, 2022	This Ad Hoc will continue to discuss installation of floating restrooms for the Harbor.	The Ad Hoc has reached out to the PB&R Committee to confirm whether plans have been discussed for this location. No plans are being discussed at this time. The Ad Hoc would also like to have a joint effort on this topic between both Commissions.	The goal of this Ad Hoc is to hold the first meeting of the Safety Committee in the 3rd Quarter of this year. Chair Scully also noted that he has updated his census information that was presented at the June meeting and the information will be posted to the Harbor website.			
August 10, 2022	Nothing to report.	This Objective is being placed on hold for now.	25 candidates have been identified to participate in the Newport Harbor Safety Committee. The first meeting is scheduled for October 18, at 5:30 p.m.			
September 14, 2022	The WQCT Committee was disappointed with the decision of the Harbor Commission to approach the floating restroom topic with education first. Perhaps there can be a review of this item.		The ad hoc is looking forward to the first Harbor Safety Committee meeting on October 18 and anticipates a good turn out.			
October 12, 2022	The Trash Wheel has obtained the necessary permitting and staff is now working on some grant funding for this project.		The ad hoc is looking forward to the first Harbor Safety Committee meeting on October 18 and will report additional details at the November meeting.			
November 9, 2022	Nothing to report.	An update was given that there is nothing that would prevent the ad hoc from revisiting possible recommendations for Lower Castaways.	The ad hoc reported their first safety meeting took place and it was a success.			

December 14, 2022	Meeting Canceled					
January 11, 2023	Nothing to report.	The ad hoc will meet to discuss next steps and provide an update at a future meeting.	The ad hoc will calendar the next meeting of the Safety Committee.			
February 8, 2023	Nothing to report.	Nothing to report.	4.3.1 - The Ad Hoc is working on getting the next Safety Committee meeting scheduled. 4.3.2 - The objective has been completed.			
March 8, 2023	Nothing to report.	Nothing to report.	4.3.1 - The Ad Hoc has tentively set the next Safety Committee meeting for March 28, 2023.			
April 12, 2023	The ad hoc reported on a conference call that was held to discuss the potential for additional public restrooms adjacent to the new public dock. The call was positive, but the restroom to the development will be built on the other side of the PCH Bridge.	Nothing to report.	4.3.1 - The Ad Hoc has tentively set the next Safety Committee meeting for March 25, 2023 and will begin reaching out to notify attendees. 4.3.2 This objective is completed.			
May 10, 2023	Nothing to report.	Nothing to report.	4.3.1 The Safety Committee will meet on May 30, 2023, 5 p.m. in the community room and attendance is anticipated to be good. They are trying to promote the meeting as much as possible, and Orange County Sheriff's and code enforcement personnel are scheduled to attend. 4.3.2 This Objective has been completed.			
June 14, 2023	Irvine Co. has started work on the Balboa Marina public dock and surrounding area.	Nothing to report.	4.3.1 Safety Committee meeting had great participation, including OC Sheriffs and Matt Cosyion; 4.3.2 is complete.			
July 12, 2023	Nothing to report.	Nothing to report.	4.3.1 Potential to develop a smaller subcommittee and development of objectives. 4.3.2 This Objective is complete.			
August 9, 2023	Construction is going on with the Marina extension and addition of a new public dock at the Balboa Marina.	The ad hoc has reached out to initiate discussions with the Parks, Beaches and Recreation Commission to understand their interest in the site.	4.3.1 Discussion continues on developing a smaller subcommittee for safety in the Harbor. 4.3.2 Objective is complete.			
September 13, 2023	Nothing to report.	The ad hoc will develop recommendations and prepare a plan for Harbor Commission consideration to forward to City Council.	4.3.1 Safety "Sub" Committee meeting was held; Billy Whitford (NAC) chaired this meeting involving all members of the educational rowing community to understand scheduling of all related water activities, timing, and safety impacts; the group suggested meeting with sailing schools and yacht clubs, as well; Chair Scully will coordinate a larger meeting with all groups; will schedule one more safety subcommittee meeting before end of year. 4.3.2 This Objective is complete.			
October 11, 2023	Nothing to report.	Secretary Marston provide a brief background on Lower Castaways and sought suggestions from the Commission. The ad hoc will meet and bring back some suggestions for another review before forwarding to City Council.	4.3.1 Nothing new to report. 4.3.2 This objective is complete.			



