



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

Council Chambers - 100 Civic Ctr Dr/Teleconference Location Pursuant to
GC§54953(B): 3570 Las Vegas Blvd. S, LV, NV (Nobu Bus. Lounge, Fl. 72)

Wednesday, July 10, 2024 - 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, Executive Assistant

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

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

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

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

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

1) CALL MEETING TO ORDER

2) ROLL CALL

3) PLEDGE OF ALLEGIANCE

4) PUBLIC COMMENTS

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

5) APPROVAL OF MINUTES

1. Draft Minutes of June 12, 2024 Harbor Commission Regular Meeting

[06-12-2024 Harbor Commission Regular Meeting Draft Minutes](#)

[06-12-2024 Harbor Commission Regular Meeting Draft Minutes Vice Chair Beer Comments](#)

[06-12-2024 Harbor Commission Regular Meeting Draft Minutes Chair Scully Comments](#)

6) ELECTION OF OFFICERS

1. Harbor Commission Election of Officers for the 2024-25 Year

Recommendation:

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

7) PUBLIC HEARING

1. Residential Dock Reconfigurations at 20 Beacon Bay (Beacon Bay Homeowner Association Dock Systems)

Beacon Bay Homeowner Association ("Applicant") has applied for a harbor development permit to remove and replace the floats and one gangway on the four homeowner association dock systems ("Project"). Three proposed floats extend beyond the specified limits by 4-feet which is the same distance as the existing floats extend. The proposed Work Dock float extends beyond the specified limits by 1-foot. Because the Applicant is proposing to construct bayward beyond the specified limits defined in Newport Beach Municipal Code ("NBMC") 17.35.030(A), staff is unable to approve the project. Therefore, NBMC directs the Harbor Commission to hold a public hearing for the proposed project.

Recommendation:

- a) Conduct a public hearing;
- b) Find the Project exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3; and
- c) Adopt Resolution HC2024-02 approving in concept the Project.

[Staff Report](#)

[Attachment A - Aerial Photos](#)

[Attachment B - Float Limit Line](#)

[Attachment C - Prior Approvals](#)

[Attachment D - Existing and Proposed Configurations](#)

[Attachment E - Public Notice](#)

[Attachment F - Resolution HC2024-02](#)

8) **CURRENT BUSINESS**

1. **Ad Hoc Committee Updates**

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

Recommendation:

a) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and

b) Receive and file.

[Staff Report](#)

2. **Harbor Commission 2024 Objectives**

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

Recommendation:

a) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and

b) Receive and file.

[Staff Report](#)

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

3. **Harbormaster Update - June 2024 Activities**

The Harbormaster oversees the City Harbor Department and is responsible for the management of the City's mooring fields, enforcement of the municipal code, events permitting, safety and rescue operations, the Marina Park Guest Marina, marine

sanitation pump out equipment and public pier maintenance, impound and disposition of abandoned and unclaimed vessels and public relations and information dissemination on and about Newport Harbor.

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

Recommendation:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Receive and file.

[Staff Report](#)

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

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

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

[Attachment D - Harbor Department Definitions](#)

[Attachment E - Notice of Violation Example](#)

[Attachment F - Rhine Wharf Permit Application Welcome Page](#)

9) 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.

10) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

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

12) DATE AND TIME FOR NEXT MEETING: Wednesday, August 14, 2024 at 5 p.m.

13) ADJOURNMENT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive
Wednesday, June 12, 2024
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
Rudy Svrcek, Commissioner
Gary Williams, Commissioner
Don Yahn, Commissioner

ABSENT: Scott Cunningham, Commissioner (excused)

Staff Members: Paul Blank, Harbormaster
Matt Cosylion, Deputy Harbormaster
Jennifer Biddle, Administrative Assistant
Rosalinda Gonzalez, Administrative Assistant

3. PLEDGE OF ALLEGIANCE – Led by Chair Scully

4. PUBLIC COMMENTS

Adam Leverenz inquired whether the mooring rent increase recommendation forwarded by the Harbor Commission to the City Council will apply to private entities, and stated that the email response he received from Chair Scully did not clarify this matter.

5. APPROVAL OF MINUTES

1. Draft Minutes of the May 8, 2024 Harbor Commission Regular Meeting

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

Vice Chair Beer moved to approve the May 8, 2024 Harbor Commission Regular Meeting minutes. Seconded by Commissioner Yahn. The motion carried by the following roll call vote:

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

6. PRESENTATION

1. City of Newport Beach Water Quality Program Overview

Senior Engineer John Kappeler provided an overview report on the City's Water Quality Program. Topics presented included the involvement of regional cities and entities in water quality issues, water quality program monitoring cost sharing agreements, Total Maximum Daily Load (TMDL) programs as related to the regulations which govern the various limits of elements in the water, the costs of water sampling, the noticing process required if limits are exceeded, projects instituted by the City to get rid of bacteria and

trash in targeted locations, the success of diversion projects and associated grants, the success of the particle separator project facilitated by Mr. Hylkema which keeps items out of the vessel pump outs which can cause damage, and the State grant which pays 75% of the cost.

Mr. Kappeler continued his presentation providing an overview of the Bay and ocean water weekly testing at 35 stations, related public noticing and historical data, new proposed State rules concerning dissolved copper in the Bay, the City's difference of opinion and investment into challenging components of the proposed copper regulation, State mandates concerning compliance with trash collecting devices and the City's historic proactive stance on placement of such devices, the installation of trash skimmers around the Bay, the cost of which is 75% covered by a grant, the success of the debris booms and related grant funding, successful partnerships with surrounding agencies on a \$9 million trash collection device that also incorporates a storm water to sewer diversion, the upcoming September deployment of the Newport Bay trash inceptor and related grant funding, mitigation measures required by the Coastal Commission, and underwater clean ups hosted by the City in collaboration with various community partners.

Commission and staff discussion ensued including comments related to clarification of dry weather runoff, copper testing in the water, the schedule for TMDL testing and partnership with various agencies, implementation schedule for the Water Wheel project and its intersection with the boom, clarification concerning the removal of the bacteria postings in light of launch of the diversion (approximately 2006 through 2008), weight specifications and inspections for the moorings, clarification of mandates versus TMDL's, locations for testing, impacts of first flushes at the beginning of the wet season, determination of the sources of copper in the water, clarification of the amount of grant funds the City has obtained for water quality projects and programs (approximately \$50 million), opportunities to obtain or secure grant funds, the potential impact of dredging, the potential negative impacts of the City acting as a regulatory body on certain water quality matters, and the process and costs for undergrounding certain trash collection devices.

Chair Scully opened public comments.

Adam Leverenz thanked staff for the presentation, expressed his mutual concern regarding the impacts of trash and litter, and inquired if the Harbor Commission could institute a public education campaign encouraging clean up. Additionally, he opined concerning the source of copper as related to recent measurements.

George Hylkema thanked staff for the presentation and recognition of the value of the particle separator. He appreciated the collaboration and update on the project.

Seeing no others, Chair Scully closed public comments.

There was no action taken on this item.

7. CURRENT BUSINESS

1. Ad Hoc Committee Updates

Recommendation:

- 1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- 2) Receive and file.

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

Report noted that Joe Beek is working diligently on grant opportunities, including being close to securing \$8.9 million grant with the South Coast Air Quality Management District. However, there may be delays at

the State level. As related to electricity, staff has been working on the matter and there will be significant interaction with Southern California Edison related to power capacity and connectivity.

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

Report noted that Mr. Jim Mosher had suggested the Ad Hoc Committee engage with the consultants related to role of the Harbor Commission concerning to the General Plan update. Additionally, based upon Ad Hoc member's attendance at the recent General Plan Advisory Committee meeting, it was confirmed the Harbor Commission should be involved in the process, particularly as related to the Harbor & Bay Element.

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

Report noted meetings were held with two different private parties concerning providing access to offshore moorings and transportation around the harbor to key locations. City staff has been informed and there are related legal items that are currently under review. There are challenges to a test pilot project as a MAP is required to drop off or pick up individuals on public piers or floats.

Chair Scully opened public comments. Seeing no others, Chair Scully closed public comments.

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

2. Harbor Commission 2024 Objectives

Recommendation:

- 1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
 - 2) Receive and file.
1. Conduct annual review of Title 17 and recommend updates to City Council where necessary (Commissioner Yahn).
Update: *No report. Actively soliciting potential changes and keeping lists.*
 2. Collaborate with the Water Quality/Coastal Tidelands Committee to partner on areas within the Harbor that both Commission/Committees intersect (Commissioners: Svrcek, Scully).
Update: *No report.*
 3. Successful implementation of the mooring reconfiguration initiative, including design, testing, permitting, execution, and monitoring (Commissioner: Beer).
Update: *Harbormaster Blank providing renderings concerning eel grass and moorings to the Coastal Commission.*
 4. Collaborate with Parks, Beaches, and Recreation Commission and Staff to evaluate the best use for Lower Castaway and make a recommendation to City Council (Commissioners: Marston, Svrcek).
Update: *Eliminating objective as the City Council is leading this process.*
 5. Work with staff to identify opportunities to add additional Harbor Services (Restrooms, additional pump out stations, dock space, Shore Boat Service, Boat Launch Ramp, and development of the mobile app) (Commissioners: Marston, Yahn).
Update: *No report.*
 6. Continue with the participation of businesses, nonprofits, and the Harbor Department with a Newport Harbor Safety Committee to promote best practices and address safety issues on the water (Commissioner: Scully).
Update: *Feedback from Harbor business owners and operators at the last Safety Committee meeting concerning behavior on public docks and concerns regarding ingress and egress visibility around the new Irvine Company docks.*

7. Review Harbor Department responsibilities, evaluate the Department's readiness and effectiveness to deliver Harbor services as necessary for normal operations and during emergencies and make recommendations as determined necessary (Commissioner: Scully, Williams).
Update: No report.
8. Work with City Staff on an update of the market Rent to be charged for onshore and offshore moorings (Commissioner: Cunningham, Beer).
Update: A Harbor Commission recommendation has been forwarded to the City Council and it is pending their public review.
9. Evaluate establishing day moorings off Big Corona Beach (Commissioner: Williams).
Update: No report.
10. Support staff in all efforts related to the dredge completion of the Federal Navigation channels in addition to the upcoming agency renewals of Regional General Permit (RGP54) shallow water dredging permit. (Commissioners: Cunningham, Svrcek).
Update: No report.

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

Commissioner Yahn inquired when the City Council may be considering the mooring rates. Vice Chair Beer responded there have been Closed Session items regarding the matter, however there are no updates as to when they will be considered during Open Session.

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

3. Harbormaster Update – May 2024 Activities

Recommendation:

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- 2) Receive and file.

Deputy Harbormaster Matt Cosylon provided a summary of the agenda report provided in the publicly noticed agenda packet. A PowerPoint presentation was displayed.

Commission and staff discussion ensued including comments related to the number of permits issued in May and the success of the dye tab program, the color of the Harbor Patrol boat lights.

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

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

8. MOTION FOR RECONSIDERATION

None.

9. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Commission Yahn announced the City Council approved a \$50,000 grant for the Chamber of Commerce Boat Parade and thanked the City Council for the approval.

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

None.

11. DATE AND TIME FOR NEXT MEETING:

The next meeting was scheduled for Wednesday, July 10, 2024, at 5 p.m.

12. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 6:19 p.m.

DRAFT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive
Wednesday, June 12, 2024
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
Rudy Svrcek, Commissioner
Gary Williams, Commissioner
Don Yahn, Commissioner

ABSENT: Scott Cunningham, Commissioner (excused)

Staff Members: Paul Blank, Harbormaster
Matt Cosylion, Deputy Harbormaster
Jennifer Biddle, Administrative Assistant
Rosalinda Gonzalez, Administrative Assistant

3. PLEDGE OF ALLEGIANCE – Led by Chair Scully

4. PUBLIC COMMENTS

Adam Leverenz inquired whether the mooring rent increase recommendation forwarded by the Harbor Commission to the City Council will apply to private entities, and stated that the email response he received from Chair Scully did not clarify this matter.

5. APPROVAL OF MINUTES

1. Draft Minutes of the May 8, 2024 Harbor Commission Regular Meeting

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

Vice Chair Beer moved to approve the May 8, 2024 Harbor Commission Regular Meeting minutes. Seconded by Commissioner Yahn. The motion carried by the following roll call vote:

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

6. PRESENTATION

1. City of Newport Beach Water Quality Program Overview

Senior Engineer John Kappeler provided an overview report on the City's Water Quality Program. Topics presented included the involvement of regional cities and entities in water quality issues, water quality program monitoring cost sharing agreements, Total Maximum Daily Load (TMDL) programs as related to the regulations which govern the various limits of elements in the water, the costs of water sampling, the noticing process required if limits are exceeded, projects instituted by the City to get rid of bacteria and

trash in targeted locations, the success of diversion projects and associated grants, the success of the particle separator project facilitated by Mr. Hylkema which keeps items out of the vessel pump outs which can cause damage, and the State grant which pays 75% of the cost.

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

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8. MOTION FOR RECONSIDERATION

None.

9. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

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

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11. DATE AND TIME FOR NEXT MEETING:

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Gary Williams, Commissioner
Don Yahn, Commissioner

ABSENT: Scott Cunningham, Commissioner (excused)

Staff Members: Paul Blank, Harbormaster
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Ayes: Svrcek, Yahn, Williams, Beer
Nays: None
Abstain: Marston, Scully
Absent: Cunningham (excused)

6. PRESENTATION

1. City of Newport Beach Water Quality Program Overview

Senior Engineer John Kappeler provided an overview report on the City's Water Quality Program. Topics presented included the involvement of regional cities and entities in water quality issues, water quality program monitoring cost sharing agreements, Total Maximum Daily Load (TMDL) programs as related to the regulations which govern the various limits of elements in the water, the costs of water sampling, the noticing process required if limits are exceeded, projects instituted by the City to get rid of bacteria and

trash in targeted locations, the success of diversion projects and associated grants, the success of the particle separator project facilitated by Mr. Hylkema which keeps items out of the vessel pump outs which can cause damage, and the State grant which pays 75% of the cost.

Mr. Kappeler continued his presentation providing an overview of the Bay and ocean water weekly testing at 35 stations, related public noticing and historical data, new proposed State rules concerning dissolved copper in the Bay, the City's difference of opinion and investment into challenging components of the proposed copper regulation, State mandates concerning compliance with trash collecting devices and the City's historic proactive stance on placement of such devices, the installation of trash skimmers around the Bay, the cost of which is 75% covered by a grant, the success of the debris booms and related grant funding, successful partnerships with surrounding agencies on a \$9 million trash collection device that also incorporates a storm water to sewer diversion, the upcoming September deployment of the Newport Bay trash inceptor and related grant funding, mitigation measures required by the Coastal Commission, and underwater clean ups hosted by the City in collaboration with various community partners.

Commission and staff discussion ensued including comments related to clarification of dry weather runoff, copper testing in the water, the schedule for TMDL testing and partnership with various agencies, implementation schedule for the Water Wheel project and its intersection with the boom, clarification concerning the removal of the bacteria postings in light of launch of the diversion (approximately 2006 through 2008), weight specifications and inspections for the moorings, clarification of mandates versus TMDL's, locations for testing, impacts of first flushes at the beginning of the wet season, determination of the sources of copper in the water, clarification of the amount of grant funds the City has obtained for water quality projects and programs (approximately \$50 million), opportunities to obtain or secure grant funds, the potential impact of dredging, the potential negative impacts of the City acting as a regulatory body on certain water quality matters, and the process and costs for undergrounding certain trash collection devices.

Chair Scully opened public comments.

Adam Leverenz thanked staff for the presentation, expressed his mutual concern regarding the impacts of trash and litter, and inquired if the Harbor Commission could institute a public education campaign encouraging clean up. Additionally, he opined concerning the source of copper as related to recent measurements.

George Hylkema thanked staff for the presentation and recognition of the value of the particle separator. He appreciated the collaboration and update on the project.

Seeing no others, Chair Scully closed public comments.

There was no action taken on this item.

7. CURRENT BUSINESS

1. Ad Hoc Committee Updates

Recommendation:

- 1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- 2) Receive and file.

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

Report noted Chair Scully reported that Joe Beek is working diligently on grant opportunities, including being close to securing \$8.9 million grant with the South Coast Air Quality Management District. However,

they may be delays at the State level and concerns with the funding being available in light of the State's budget deficit. As related to bringing higher levels of electricity to the ferry, staff has been working on the matter and there will be significant interaction with Southern California Edison related to power capacity and connectivity.