NEWPORT BEACH

Harbor Commission Staff Report

November 8, 2023
Agenda Item No. 6.5

TO: HARBOR COMMISSION

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

TITLE: Harbormaster Update – October 2023 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:

- 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.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

October was another very busy month for the Harbor Department both on and off the water. The weather was fine for most of the month. Traffic on the harbor for all manner of craft, large and small, mechanically propelled, manually propelled and propelled by the wind was significant. All had excellent conditions in which to operate. The Harbor Department conducted a successful auction of abandoned and surrendered vessels. The OC Sheriffs contributed a handful of vessels to be auctioned as well and we were very pleased to collaborate with them on the auction. Ultimately, the auction was more about cleaning up the harbor and removing vessels that were no longer wanted than turning abandoned vessels into funds and giving them new lives. We collected \$4500 for the

vessels that did sell. A huge effort was made by the Harbor Department team to clean and prepare all the vessels for auction including some pest fogging. The very dedicated team went above and beyond to ensure the cleanliness of our harbor. In the end, more than 30 vessels were removed from the harbor. Everyone involved considered the event a success.

Other efforts in direct support of the Department's mission are listed below.

Clean

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

- Graffiti at Pirates Cove was reported and removed
- The condition of a permitted moored vessel was addressed including a bird infestation, excessive excrement, and excessive bottom growth rendering the vessel a health and safety hazard
- The condition of another vessel was addressed based on reports from a nearby vessel of excessive smell
- A vessel in danger of sinking on its mooring was impounded and moved to Marina Park so pumps could work continuously to prevent sinking. The vessel was eventually declared "marine debris" and is awaiting removal and destruction
- Several vessels were dewatered and the permittees or owners were contacted
- We received a report on the status of pump-out equipment for all of 2022 from the Santa Monica Bay Foundation. Reliability of the equipment for which the City is responsible improved significantly over prior years
- The Marina Park facility received some maintenance and sprucing up. The crane was exercised, steps to the Department offices were washed down and treated for mold. The marina dock boxes and pile caps were cleaned and scrubbed to remove mold and mildew
- The annual Live-aboard renewal process began for all such permittees
- Harbor Service Workers (HSWs) retrieved a bent/damaged storm drain sign. While disposing of the sign an octopus emerged onto the deck of a patrol boat. With considerable effort, the octopus was briefly captured, removed from the patrol boat, and released at Marina Park where it was spotted enjoying some of the oysters growing on the seawall
- A report from a Commissioner led to a swift response on some sea lions that had contorted their way into the cockpit of a vessel in the A mooring field. HSWs resecured the vessel and no further intrusion has been reported. The vessel owner was contacted via BYC

Safe

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

- A vessel extending past the end of its berth by more than its beam and over a shared property line was sent a Notice of Violation (NOV)
- Cal Trans began and completed work on the piers under the Newport Blvd Bridge. They did a good job of communicating with us and ensuring their work did not constitute a hazard to navigation. The center span was briefly closed to traffic so the improvements could be carried out
- A child and guardian on paddle boards were educated on the requirements for Personal Floatation Devices (PFD)
- Based on a report from a Councilman, a successful rescue of father and daughter in serious peril associated with an overturned kayak was carried out. This situation prompted a Department-wide discussion and review of conditions in which it is permissible for our patrol boats to exceed the speed limit
- Two lost paddleboarders were advised on how to get to their point of embarkation
- New speed limit buoys were deployed replacing ones that the USCG identified as missing
- A tired and cold kayaker who fell into the water at Dukes Point was transported back to Castaways Park, his point of embarkation
- At their request (read insistence), the Harbor Department participated in a joint training and learning session with CA National Guard Marine Command. The session involved assessing our readiness to respond to various emergencies. We were joined by colleagues from the Fire, Lifeguards and Police. Plans for future joint training and drills are in the works
- Based on video footage provided by a mooring permittee, we had a discussion about safe speeds in the harbor with a permitted dive service. No NOV was issued
- A vessel without a MAP was suspected of chartering and caused a scene at the Rhine Public Dock. They revved their engines with their stern directed at a Duffy and caused a woman to fall. We documented with photos and will remain on the lookout for the vessel
- A permittee who frequents the 19th Street public dock experienced engine trouble while operating his tender. HSWs assisted him back to 19th Street public dock
- Two vessels with bow riders were educated and corrected
- A vessel from a permitted rental company with children aboard were educated about the need for PFDs and the dangers of bow riding