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

Report noted Chair Scully reported that Mr. Jim Mosher had suggested the Ad Hoc Committee engage with the consultants and members of the Harbor and Beach Element Committee related to role of the Harbor Commission concerning to the General Plan update. Additionally, based upon Ad Hoc member's attendance at the recent General Plan Advisory Committee meeting, it was confirmed the Harbor Commission should be involved in the process, particularly as related to the Harbor & Bay-Beach Element.

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

Report noted Vice Chair Beer reported that meetings were held with two different private parties concerning providing access to offshore moorings and transportation around the harbor to key locations. City staff has been informed and there are related legal items that are currently under review. There are challenges to a test pilot project as a MAP is required to drop off or pick up individuals on public piers or floats.

Chair Scully opened public comments. Seeing no others, Chair Scully closed public comments.

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

2. Harbor Commission 2024 Objectives

Recommendation:

- 1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
 - 2) Receive and file.
1. Conduct annual review of Title 17 and recommend updates to City Council where necessary (Commissioner Yahn).
Update: *No report. Actively soliciting potential changes and keeping lists.*
 2. Collaborate with the Water Quality/Coastal Tidelands Committee to partner on areas within the Harbor that both Commission/Committees intersect (Commissioners: Svrcek, Scully).
Update: *No report.*
 3. Successful implementation of the mooring reconfiguration initiative, including design, testing, permitting, execution, and monitoring (Commissioner: Beer).
Update: *Harbormaster Blank providing renderings concerning eel grass and moorings to the Coastal Commission.*
 4. Collaborate with Parks, Beaches, and Recreation Commission and Staff to evaluate the best use for Lower Castaway and make a recommendation to City Council (Commissioners: Marston, Svrcek).
Update: *Eliminating objective as the City Council is leading this process.*
 5. Work with staff to identify opportunities to add additional Harbor Services (Restrooms, additional pump out stations, dock space, Shore Boat Service, Boat Launch Ramp, and development of the mobile app) (Commissioners: Marston, Yahn).
Update: *No report.*
 6. Continue with the participation of businesses, nonprofits, and the Harbor Department with a Newport Harbor Safety Committee to promote best practices and address safety issues on the water (Commissioner: Scully).
Update: *Feedback-Chair Scully reported that he received feedback from Harbor business owners and operators at the last Safety Committee meeting concerning behavior on public docks*

and concerns regarding ingress and egress visibility around the new Irvine Company docks.

7. Review Harbor Department responsibilities, evaluate the Department's readiness and effectiveness to deliver Harbor services as necessary for normal operations and during emergencies and make recommendations as determined necessary (Commissioner: Scully, Williams).

Update: No report.

8. Work with City Staff on an update of the market Rent to be charged for onshore and offshore moorings (Commissioner: Cunningham, Beer).

Update: A Harbor Commission recommendation has been forwarded to the City Council and it is pending their public review.

9. Evaluate establishing day moorings off Big Corona Beach (Commissioner: Williams).

Update: No report.

10. Support staff in all efforts related to the dredge completion of the Federal Navigation channels in addition to the upcoming agency renewals of Regional General Permit (RGP54) shallow water dredging permit. (Commissioners: Cunningham, Svrcek).

Update: No report.

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

Commissioner Yahn inquired when the City Council may be considering the mooring rates. Vice Chair Beer responded there have been Closed Session items regarding the matter, however there are no updates as to when they will be considered during Open Session.

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

3. Harbormaster Update – May 2024 Activities

Recommendation:

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- 2) Receive and file.

Deputy Harbormaster Matt Cosylon provided a summary of the agenda report provided in the publicly noticed agenda packet. A PowerPoint presentation was displayed.

Commission and staff discussion ensued including comments related to the number of permits issued in May and the success of the dye tab program, the color of the Harbor Patrol boat lights.

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

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

8. MOTION FOR RECONSIDERATION

None.

9. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Commission Yahn announced the City Council approved a \$50,000 grant for the Chamber of Commerce Boat Parade and thanked the City Council for the approval.

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

None.

11. DATE AND TIME FOR NEXT MEETING:

The next meeting was scheduled for Wednesday, July 10, 2024, at 5 p.m.

12. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 6:19 p.m.

DRAFT



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

July 10, 2024
Agenda Item No. 7.1

TO: HARBOR COMMISSION

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

TITLE: Residential Dock Reconfigurations at 20 Beacon Bay (Beacon Bay
Homeowner Association Dock Systems)

ABSTRACT:

Beacon Bay Homeowner Association (“Applicant”) has applied for a harbor development permit to remove and replace the floats and one gangway on the four homeowner association dock systems (“Project”). Three proposed floats extend beyond the specified limits by 4-feet which is the same distance as the existing floats extend. The proposed Work Dock float extends beyond the specified limits by 1-foot. Because the Applicant is proposing to construct bayward beyond the specified limits defined in Newport Beach Municipal Code (“NBMC”) 17.35.030(A), staff is unable to approve the project. Therefore, NBMC directs the Harbor Commission to hold a public hearing for the proposed project.

RECOMMENDATION:

- a) Conduct a public hearing;
- b) Find the Project exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3; and
- c) Adopt Resolution HC2024-02 approving in concept the Project.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

Section 17.35.030(A) of the Newport Beach Municipal Code (NBMC) states that piers and floats may not extend bayward beyond the specified limits without approval of the Harbor Commission pursuant to subsection (G)(1). The specified extension limits within this subsection vary within the harbor depending on the project’s location. The Harbor Commission may approve or conditionally

approve the bayward extension of piers and floats, and their decision shall be on a case-by-case basis.

The aerials (Attachment A) depict the four separate dock systems along the Beacon Bay property, adjacent to the D-Mooring field.

The Applicant proposes to remove and replace four floats and one gangway at the Property. NBMC allows floats to extend 16-feet bayward of the Pierhead Line at this location as depicted on Attachment B (blue shaded area). The Applicant is proposing to extend beyond this specified limit to the Project Line.

There are no other residential docks in this vicinity. The Balboa Yacht Basin marina floats to the east also extend to the Project Line which is consistent with the Applicant's request.

EXISTING DOCK CONFIGURATIONS

Attachment C depicts the existing approved dock configurations for each of the four systems. City approvals from 2003, 1996 and 1971 each depict the dock systems extending to the Project Line.

The Work Dock on the east of the property currently extends 11-feet beyond the pierhead line which is well within the specified limit (16-foot bayward beyond the Pierhead Line). Note the previous approvals depict the Work Float extending to the Project Line, yet it was not built per the approved plans for unknown reasons.

The remaining three floats extend to the Project Line as previously permitted by the City in Exhibit C. The Project Line does not appear to be exactly parallel to the natural contours of the beach which explains the negligible inconsistency of the existing floats relative to the Project Line.

PROPOSED PROJECT

The Work Dock on the east of the property is proposed to extend 1-foot beyond the specified limits (i.e. 17-feet beyond the Pierhead Line vs. the specified limits of 16-feet.) The gangway will also be replaced to both account for the float positioned further bayward and to bring the gangway length into compliance.

The remaining three floats will be replaced in generally the same configuration to accommodate the same number of boats. However, the double-wide slips at each float will increase in width by approximately 2-feet, 6-inches to better accommodate the modern electric boat beam. The piles at each float will be replaced to accommodate the increased float width. No work is proposed on the gangways and piers.

REQUIRED FINDINGS:

The Harbor Commission shall hold a public hearing and shall make the following findings as specified in NBMC 17.30.030(G)(1). The Harbor Commission's decision shall be on a case-by-case basis and prior approvals shall not have any precedential value.

- a. Special circumstances applicable to the subject property exist, such as location, shape, size, surrounding topography or other physical features.

- b. Because of those special circumstances, strict compliance with the specified criteria would deny the property of privileges enjoyed by other properties in the vicinity.
- c. The bayward extension will not provide the subject property with special privileges inconsistent with limitations on properties in the vicinity.
- d. There will be no negative impacts to adjacent property owners, harbor views, navigation or future dredging.

The Project conforms to the Harbor Design Criteria. The proposed dock systems depicted in Attachment D are generally the same as existing and accommodate the same number of boats. A longer code-compliant gangway will be installed at the Work Dock.

STAFF RECOMMENDATION:

The Harbor Commission may approve or conditionally approve a harbor development permit and/or approval in concept for a pier or float to extend bayward beyond the specified limits upon making all the findings in NBMC.

Staff recommends approval in concept of the Project because all the findings in NBMC can be made. Attachment F is the draft Resolution HC2024-02 which includes the specified findings along with project special conditions.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this Project exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3. CEQA Guidelines Section 15301 (Class 1) applies to the "operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." Section 15302 (Class 2) applies to the "replacement or reconstruction of existing structures and facilities where the new structures will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced[.]" The replacement residential dock systems are in the same location and are substantially the same size and purpose as the dock systems they replace. The overwater coverage of the new dock systems is substantially the same as the existing dock systems (5,947 square feet compared to 5,526 square feet).

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). This public hearing was noticed to all residents within a 300' radius per NBMC Section 17.05.140(B) and the subject dock was posted. The notice was also published in the newspaper on Saturday, June 22, 2024 (Attachment E).

ATTACHMENTS:

- Attachment A - Aerial Photos
- Attachment B - Float Limit Line
- Attachment C - Prior Approvals
- Attachment D - Existing and Proposed Configurations
- Attachment E - Public Notice
- Attachment F - Resolution HC2024-02



NBGiS
NEWPORT BEACH



0 417 833
Feet

Disclaimer:
Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

6/24/2024

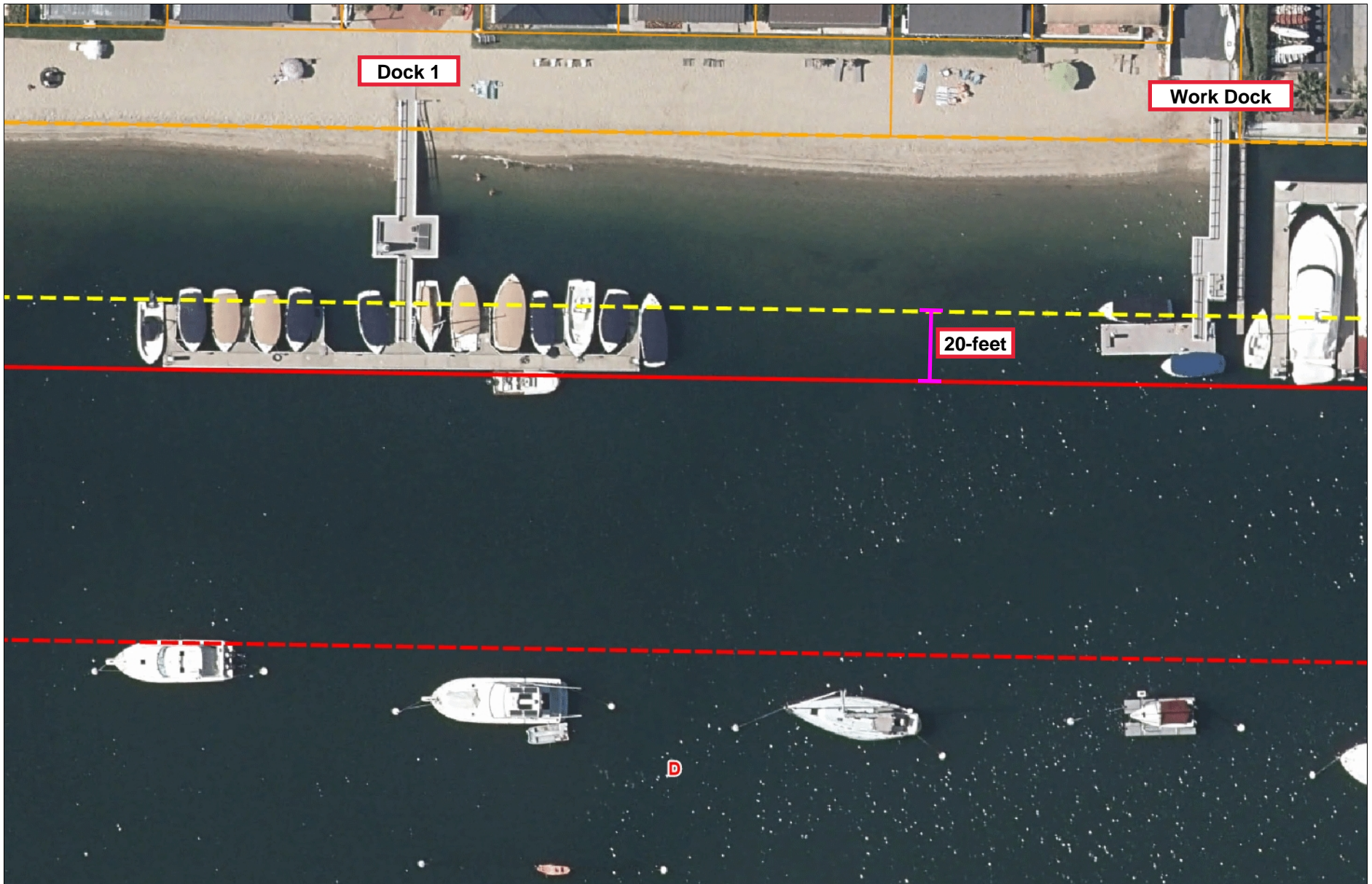


NBGIS
NEWPORT BEACH



Disclaimer:
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6/24/2024



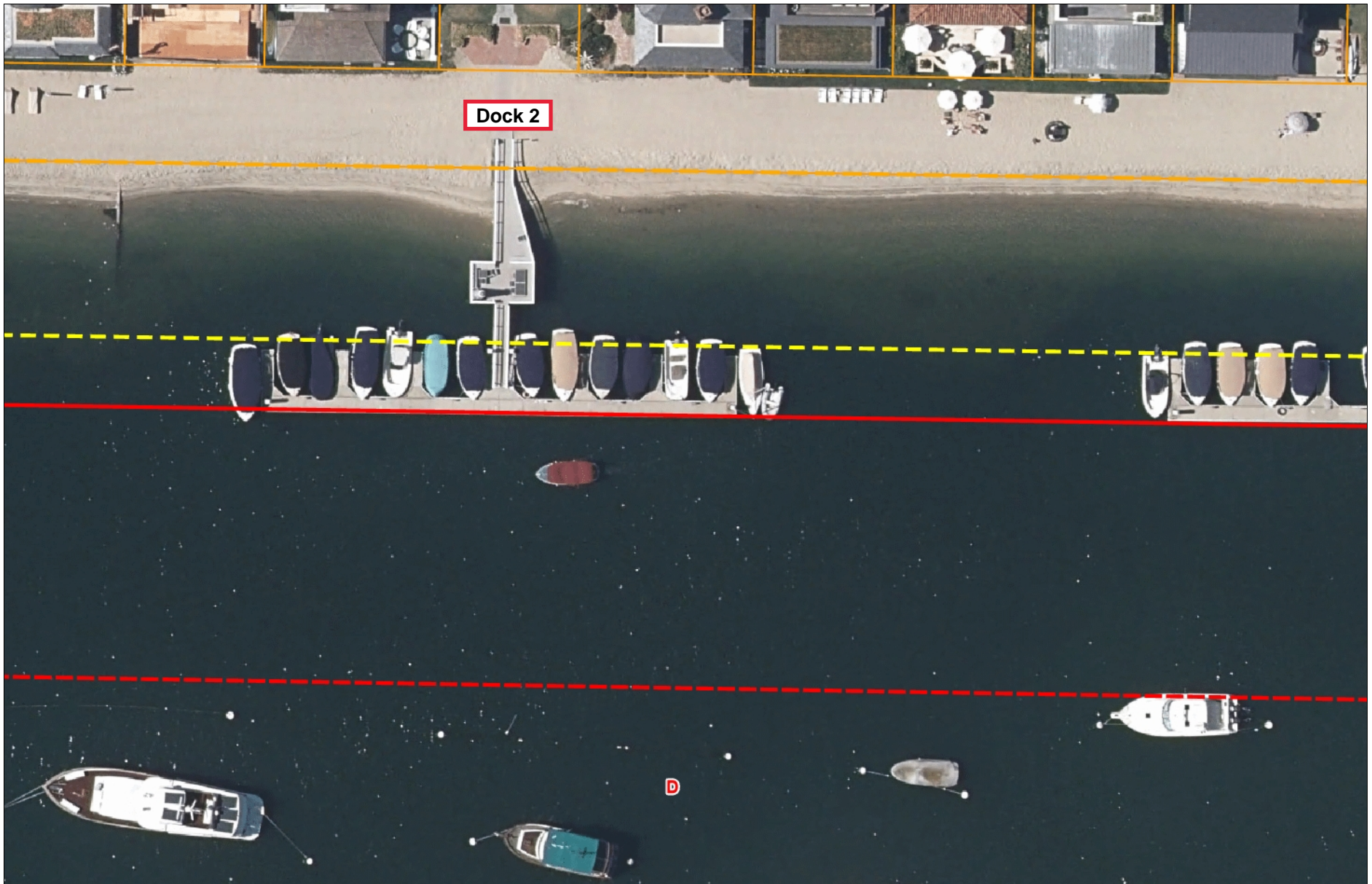
NBGiS
NEWPORT BEACH



0 40 80
Feet

Disclaimer:
Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

6/24/2024



NBGiS
NEWPORT BEACH



0 40 80
Feet

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6/24/2024



NBGiS
NEWPORT BEACH



0 40 80
Feet

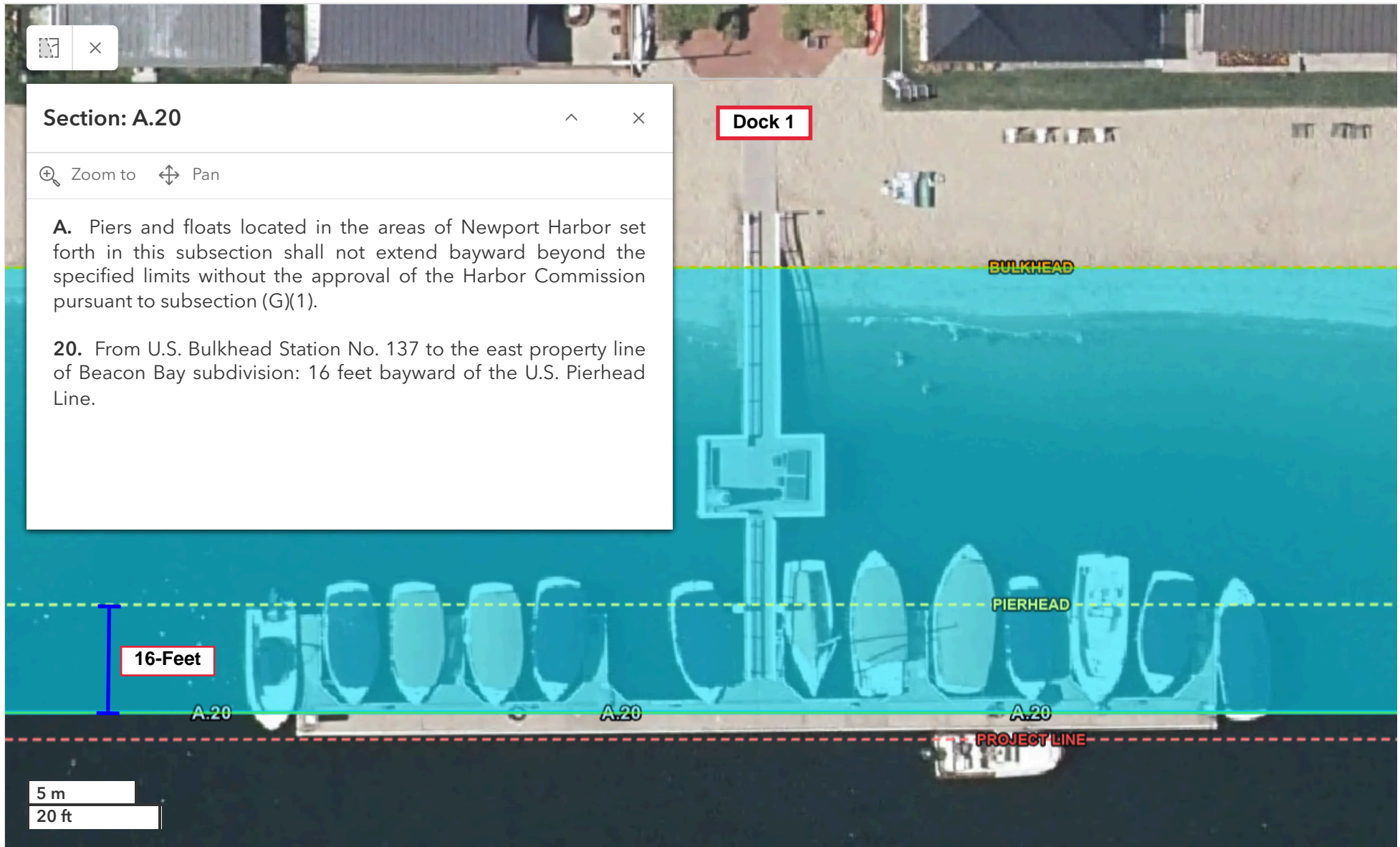
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6/24/2024



Newport Harbor

Bayward Location of Piers and Floats and Balboa Island Noncommercial Piers

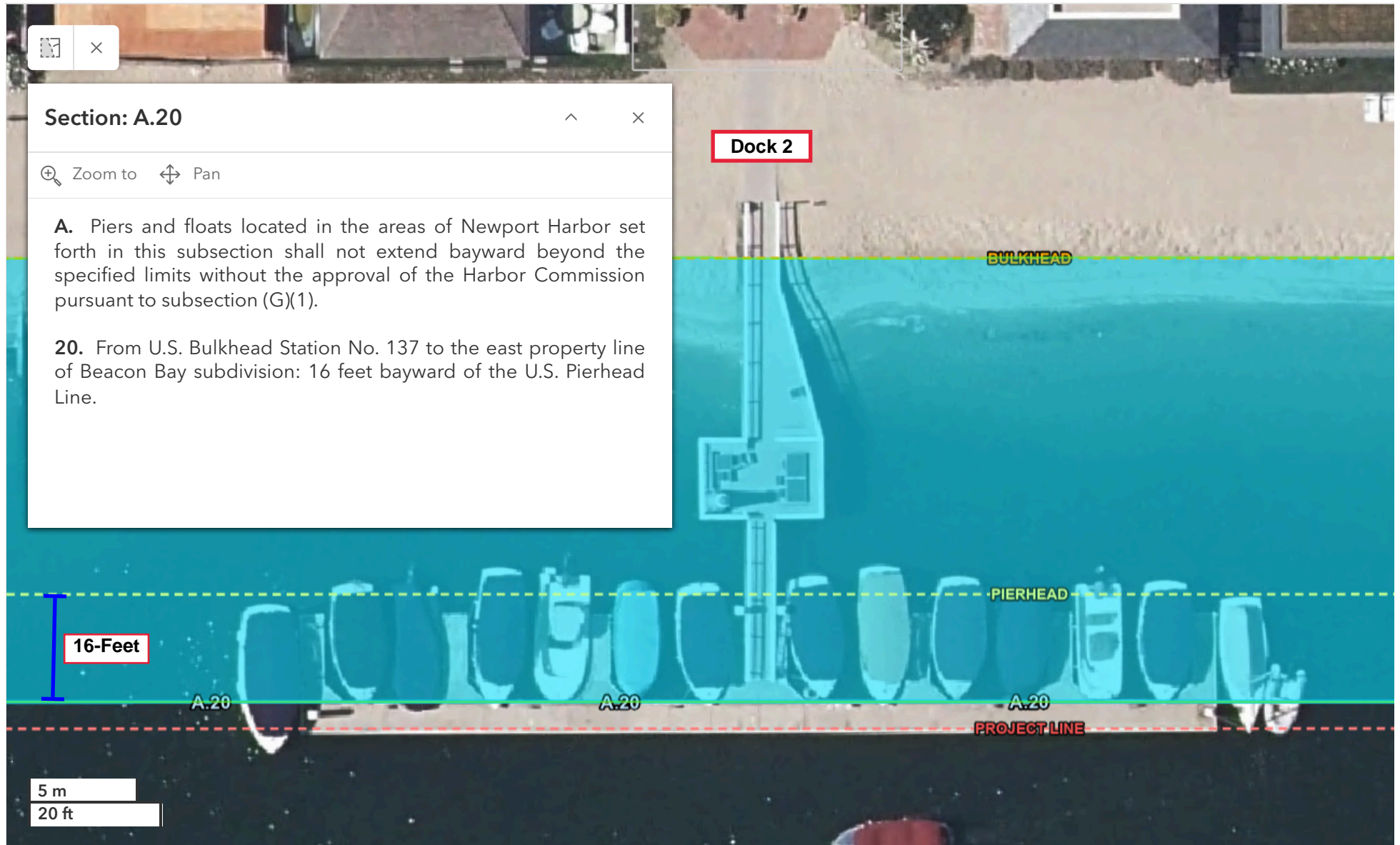


Map

Municipal Code

Newport Harbor

Bayward Location of Piers and Floats and Balboa Island Noncommercial Piers

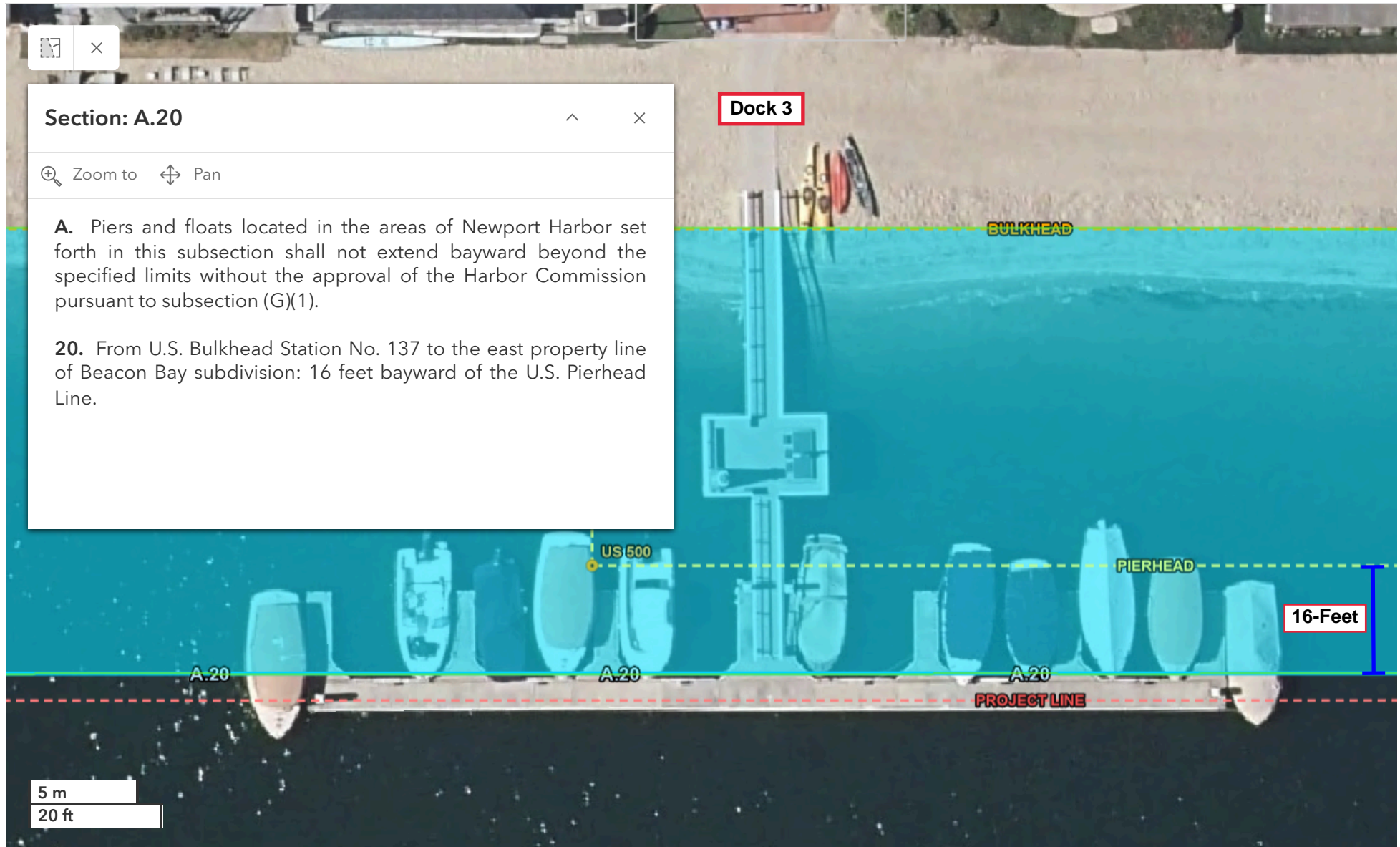


Map

Municipal Code

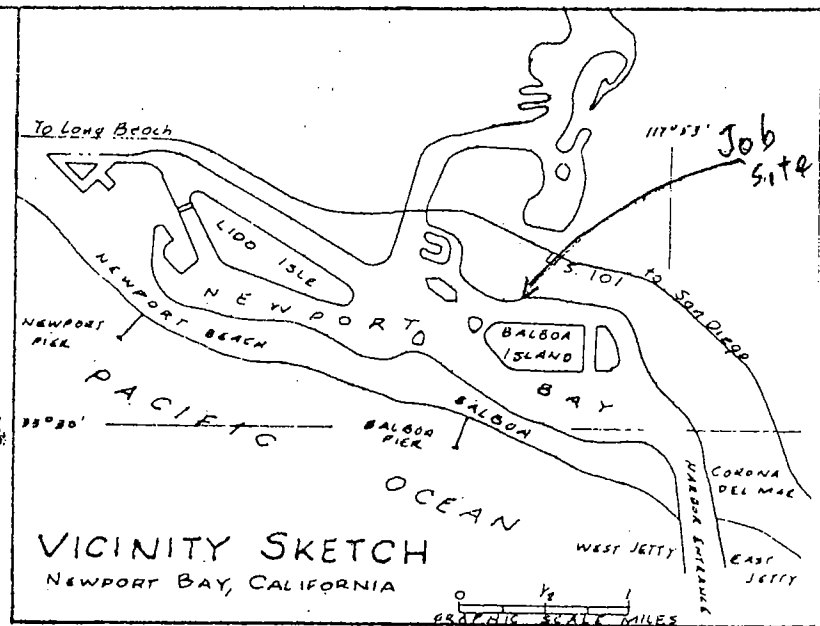
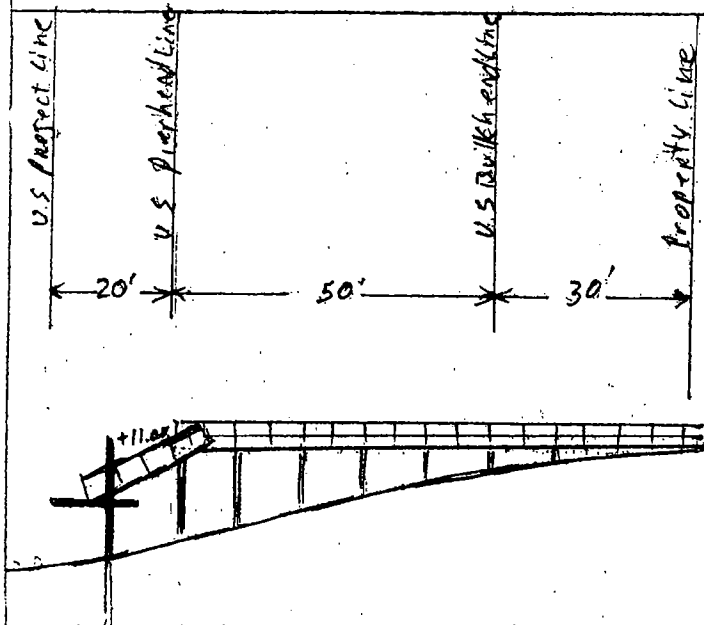
Newport Harbor