Well-enjoyed

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

- Repairs at the Sapphire public dock were carried out by HSWs. Other repairs to public docks were carried out by a service provider
- An unauthorized dock party of sea lions was broken up
- Our proactive approach to enforcing various aspects of the code and a first-class attempt at collaborative compliance with the vessel operator led to the vessel

leaving the harbor after it had overstayed its welcome and was seriously in danger of impound

- HSWs assisted an inoperable electric vessel found near Marina Park back to its berth in the Coves
- Trespass on an impounded boat was documented and then cleared by alert HSWs. Collaborative compliance was achieved with the trespasser and those responsible for him
- The ALYC with support from the Harbor Department hosted a sailing event for the visually impaired. We provided slips for various vessels participating and assistance for the event. We received a nice shout-out in their acknowledgments. Sixty sailors from as far away as Bakersfield participated
- We created and are facilitating a Southern California Working Group on transient vessels of concern. Many marinas, harbors, and the USCG are participating. The plan is to share notifications about such vessels of concern and indicate to each other where such vessels are headed. We are also sharing our policies and rules that apply to such vessels in hopes that we can treat them consistently
- A well-known sailing institution complained about an “aggressive, pink Duffy”. We contacted the responsible parties and educated on the rules and etiquette for operating in the harbor
- Harbor Department representatives were part of the welcome (“Aloha”) flotilla for the Hokule’a as it arrived in Newport for a stay at the Sea Base as part of its voyage circumnavigating the Pacific Ocean. Representatives of the Polynesian Voyaging Society acknowledged and thanked the Harbor Department. We were pleased to coordinate with and support other organizers of the arrival and stay in Newport

Odds and Ends

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

- A vessel previously released from impound on condition of leaving the harbor was spotted at a non-city public dock. Shortly after their time limit at that non-city public dock expired, we were contacted by the property owner. While on route to re-impound the vessel, it departed and has not been seen in the harbor since
- The Harbor Department provided a harbor tour and information about our operations for the members of the City Finance Department
- Three MAPs were renewed
- A couple of key improvements to the technology the Department uses were implemented. The improvements include:
 - An Availability Inquiry was added to the main navigation menu in the Harbor Ops application speeding up the responses to customer inquiries about the availability of slips and moorings for a particular arrival date and length of stay for a vessel of a specific length. This inquiry is based on a typical model and conversation that takes place in the hospitality industry. Previously this function was buried behind several other functions

- Addition of Lat/Lon location tracking to all Quest requests allowing us to heatmap and better identify the locations of our activities and calls for service as data is collected
- New bottom paint and refreshed graphics were applied to all three patrol boats. Radar was added to the two patrol boats that did not have it previously
- A commercial vessel that frequently makes use of public docks in the harbor was spotted using the Rhine Wharf without a permit once again. An administrative citation was issued

In addition to the activities listed above, the most amusing call of the month came from a prominent citizen. The call came in on a Monday for an event on Thursday of the same week. The request was for information on what might be required to conduct a pyrotechnics display on a barge in the harbor at that event. Unfortunately, I had to dampen the caller's enthusiasm for this aspect of their celebration indicating that a review by the Fire Marshal and Recreation and Senior Services (RSS) teams would be required in addition to a Harbor Events Permit. Review by the Fire Marshal and RSS takes sixty days at a minimum.

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).

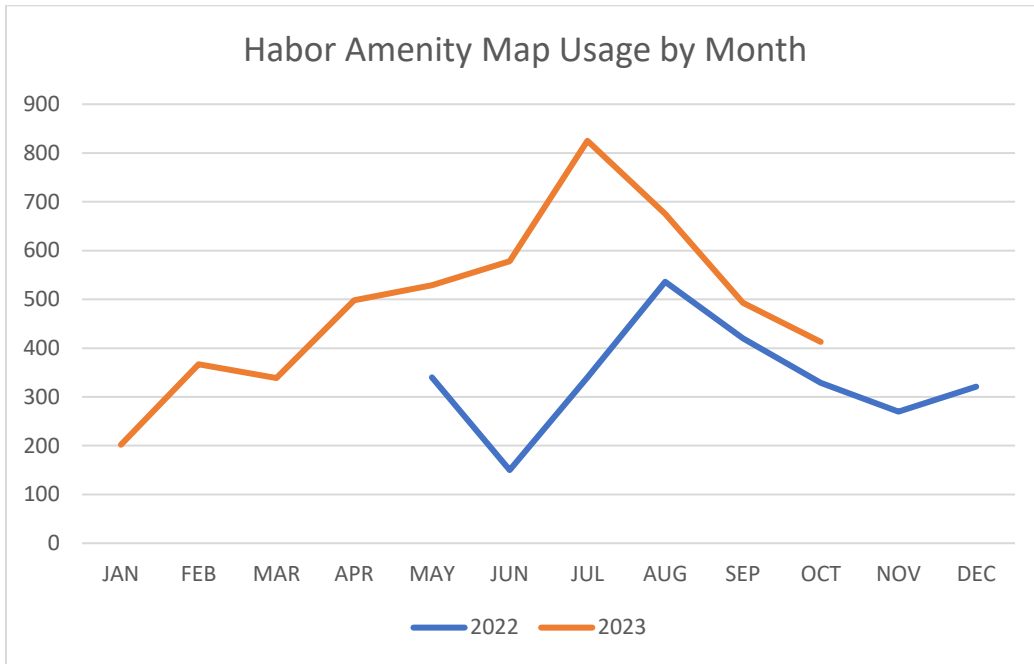
ATTACHMENTS:

- 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

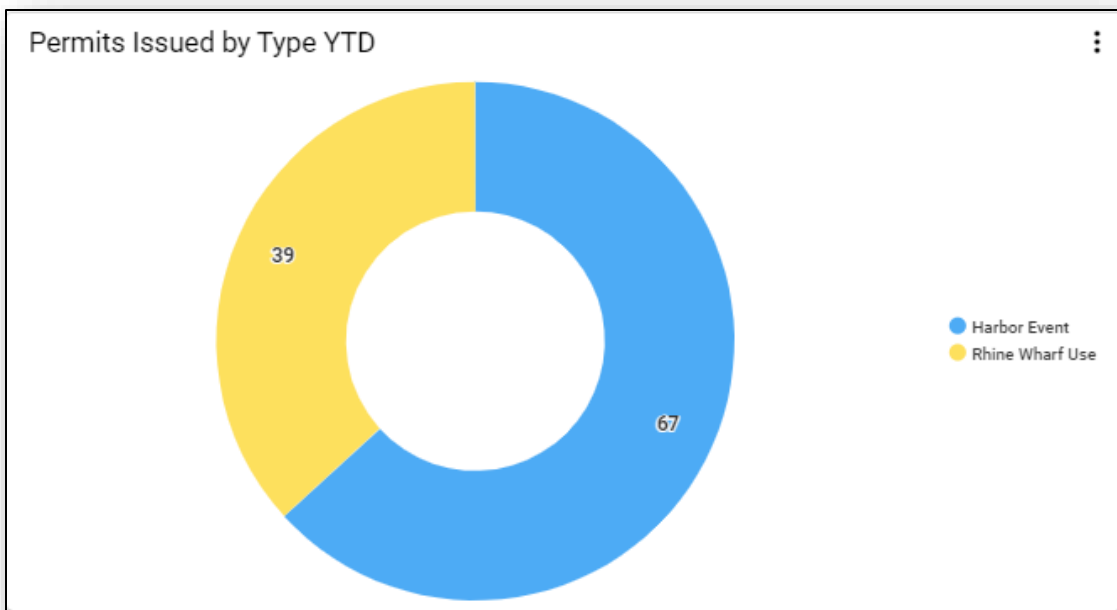
HARBOR DEPARTMENT STATISTICS INFOGRAPHIC