Bayward Location of Piers and Floats and Balboa Island Noncommercial Piers



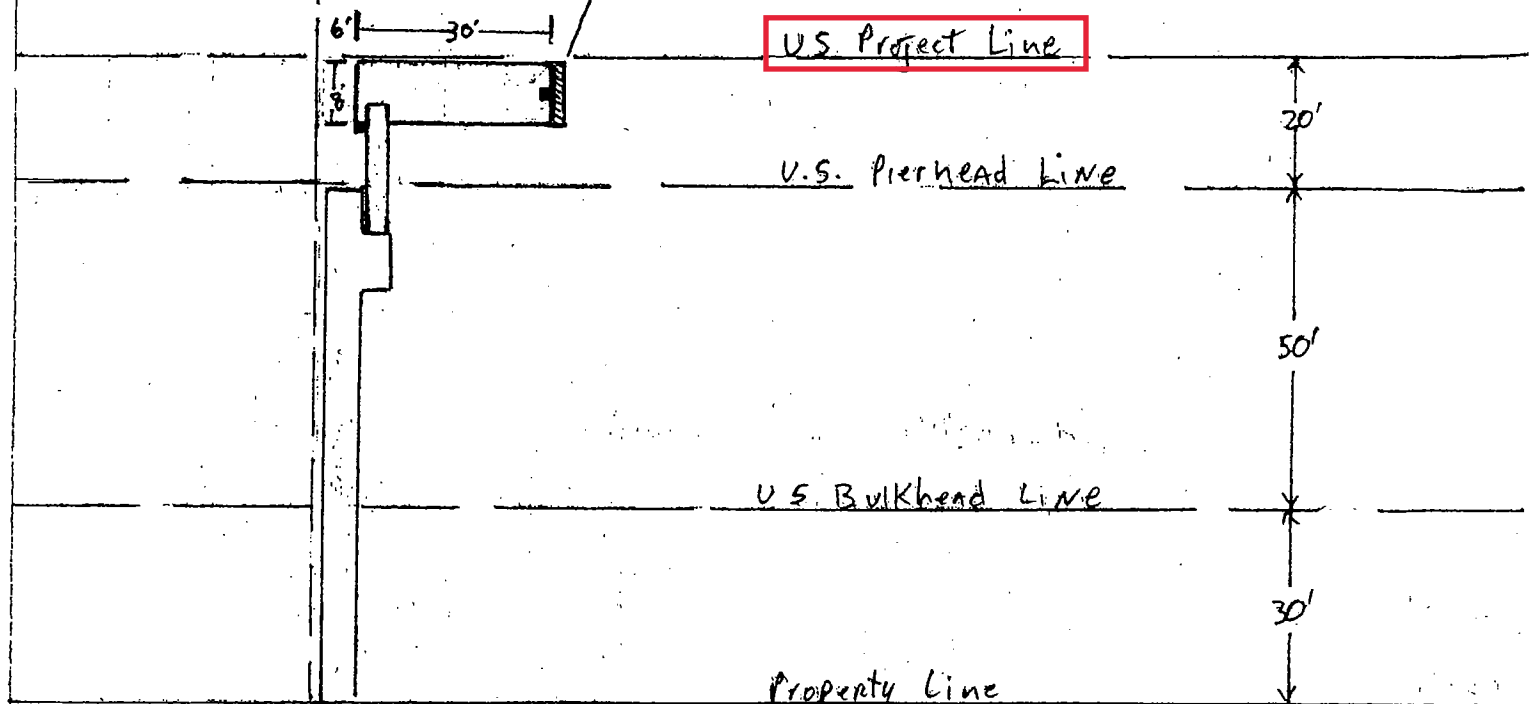
Map

Municipal Code



SCOPE OF WORK REPAIR END OF FLOAT.

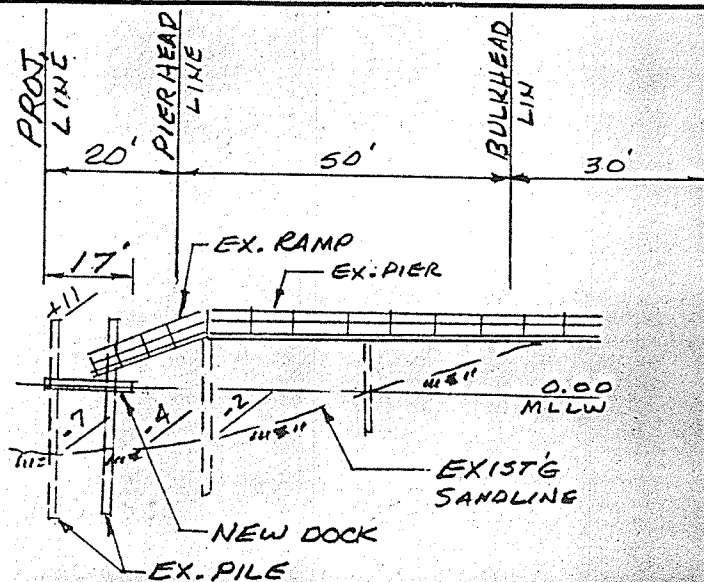
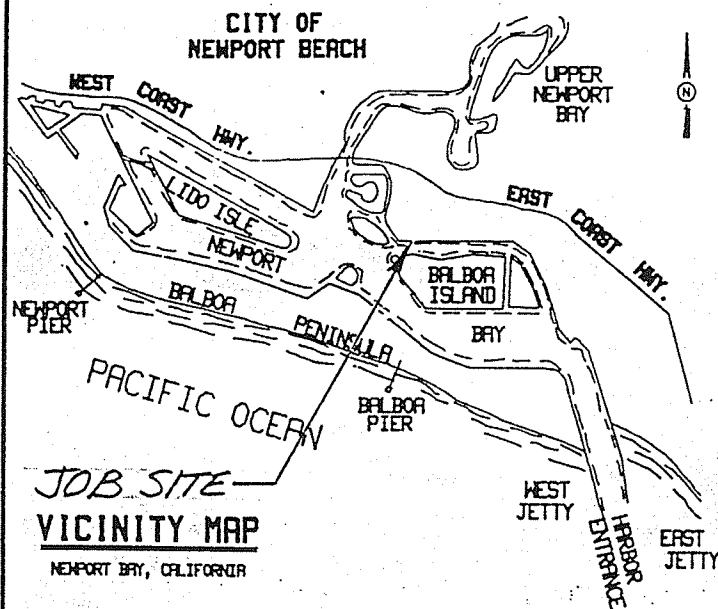
Soundings are expressed in feet and denote depths below Mean Lower Low Water. Maximum range of tide approximately 10 feet. Harbor lines are established in this section of Newport Bay.



Balboa Yacht Basin	Lot H	40'	Beacon Bay Association APPLICANT'S NAME
			Beacon Bay - East Lot H JOB ADDRESS
			RS-9-43 TRACT
			B-D-F BLOCK
			LOT
			Billy Hill SWIFT SLIP DRAWN BY
			9-25-032 DATE

200-59

CITY OF NEWPORT BEACH



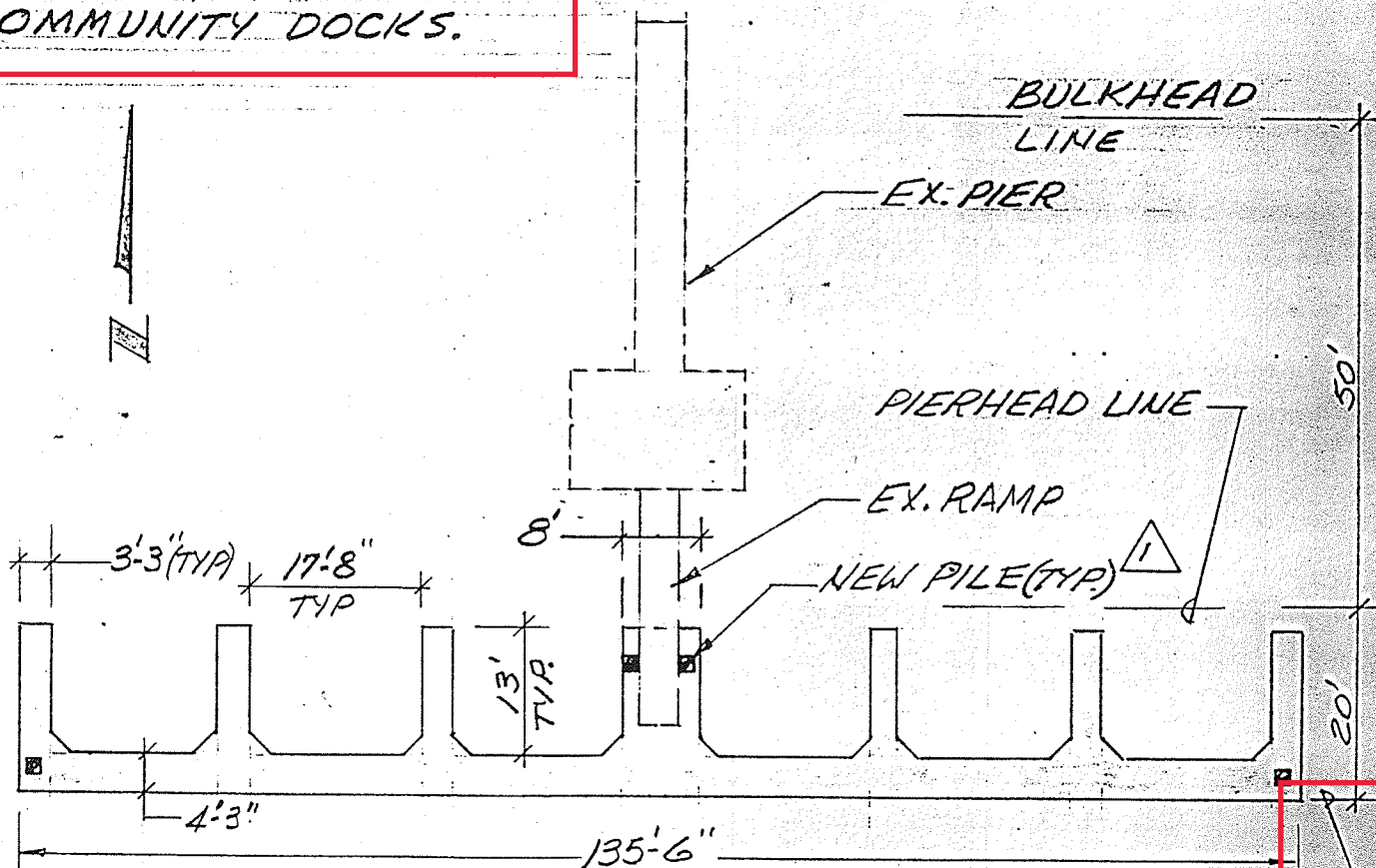
PROFILE 1" = 30'

SOUNDINGS ARE EXPRESSED IN FEET AND DENOTE ELEVATIONS BASED ON MEAN LOWER LOW WATER.

REVISIONS

1 EX. PILE TO NEW PILE

NOTE:
THIS LAYOUT IS TYPICAL.
REPLACE ALL THREE
COMMUNITY DOCKS.



KNISS & ASSOC.
(714) 733-8430

SHEET 1 OF 2

PROJECT LINE

PLAN VIEW 1" = 20'

APPLICANT'S NAME: BEACON BAY COMM. ASSOC.

JOB ADDRESS: 70 BEACON BAY

DATE 1/16/96

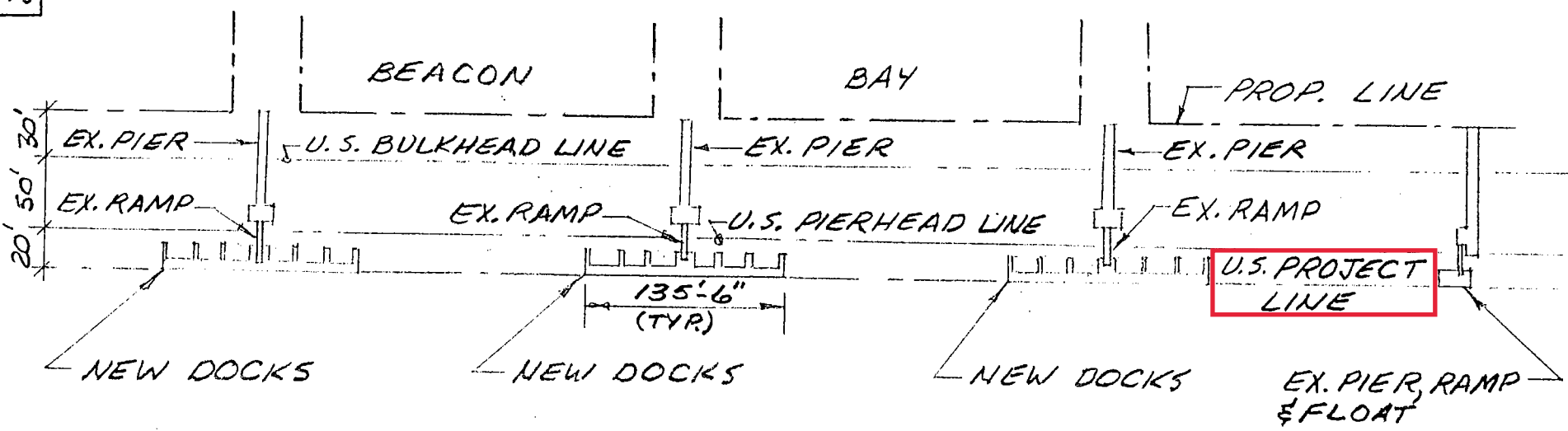
KNISS & ASSOC.
(714) 733-8430

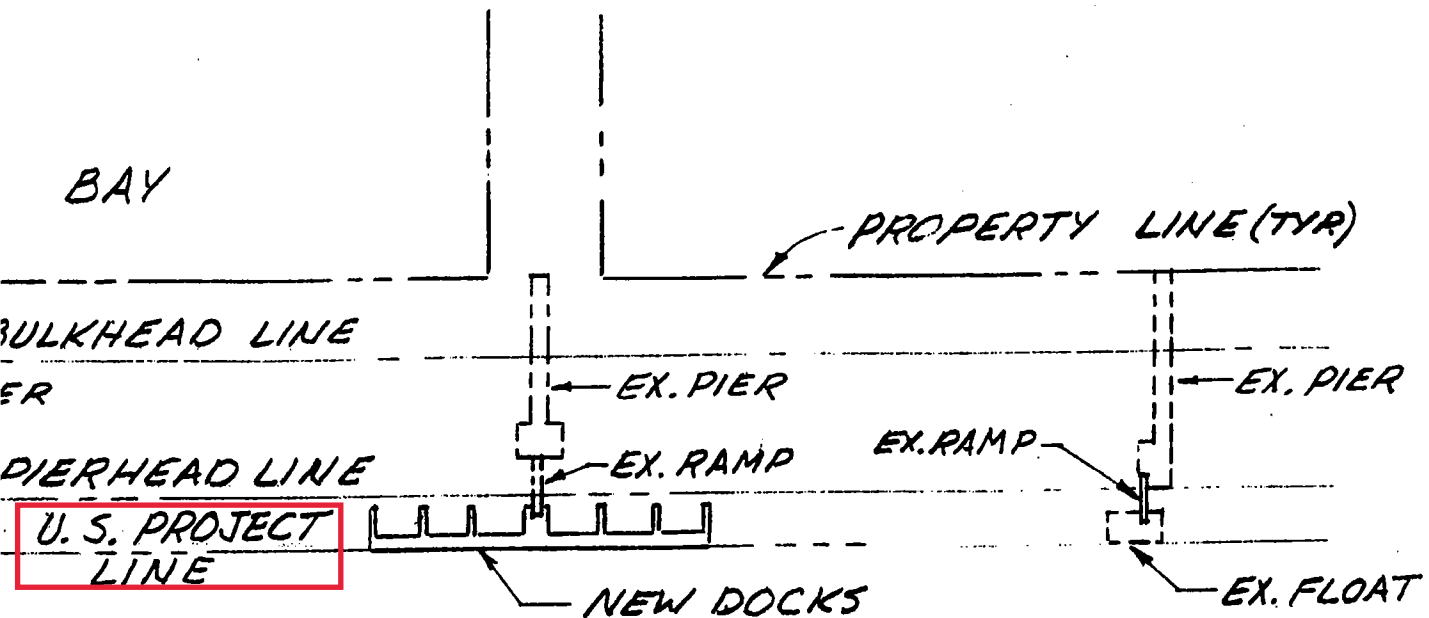
SHEET 2 OF 2

BEACON BAY COMMUNITY ASSOC.

70 BEACON BAY

11/6/96



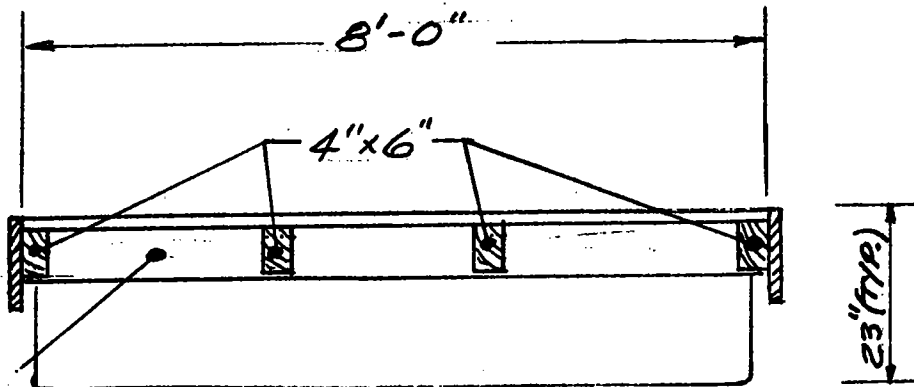


REVIEWED BY PUBLIC WORKS DEPARTMENT
NO EXCEPTIONS TAKEN
 BY J. S. Sutter DATE 5/20/96

WORK SHALL BE DONE IN ACCORDANCE WITH THE
 STANDARD SPECIFICATIONS FOR PUBLIC WORKS
 CONSTRUCTION AND IS SUBJECT TO CITY INSPECTION.

*The Harbor Permit for this facility
 shall be conditioned to allow berthing
 of 14 - 20 foot max. length vessels.*

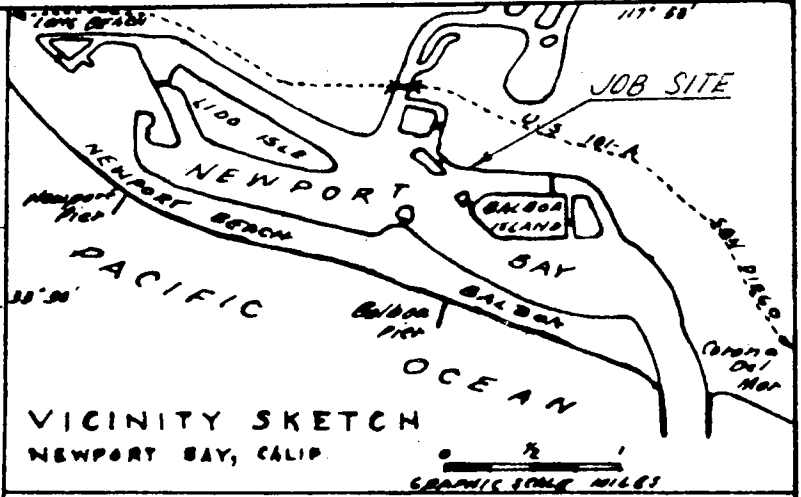
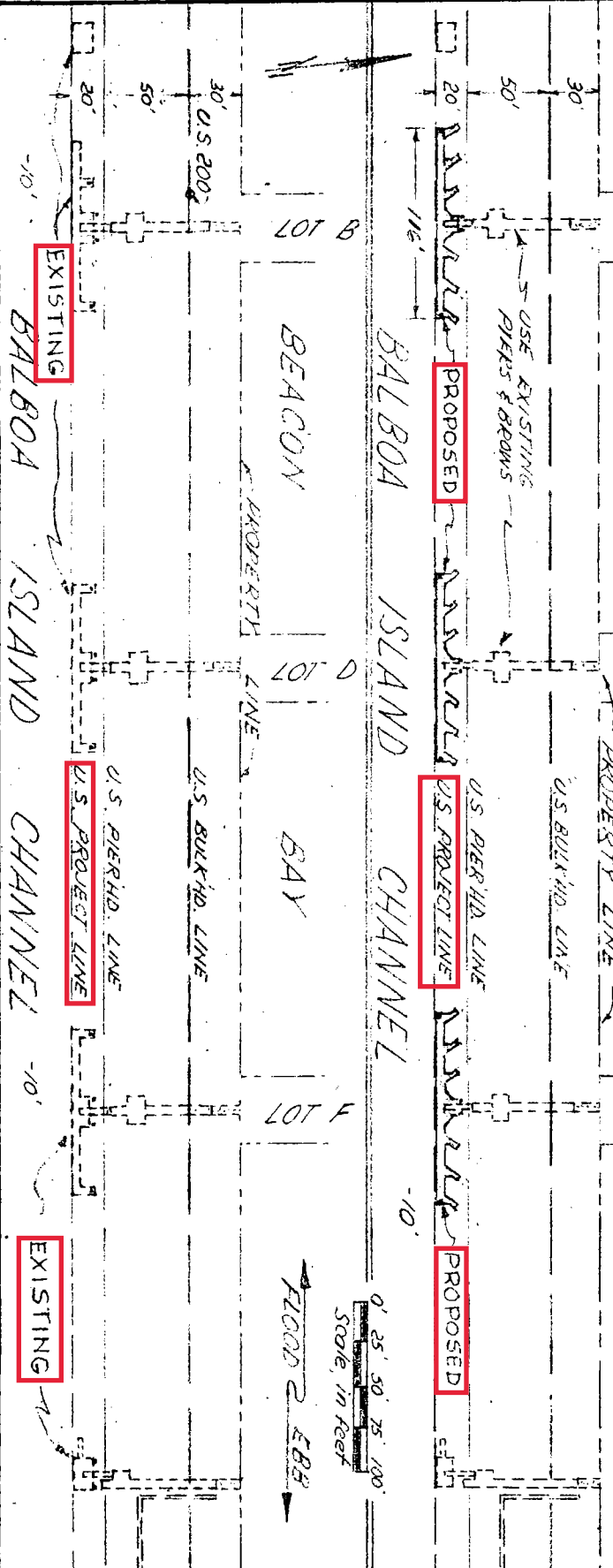
**AM FILLED
 POLYETHYLENE
 TUBES (TYR)**
**6" BLOCKING
 (6" DIAGONAL
 BRACING (TYR))**



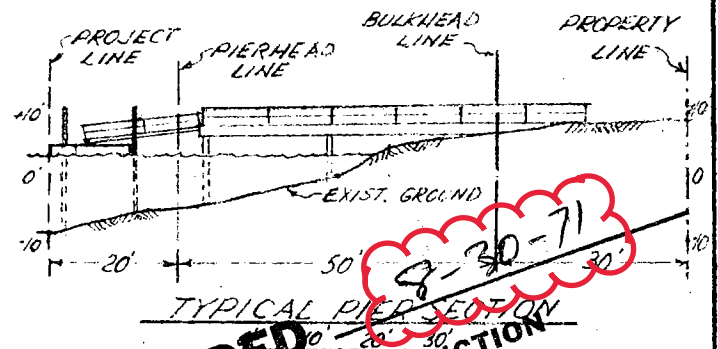
8' X-SECTION

Sheet 1 of 2

200-059



SOUNDINGS ARE EXPRESSED IN FEET, AND DENOTE DEPTHS BELOW MEAN LOWER LOW WATER. MAXIMUM RANGES OF TIDE APPROXIMATELY 10 FEET. HARBOR LINE ARE ESTABLISHED IN THIS PORTION OF NEWPORT BAY HARBOR.



SUPERCEDED
REVISION / NEW CONSTRUCTION

Reg. Fee 19 @ 24.50
Use Fee 374 @ 187.50
211.50

NOTE: Revision to be in landings only. Use existing Brows & Piers. No dredging necessary for new units. Existing piling to be removed & new piles installed.
Datum = M.L.L.W.

PROPOSED LANDING REVISION
BEACON BAY ASSOCIATION

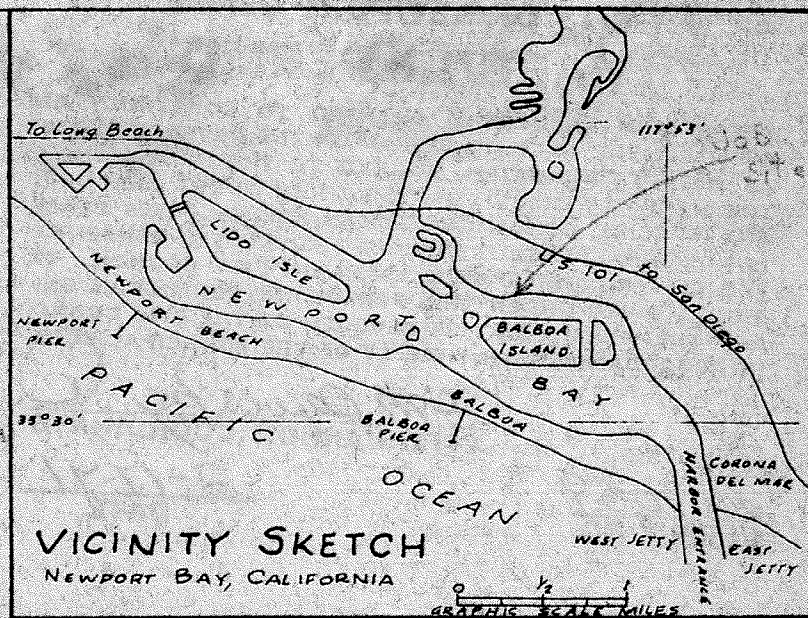
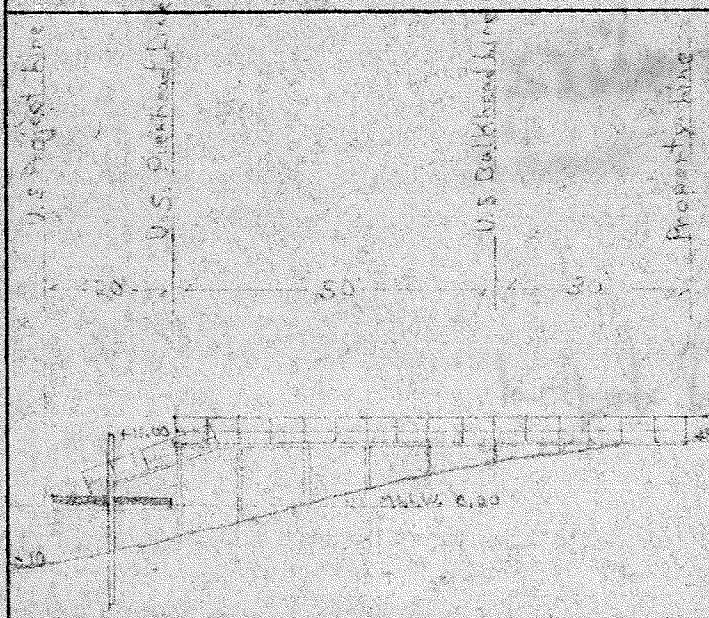
NOBLE HARBOR ENGINEERING
1730 N. COAST HWY.
NEWPORT BEACH, CAL., 92656

APPLICATION OF: GILLIS, DERBY
General Contractors Lic. # 18534

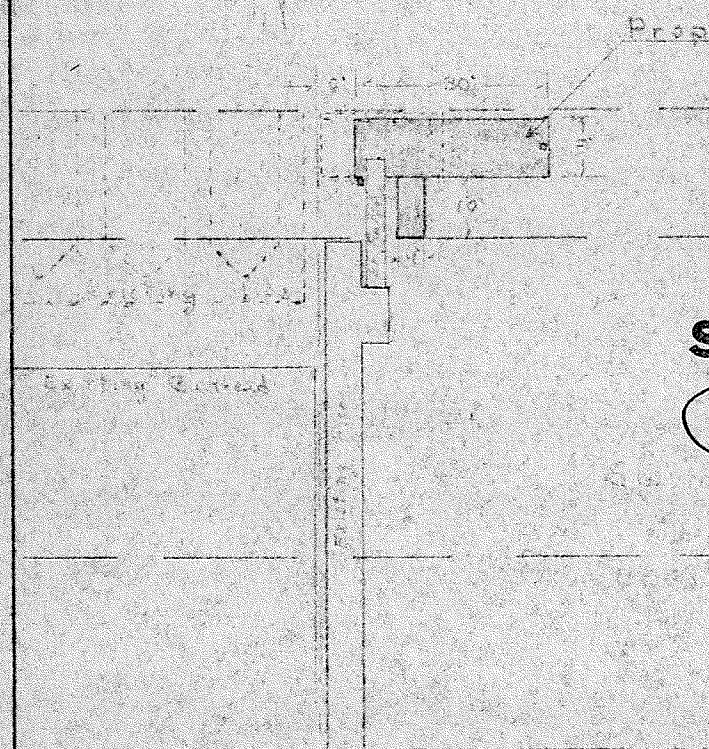
JOB NO. 146 MAP NO. 225, 10, 17, 61

A-1251

CITY OF NEWPORT BEACH HARBOR APPLICATION NO. 200-059



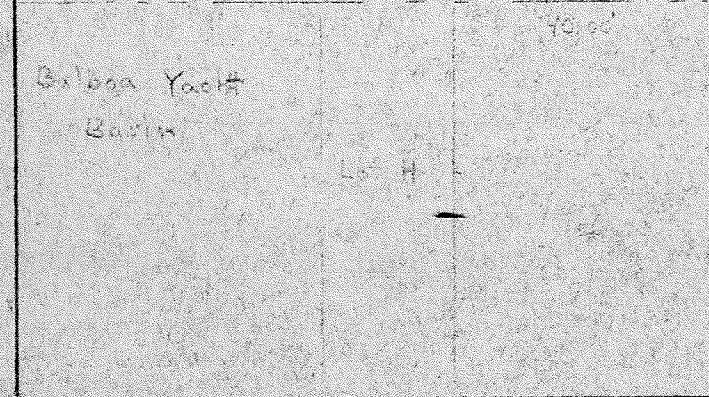
Soundings are expressed in feet and denote depths below Mean Lower Low Water. Maximum range of tide approximately 10 feet. Harbor lines are established in this section of Newport Bay.



SUPERCEDED

8-30-71

REVISION/NEW CONSTRUCTION



Beacon Bay Association		
APPLICANT'S NAME		
Beacon Bay - East Side		
JOB ADDRESS		
PS-9-43	LOT I	
TRACT	BLOCK	LOT
Gilks + Derby	10/9/70	
DRAWN BY	DATE	

CITY OF NEWPORT BEACH HARBOR PERMIT

PERMISSION IS HEREBY GRANTED TO CONSTRUCT AND MAINTAIN THE FACILITY SHOWN ON THE REVERSE HEREOF AT THE SITE INDICATED, SUBJECT TO THE PROVISIONS OF THE HARBOR PERMIT POLICIES OF NEWPORT BEACH AND ANY SPECIAL CONDITIONS LISTED HEREON. THIS PERMIT IS NOT TRANSFERABLE WITHOUT THE WRITTEN CONSENT OF THE CITY HARBOR COORDINATOR OR CITY COUNCIL. THE RIGHTS GIVEN UNDER THIS PERMIT ARE PERMISSIVE ONLY AND THIS PERMIT MAY BE REVOKED BY THE CITY COUNCIL IN ACCORDANCE WITH TITLE 17 OF THE MUNICIPAL CODE.

G.M. Dawes by D.J. Sanford
CITY HARBOR COORDINATOR

200-059
PERMIT NO.

2-17-71
DATE

SPECIAL CONDITIONS:

Corps of Engineers Permit *11-24-70*
Orange County Permit
Other: *Council 11-9-70*

Sheet 2 of 2

200-059

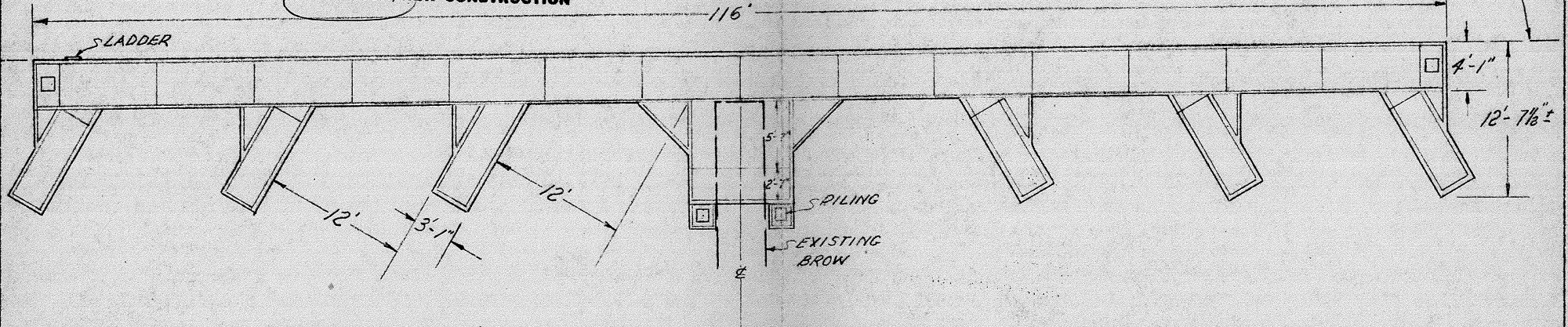
BALBOA ISLAND CHANNEL

SUPERCEDED

8-30-71

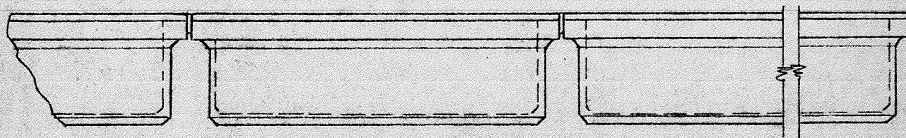
REVISION/NEW CONSTRUCTION

U.S. PROJECT LINE



TYPICAL PROPOSED LANDING

(ALL THREE IDENTICAL)
1/8" = 1'-0"



ASSEMBLY ELEVATION
3/8" = 1'-0"

APPROVED:

R. J. Briscoe
CHIEF, NEWPORT BEACH FIRE DEPT.

NOTE: Proposed installations
to use existing brows &
pier.
No dredging necessary.