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

Harbor Adjacent Public Amenity Map Usage



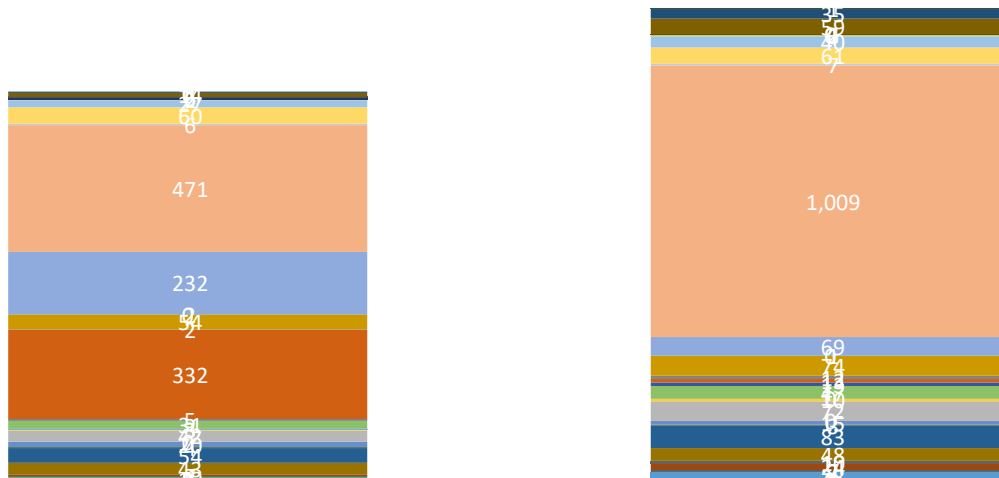
Permits Processed this Calendar Year



Department Activity by Period

HARBOR DEPARTMENT ACTIVITY, OCTOBER 2022 AND OCTOBER 2023

- Anchorage-Daytime Raft-up, No Permit Required
- Anchorage -Improper Anchoring
- Anchorage Dye Tab
- Assisting Vessels Under 20'
- Bridge Jumpers
- Daily Anchorage Check
- Dock/Pier/Bridge Issue
- General Assist
- Human Lift Use Request
- Incident
- Mooring Assist
- Noise
- Public Contact
- Pump Out
- Sea Lions
- Spreader Line
- Anchorage -3 Day Limit Violation
- Anchorage-Raft-up permit Required
- Assisting Vessels Over 20'
- Boat Maintenance
- Code Enforcement
- Discharge/Pollution
- Emergency
- Hazards/Debris
- Impound
- Marina Park Dock Maintenance
- Mooring Check
- Paddleboard/Kayak
- Public Dock Enforcement
- Registration & Insurance
- Speeding
- Sub Permit Dye Tab



Harbor Department Statistics

Fiscal Year 2023-2024

	July	August	Sept.	Oct.	YTD
Anchorage-Daytime Raft-up, No Permit Required	0	0	0	0	0
Anchorage -3 Day Limit Violation	1	0	6	1	8
Anchorage -Improper Anchoring	22	10	19	3	54
Anchorage-Raft-up permit Required	0	0	0	0	0
Anchorage Dye Tab	36	27	25	28	116
Assisting Vessels Over 20'	19	9	18	2	48
Assisting Vessels under 20'	10	18	14	7	49
Boat Maintenance	4	13	21	24	62
Bridge Jumpers	42	80	43	10	175
Code Enforcement	134	62	65	48	309
Daily Anchorage Check	53	40	68	83	244
Discharge/Pollution	4	5	6	3	18
Dock/Pier/Bridge Issue	42	18	9	15	84
Emergency	2	2	-	-	4
General Assist	47	125	71	72	315
Hazards/Debris	11	20	14	10	55
Human Lift Use Request	0	0	2	-	2
Impound	9	15	10	47	81
Incident	32	25	27	13	97
Marina Park Dock Maintenance	12	27	9	13	61
Mooring Assist	22	14	20	12	68
Mooring Check	158	117	97	74	446
Noise	1	0	1	0	2
Paddleboard/Kayak	8	18	4	1	31
Public Contact	143	104	76	69	392
Public Dock Enforcement	669	706	804	1,009	3188
Pump Out	19	15	14	7	55
Registration & Insurance	16	34	21	61	132
Sea Lions	15	58	106	40	219
Speeding	37	23	23	6	89
Spreader Line	2	6	6	0	14
Sub Permit Dye Tab	0	7	3	2	12
Swim Line	5	4	2	0	11
Trash	7	85	62	59	213
Vacancy Check	31	28	19	35	113
Vessel Inspections	0	0	0	1	1
Rentals - Marina Park Slips	170	173	170	109	622
# of nights	510	495	441	372	1818
Rentals - MP Sand Lines	24	18	19	15	76
# of nights	82	99	76	71	328
Offshore Mooring Sub-permittee	116	92	121	106	435
# of nights	696	876	971	1,052	3595
Onshore Mooring Sub-permittee	61	52	48	53	214
# of nights	744	755	912	737	3148
Code Enforcement					
New Cases	102	98	97	80	377
Closed Cases	64	98	63	72	297
Verbal Warning	13	12	8	3	36
Warning Notices	76	83	83	104	346
Admin Cites	18	19	16	13	66
MAPS Issued	0	0	3	1	4