PROPOSED LANDING REVISION
BEACON BAY ASSOCIATION

MORGAN NOBLE ENGINEERING
1730 W. COAST HIGHWAY, NEWPORT BEACH
MIDWAY 6-5086, INDEX #225, JOB #149, 10-17-61

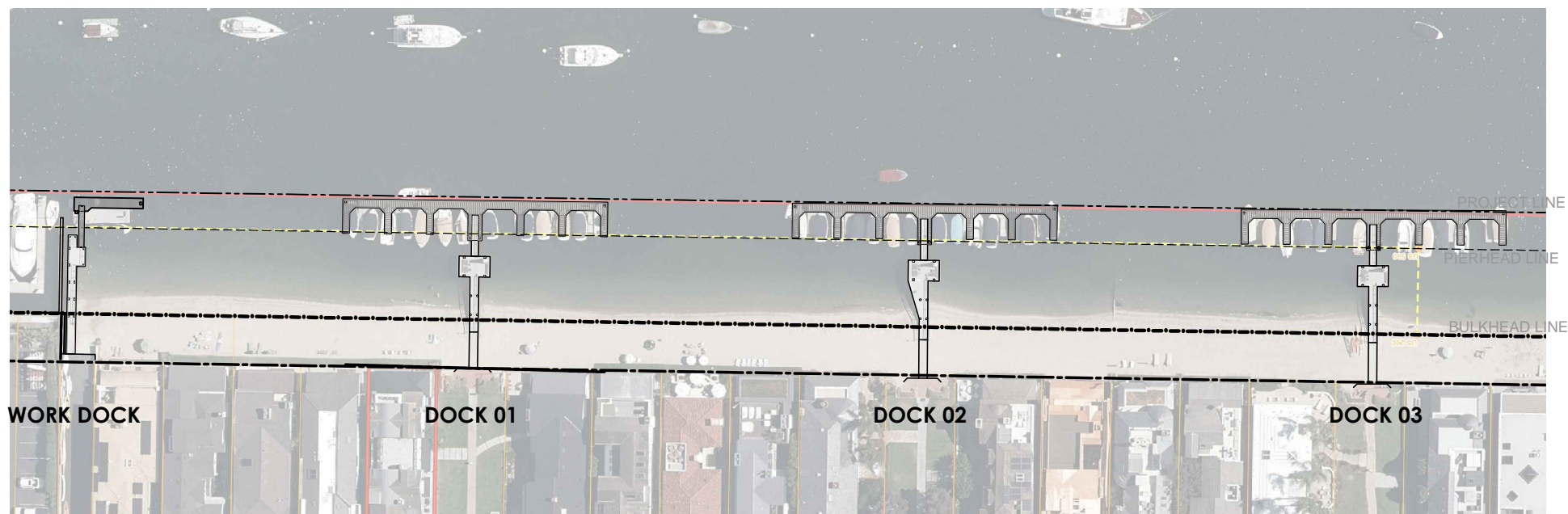
APPLICATION BY: Gillis & Derby
G.C. License # 18634

A-1251

PROPOSED

Attachment D

WORK DOCK AREA:		DOCK 1 AREA:		DOCK 2 AREA:		DOCK 3 AREA:	
TOTAL AREA	258 FT ²	TOTAL AREA	1,266 FT ²	TOTAL AREA	1,266 FT ²	TOTAL AREA	1,266 FT ²
GANGWAY AREA:		GANGWAY AREA:		GANGWAY AREA:		GANGWAY AREA:	
3' X 24'	72 FT ²	4' X 24'	96 FT ²	4' X 24'	96 FT ²	4' X 24'	96 FT ²
TOTAL	72 FT ²	TOTAL	96 FT ²	TOTAL	96 FT ²	TOTAL	96 FT ²
PIER AREA:		PIER AREA:		PIER AREA:		PIER AREA:	
TOTAL AREA	400 FT ²	TOTAL AREA	379 FT ²	TOTAL AREA	376 FT ²	TOTAL AREA	376 FT ²
TOTAL AREA:	730 FT²	TOTAL AREA:	1,741 FT²	TOTAL AREA:	1,738 FT²	TOTAL AREA:	1,738 FT²



OVERALL SITE LAYOUT



SWIFT SLIP DOCK & PIER BUILDERS, INC.
6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121 Fax: (714) 509-0618

CLIENT

BEACON BAY H.O.A.

RO

DRAWN

--

CHECKED

2.0

REVISION

06/20/24

DATE

AMENDMENTS

REV	DESCRIPTION	BY	DATE

SITE

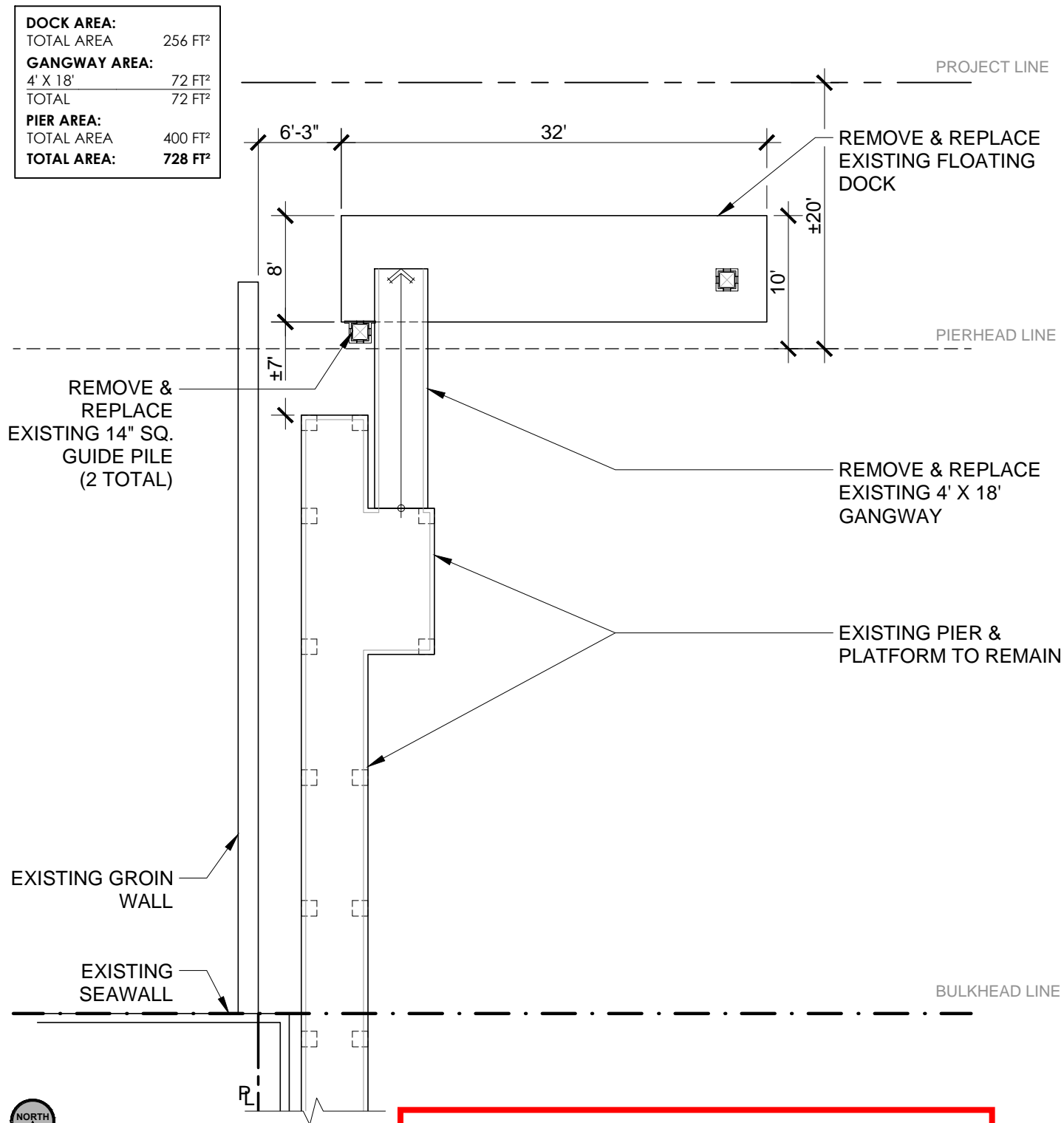
BEACON BAY, NEWPORT BEACH, CA 92660



SWIFT SLIP DOCK & PIER BUILDERS, INC.

6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121
Fax: (714) 509-0618
www.swiftslipdocks.com

CLIENT	BEACON BAY H.O.A.	RO DRAWN	CHECKED	1.0 REVISION	06/20/24 DATE	AMENDMENTS			
SITE	BEACON BAY, NEWPORT BEACH, CA 92660					REV	DESCRIPTION	BY	DATE



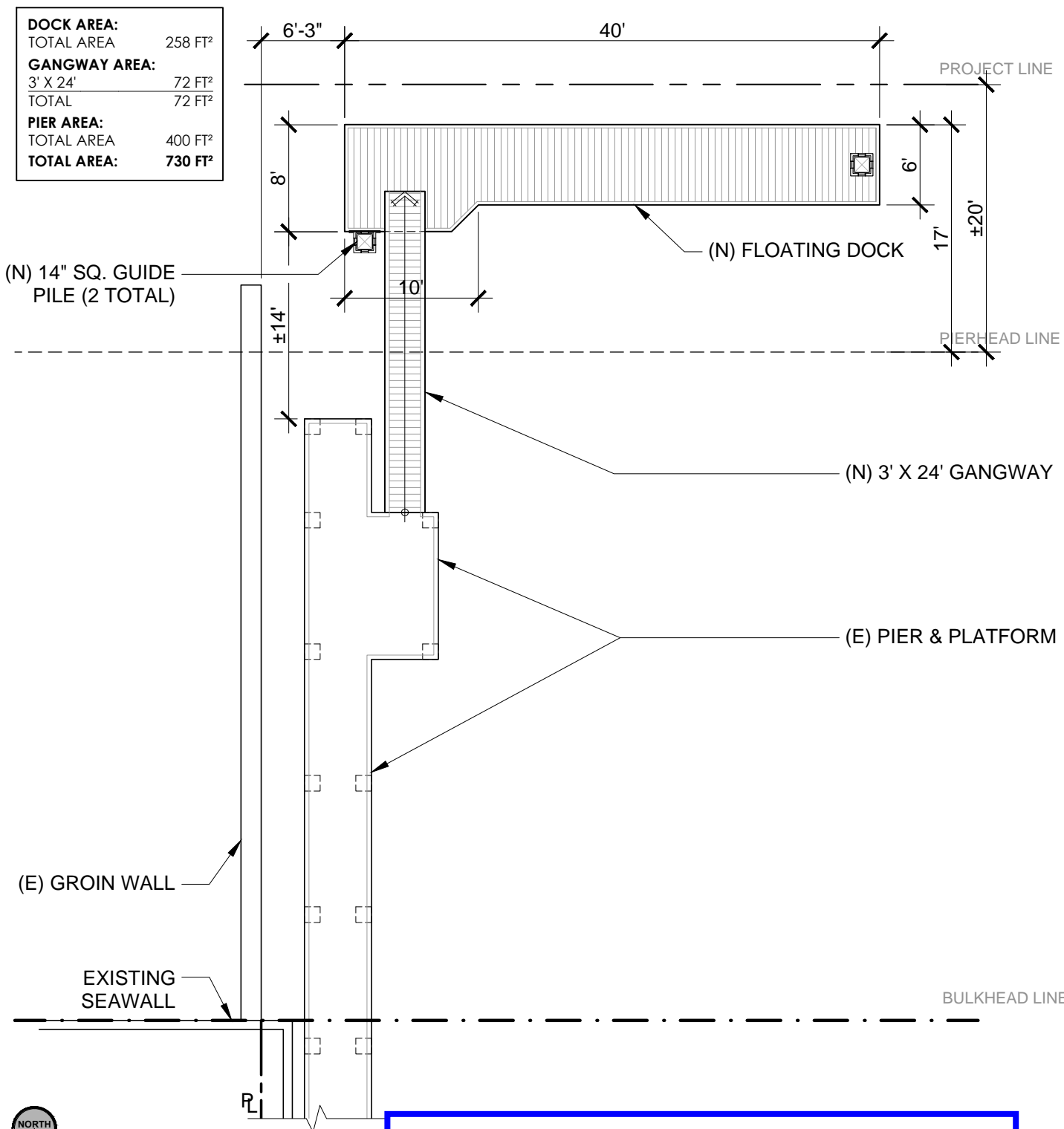
EXISTING WORK DOCK



SWIFT SLIP DOCK & PIER BUILDERS, INC.

6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121
Fax: (714) 509-0618
www.swiftslipdocks.com

CLIENT	BEACON BAY H.O.A.	RO DRAWN	CHECKED	1.0 REVISION	06/20/24 DATE	AMENDMENTS			
SITE	BEACON BAY, NEWPORT BEACH, CA 92660					REV	DESCRIPTION	BY	DATE



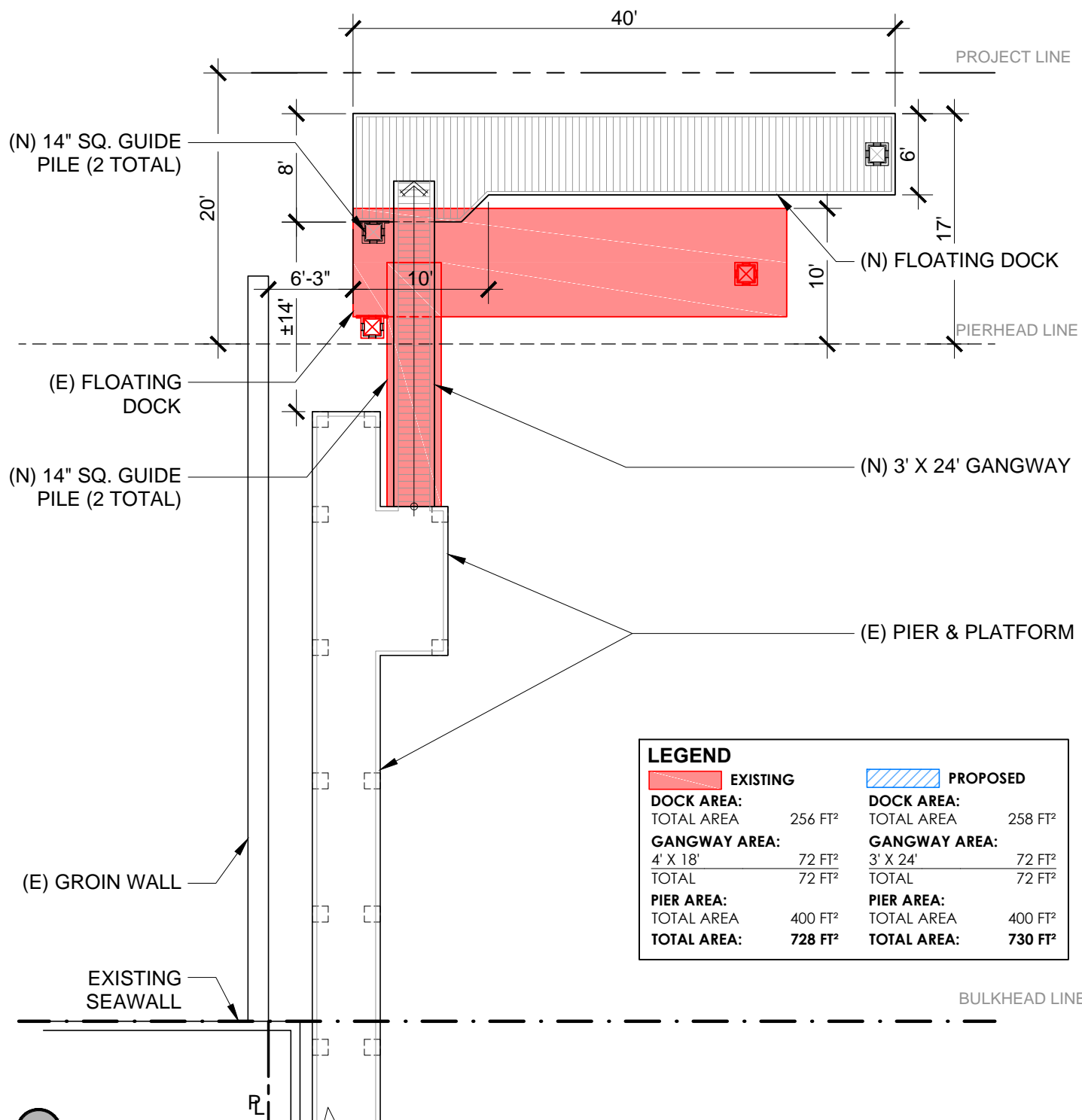
PROPOSED WORK DOCK



SWIFT SLIP DOCK & PIER BUILDERS, INC.

6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121
Fax: (714) 509-0618
www.swiftslipdocks.com

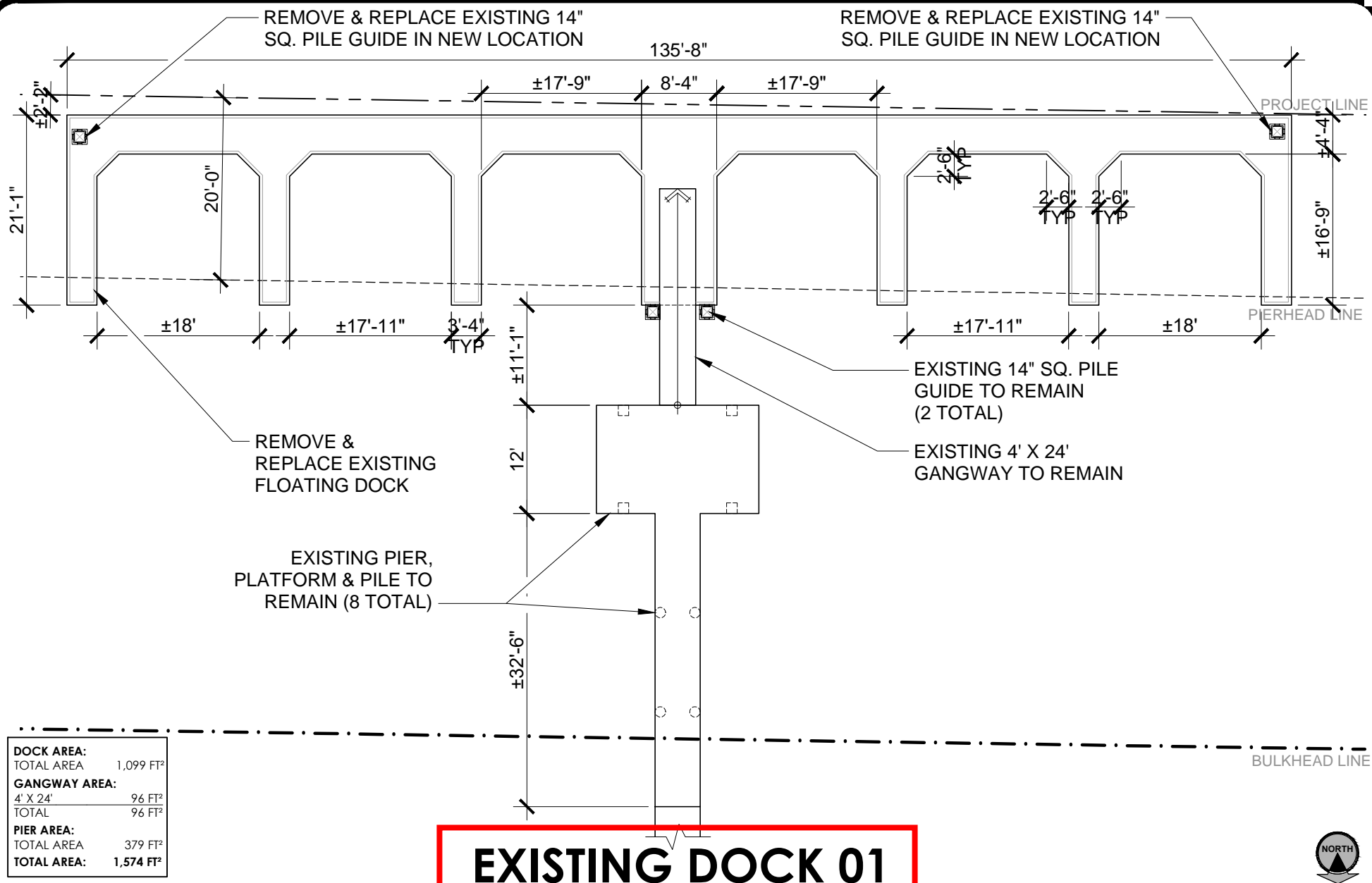
CLIENT	BEACON BAY H.O.A.	RO DRAWN	CHECKED	1.0 REVISION	06/20/24 DATE	AMENDMENTS			
SITE	BEACON BAY, NEWPORT BEACH, CA 92660					REV	DESCRIPTION	BY	DATE



LEGEND			
	EXISTING		PROPOSED
DOCK AREA:		DOCK AREA:	
TOTAL AREA	256 FT ²	TOTAL AREA	258 FT ²
GANGWAY AREA:		GANGWAY AREA:	
4' X 18'	72 FT ²	3' X 24'	72 FT ²
TOTAL	72 FT ²	TOTAL	72 FT ²
PIER AREA:		PIER AREA:	
TOTAL AREA	400 FT ²	TOTAL AREA	400 FT ²
TOTAL AREA:	728 FT²	TOTAL AREA:	730 FT²



EXISTING / PROPOSED WORK DOCK



DOCK AREA:	
TOTAL AREA	1,099 FT ²
GANGWAY AREA:	
4' X 24'	96 FT ²
TOTAL	96 FT ²
PIER AREA:	
TOTAL AREA	379 FT ²
TOTAL AREA:	1,574 FT ²



SWIFT SLIP DOCK & PIER BUILDERS, INC.
6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121 Fax: (714) 509-0618

CLIENT		RO		2.0		06/20/24		AMENDMENTS			
BEACON BAY H.O.A.		DRAWN		CHECKED		DATE		REV	DESCRIPTION	BY	DATE
SITE											
BEACON BAY, NEWPORT BEACH, CA 92660											

(N) 14" SQ. PILE
GUIDE

(N) 14" SQ. PILE
GUIDE

PROJECT LINE

PIERHEAD LINE

(N) FLOATING DOCK

– (E) 14" SQ. PILE GUIDE
(2 TOTAL)

— (E) 4' X 24'
GANGWAY

(E) PIER, PLATFORM
& PILE
(8 TOTAL)

BULKHEAD LINE

DOCK AREA:

TOTAL AREA	1,266 FT ²
------------	-----------------------

GANGWAY AREA:

4' X 24'	96 FT ²
----------	--------------------

TOTAL	96 FT ²
-------	--------------------

PIER AREA:TOTAL AREA 379 FT²

TOTAL AREA: 1,741 FT²

PROPOSED DOCK 01



SWIFT SLIP DOCK & PIER BUILDERS, INC.
6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121 Fax: (714) 509-0618

CLIENT

BEACON BAY H.O.A.

RO

DRAWN

—

CHECKED

2.0

REVISION

06/20/24

DATE _____

AMENDMENTS

REV

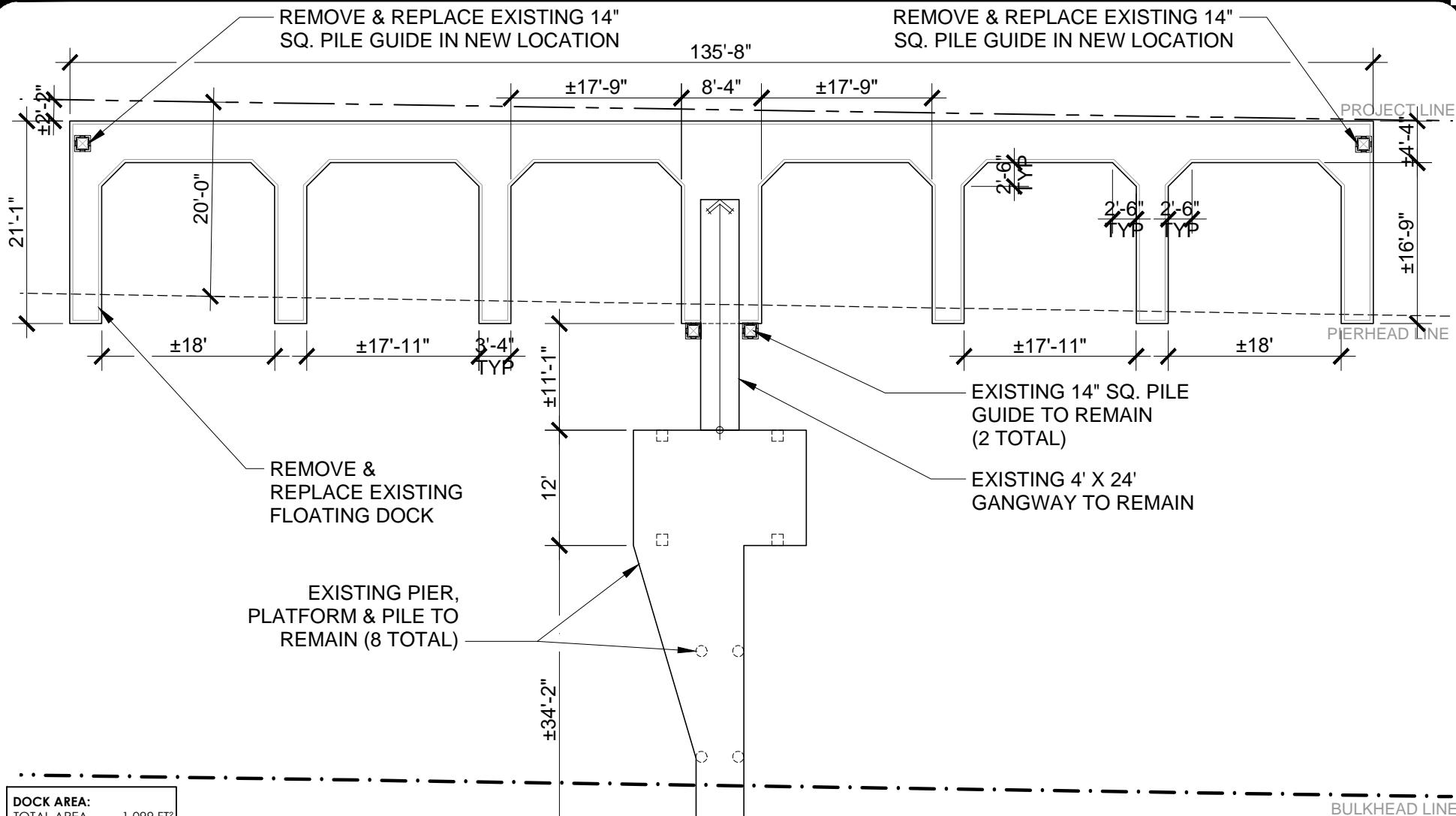
DESCRIPTION

BY

DATE _____

SITE

BEACON BAY, NEWPORT BEACH, CA 92660



DOCK AREA:	
TOTAL AREA	1,099 FT ²
GANGWAY AREA:	
4' X 24'	96 FT ²
TOTAL	96 FT ²
PIER AREA:	
TOTAL AREA	458 FT ²
TOTAL AREA:	1,653 FT²

EXISTING DOCK 02



SWIFT SLIP DOCK & PIER BUILDERS, INC.
6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121 Fax: (714) 509-0618

CLIENT		RO		2.0		06/20/24		AMENDMENTS			
BEACON BAY H.O.A.		DRAWN		CHECKED		DATE		REV	DESCRIPTION	BY	DATE
SITE											
BEACON BAY, NEWPORT BEACH, CA 92660											

(N) 14" SQ. PILE
GUIDE

(N) 14" SQ. PILE
GUIDE

PROJECT LINE

PIERHEAD LINE

(N) FLOATING DOCK

– (E) 14" SQ. PILE GUIDE
(2 TOTAL)

— (E) 4' X 24'
GANGWAY

(E) PIER, PLATFORM
& PILE
(8 TOTAL)

BULKHEAD LINE

DOCK AREA:	
TOTAL AREA	1,266 FT ²
GANGWAY AREA:	
4' X 24'	96 FT ²
TOTAL	96 FT ²
PIER AREA:	
TOTAL AREA	458 FT ²
TOTAL AREA:	1,820 FT²

GANGWAY AREA:	
4' X 24'	96 FT ²
TOTAL	96 FT²

PIER AREA:
TOTAL AREA 458 FT²
TOTAL AREA: 1,820 FT²

TOTAL AREA: 1,820 FT²

PROPOSED DOCK 02



SWIFT SLIP DOCK & PIER BUILDERS, INC.
6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121 Fax: (714) 509-0618

CLIENT

BEACON BAY H.O.A.