**Harbor Department Statistics
Comparison Year over Year**

	Jul-22	Jul-23	Aug-22	Aug-23	Sep-22	Sep-23	Oct-22	Oct-23		YTD 22-23	YTD 23-24
Anchorage-Daytime Raft-up, No Permit Required	1	0	28	0	1	0		0		30	0
Anchorage -3 Day Limit Violation	7	1	0	0	2	6	2	1		11	8
Anchorage -Improper Anchoring	7	22	2	10	13	19	2	3		24	54
Anchorage-Raft-up permit Required	0	0	2	0	0	0		0		2	0
Anchorage Dye Tab	0	36	0	27	0	25	0	28		0	116
Assisting Vessels Over 20'	6	19	7	9	6	18	10	2		29	48
Assisting Vessels Under 20'	9	10	8	18	4	14	4	7		25	49
Boat Maintenance	7	4	19	13	17	21	7	24		50	62
Bridge Jumpers	36	42	164	80	56	43	-	10		256	175
Code Enforcement	93	134	90	62	88	65	43	48		314	309
Daily Anchorage Check	55	53	48	40	66	68	54	83		223	244
Discharge/Pollution	4	4	5	5	7	6	4	3		20	18
Dock/Pier/Bridge Issue	0	42	36	18	10	9	20	15		66	84
Emergency	1	2	1	2	-	-	0	0		2	4
General Assist	48	47	46	125	24	71	42	72		160	315
Hazards/Debris	7	11	9	20	14	14	3	10		33	55
Human Lift Use Request	0	0	0	0	-	2	3	0		3	2
Impound	9	9	17	15	17	10	31	47		74	81
Incident	16	32	20	25	11	27	5	13		52	97
Marina Park Dock Maintenance	24	12	60	27	11	9	332	13		427	61
Mooring Assist	9	22	14	14	10	20	2	12		35	68
Mooring Check	94	158	82	117	118	97	54	74		348	446
Noise	4	1	0	0	1	1	0	0		5	2
Paddleboard/Kayak	3	8	11	18	3	4	2	1		19	31
Public Contact	203	143	207	104	81	76	232	69		723	392
Public Dock Enforcement	820	669	991	706	619	804	471	1,009		2,901	3,188
Pump Out	12	19	16	15	9	14	6	7		43	55
Registration & Insurance	690	16	78	34	19	21	60	61		847	132
Sea Lions	24	15	52	58	74	106	27	40		177	219
Speeding	12	37	8	23	13	23	2	6		35	89
Spreader Line	12	2	7	6	6	6	6	0		31	14
Sub Permit Dye Tab		0		7		3		2		0	12
Swim Line	1	5	2	4	4	2	5	0		12	11
Trash	33	7	129	85	55	62	14	59		231	213
Vacancy Check	5	31	2	28	0	19	5	35		12	113
Vessel Inspections	0		0		0		0	1		0	1
Rentals - Marina Park Slips	164	170	160	173	167	170	108	109		599	622
# of nights	543	510	663	495	518	441	283	372		2,007	1,818
Rentals - MP Sand Lines	19	24	18	18	20	19	21	15		78	76
# of nights	35	82	53	99	56	76	48	71		192	328
Offshore Mooring Sub-permit	130	116	100	92	87	121	70	106		387	435
# of nights	691	696	558	876	538	971	490	1,052		2,277	3,595
Onshore Mooring Sub-permit	64	61	53	52	57	48	43	53		217	214
# of nights	841	744	736	755	706	912	586	737		2,869	3,148
Code Enforcement											
New Cases	76	102	103	98	128	97	95	80		402	377
Closed Cases	34	64	51	98	118	63	85	72		288	297
Verbal Warning	15	13	10	12	22	8	17	3		64	36
Warning Notices	28	76	80	83	92	83	83	104		283	346
Admin Cites	12	18	11	19	24	16	8	13		55	66
MAPS Issued	0	0	2	0	2	3	3	1		7	4

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)
Bridge Jumpers	Warning/Educating people not to jump
Daily Anchorage Check	Count of boats in anchorage each day
Discharge/Pollution	Any pollutant being discharged into the water
Dock/Pier/Bridge Issue	Gangway detached, Maintenance Issues, etc
Emergency	Any emergency sent to 911
General Assist	General Harbor Information, Misc Catch All
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
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
Noise	Noise complaint
Paddleboard/Kayak	Assisting or educating paddleboarders or kayakers
Public Contact	Education of rules and regulations in the harbor
Public Dock Enforcement	Boat tagged at public dock
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
Swim Line	Replace/readjust/broken swim line issues
Trash	Daily trash pick up