RO

DRAWN

—

CHECKED

2.0

REVISION

06/20/24

DATE _____

AMENDMENTS

REV

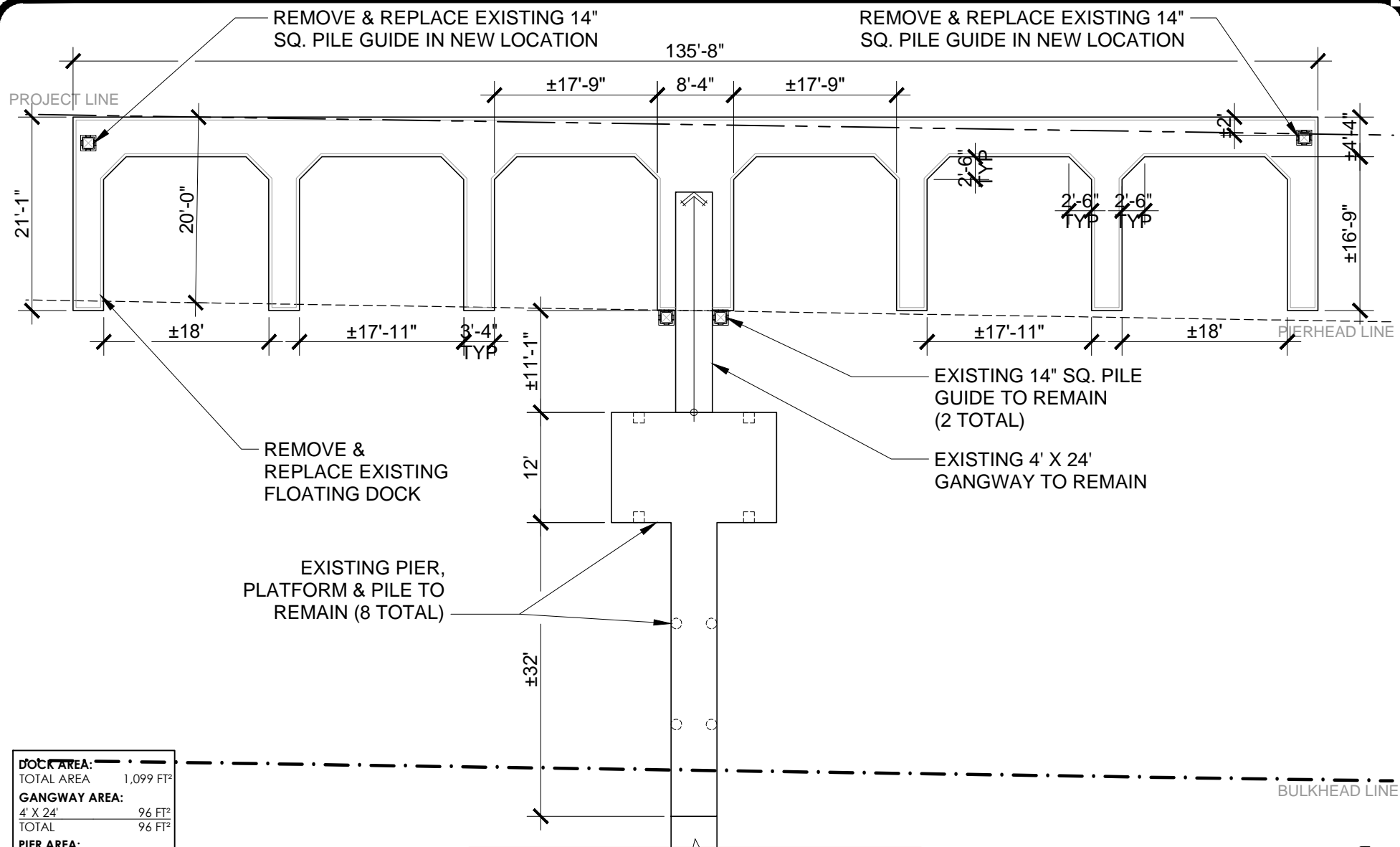
DESCRIPTION

BY

DATE _____

SITE

BEACON BAY, NEWPORT BEACH, CA 92660



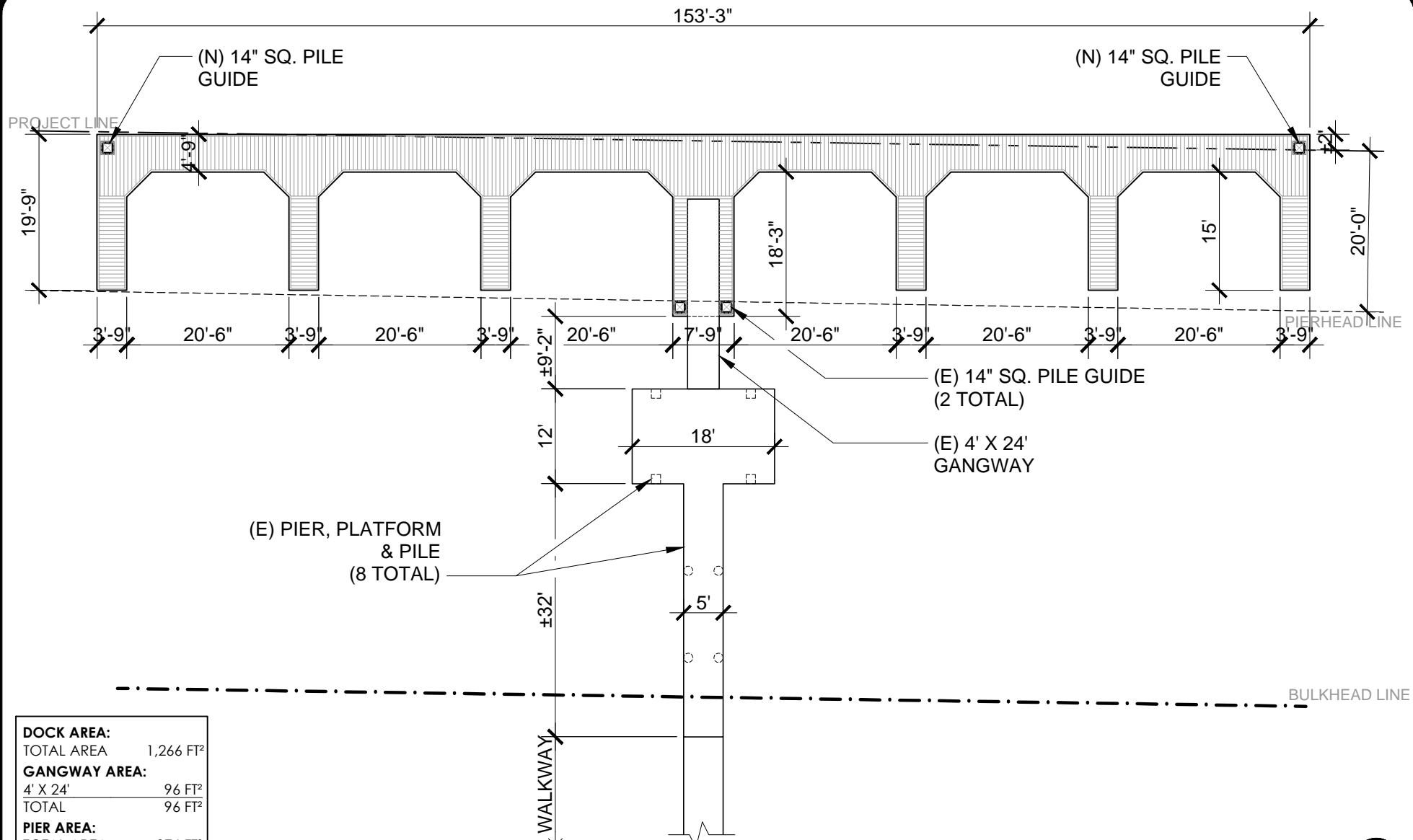
DOCK AREA:	
TOTAL AREA	1,099 FT ²
GANGWAY AREA:	
4' X 24'	96 FT ²
TOTAL	96 FT ²
PIER AREA:	
TOTAL AREA	376 FT ²
TOTAL AREA:	1,571 FT ²

EXISTING DOCK 03



SWIFT SLIP DOCK & PIER BUILDERS, INC.
6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121 Fax: (714) 509-0618

CLIENT						AMENDMENTS			
BEACON BAY H.O.A.						REV	DESCRIPTION	BY	DATE
RO									
DRAWN									
CHECKED									
2.0									
06/20/24									
DATE									
SITE									
BEACON BAY, NEWPORT BEACH, CA 92660									



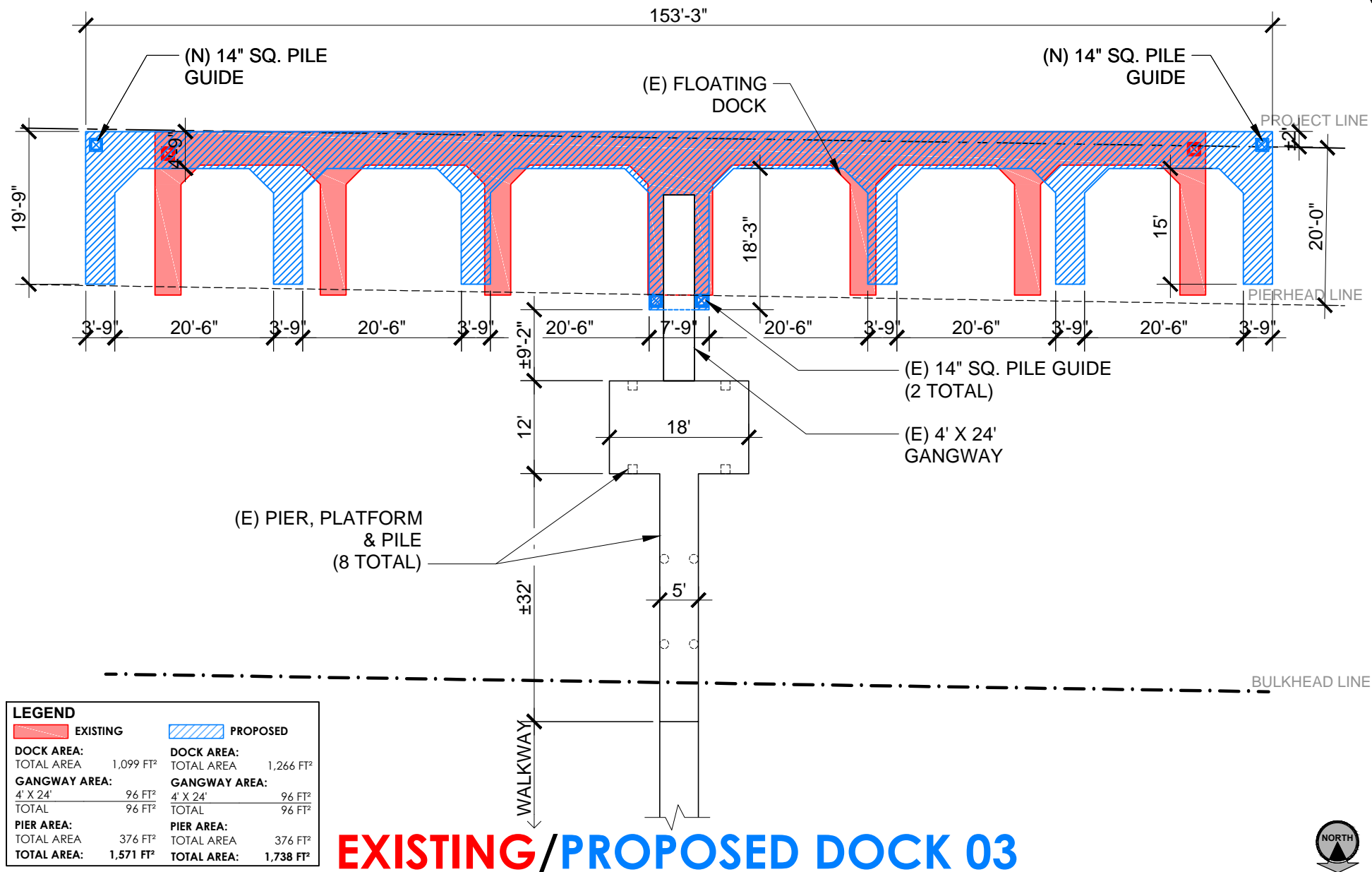
DOCK AREA:	
TOTAL AREA	1,266 FT ²
GANGWAY AREA:	
4' X 24'	96 FT ²
TOTAL	96 FT ²
PIER AREA:	
TOTAL AREA	376 FT ²
TOTAL AREA:	1,738 FT²

PROPOSED DOCK 03



SWIFT SLIP DOCK & PIER BUILDERS, INC.
6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121 Fax: (714) 509-0618

CLIENT		RO		2.0		06/20/24		AMENDMENTS			
BEACON BAY H.O.A.		DRAWN		CHECKED		DATE		REV	DESCRIPTION	BY	DATE
SITE											
BEACON BAY, NEWPORT BEACH, CA 92660											



SWIFT SLIP DOCK & PIER BUILDERS, INC.
6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121 Fax: (714) 509-0618

CLIENT

BEACON BAY H.O.A.

RO

DRAWN

--

CHECKED

2.0

REVISION

06/20/24

DATE

AMENDMENTS

REV	DESCRIPTION	BY	DATE

SITE

BEACON BAY, NEWPORT BEACH, CA 92660



CITY OF NEWPORT BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, July 10, 2024**, at **5:00 p.m.** or soon thereafter as the matter shall be heard, a public hearing will be conducted in the Council Chambers at 100 Civic Center Drive, Newport Beach. The Harbor Commission of the City of Newport Beach will consider approval of the following application:

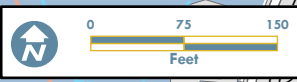
Reconfiguration of the four Beacon Bay homeowner association docks. (Application address 20 Beacon Bay)

This project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have significant effects on the environment. The project will be located on the same site and location as the structures replaced and will have substantially the same purpose, capacity and size as the structures replaced.

All interested parties may appear and present testimony regarding this project. If you challenge the project in court, you may be limited to raising only those issues you raised at the public hearing or in written correspondence delivered to the City at, or prior to, the public hearing. Administrative procedures for appeals are provided in the Newport Beach Municipal Code Chapter 17.65. These applications may be continued to a specific future meeting date, and if such an action occurs, additional public notice of the continuance will not be provided.

The agenda, staff reports, and corresponding documents will be available by end of business day on the Friday preceding the public hearings, and may be reviewed at the City Manager's Office (Bay E-2nd Floor), at 100 Civic Center Drive, Newport Beach, California, CA 92660 or at the City of Newport Beach website at www.newportbeachca.gov. Individuals not able to attend the meeting may contact the Public Works Department or access the City's website after the meeting to review the action on these applications. All mail or written communications (including email) from the public, residents or applicants regarding an agenda item must be submitted by 5 p.m. on the business day immediately prior to the meeting. This allows time for the Harbor Commission to adequately consider the submitted correspondence. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

For questions regarding the public hearing item, please contact Chris Miller, Public Works Administrative Manager, at cmiller@newportbeachca.gov
Project File No.: HAIC2024-0002



Beacon Bay Docks

- Target Property
- Notified Properties
- 300' Buffer
- Prolongated Lot Lines

NBGiS
NEWPORT BEACH

City of Newport Beach
GIS Division
June 17, 2024

RESOLUTION NO. HC2024-02

A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING IN CONCEPT A DOCK RECONFIGURATION AT 20 BEACON BAY

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

SECTION 1. STATEMENT OF FACTS.

1. The owner of the property at 20 Beacon Bay ("Property") has applied for a harbor development permit to remove and replace the four dock floats and one gangway of the Beacon Bay Homeowner Association floats ("Project"), as more specifically described and depicted in the Staff Report and its attachments. With the reconfigurations, the dock systems will continue to extend beyond the specified limits.
2. Section 17.35.030(A) of the Newport Beach Municipal Code (NBMC) prohibits piers and floats from extending beyond the specified limits without the approval of the Harbor Commission pursuant to subsection (G)(1).
3. A public hearing was held on July 10, 2024 at the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and NBMC Section 17.05.140(B). Evidence, both written and oral, was presented to, and considered by, the Harbor Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 (CEQA Guidelines) because it has no potential to have a significant effect on the environment. The replacement dock systems are in the same location and are substantially the same size and purpose as the dock systems they replace. The overwater coverage of the new dock systems is substantially the same as the existing dock systems.

SECTION 3. REQUIRED FINDINGS.

The Harbor Commission hereby adopts the following findings:

1. NBMC section 17.35.030(G)(1)(a). Special circumstances applicable to the subject property exist, such as location, shape, size, surrounding topography or other physical features.

Facts in Support of Findings: The Beacon Bay Homeowner Association community docks are located along a beach where no other residential docks exist. The City's Balboa Yacht Basin marina is immediately adjacent to the east of the Property and those floats extend to the Project Line. The replacement floats are substantially similar to the existing floats which have extended to the Project Line for over 50 years except for the Work Dock which had been constructed landward of the Project Line yet previously approved to the Project Line. The replacement floats accommodate the same number of vessels as the existing floats accommodate.

Additionally, the three main dock systems are orientated so that the slips are accessed via the landward side of the float therefore minimizing impacts channelward. Because of the proximity to the shoreline, relocating the floats landward to the specified limit would significantly hamper or eliminate access during most tide cycles.

2. NBMC section 17.35.030(G)(1)(b). Because of those special circumstances, strict compliance with the specified criteria would deny the property of privileges enjoyed by other properties in the vicinity.

Facts in Support of Findings: The replacement three main dock systems extend the same distance bayward to the Project Line as the existing, approved systems extend. Immediately east of the Property are the City's Balboa Yacht Basin marina floats which also extend to the Project Line. Allowing the Property's replacement floats to extend to the Project Line is consistent with the privileges other properties enjoy in the vicinity.

Additionally, the three main dock systems are orientated so that the slips are accessed via the landward side of the float therefore minimizing impacts channelward. Because of the proximity to the shoreline, relocating the floats landward to the specified limit would significantly hamper or eliminate access during most tide cycles. This would deny the Property the privilege of adequate slip access enjoyed by others in the vicinity.

3. NBMC section 17.35.030(G)(1)(c). The bayward extension will not provide the subject property with special privileges inconsistent with limitations on properties in the vicinity.

Facts in Support of Findings: The replacement three main dock systems extend the same distance bayward to the Project Line as the existing, approved systems extend. Immediately east of the Property are the City's Balboa Yacht Basin marina floats which also extend to the Project Line. Allowing the Property's replacement floats to extend to the Project Line is consistent with other properties in the vicinity and would not provide a special privilege.

4. NBMC section 17.35.030(G)(1)(d). There will be no negative impacts to adjacent property owners, harbor views, navigation, or future dredging.

Facts in Support of Findings: The replacement three main dock systems extend the same distance bayward to the Project Line as the existing, approved systems extend. Immediately east of the Property are the City's Balboa Yacht Basin marina floats which also extend to the Project Line as do the other floats eastward to the Balboa Island Bridge. There

will be no negative impacts to the adjacent property owners, harbor views, navigation or future dredging.

SECTION 4. DECISION.

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

1. In accordance with the above determination, this Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines because it has no potential to have a significant effect on the environment.
2. The Project, Beacon Bay Homeowner's Association dock system reconfigurations at 20 Beacon Bay, is approved in concept subject to the conditions set forth in Exhibit A.
3. This action shall become final and effective fourteen days following the date of adoption of this Resolution unless within such time an appeal or call for review is made in accordance with the provisions of NBMC Chapter 17.65 (Appeals or Calls for Review).

PASSED, APPROVED, AND ADOPTED THIS 10th DAY OF JULY, 2024.

AYES: Scully, Beer, Yahn, Cunningham, Marston, Williams, Svrcek

NOES:

ABSTAIN:

ABSENT:

BY: _____
Steve Scully, Chair

BY: _____
Marie Marston, Secretary

Exhibit(s):

Exhibit A – Special Conditions



Public Works
100 Civic Center Drive
Newport Beach, CA 92660

Special Conditions

July 10, 2024

Project: Reconfiguration of Four Homeowner Association Dock Systems
Address: 20 Beacon Bay

The approval in concept of the subject project at the above referenced address, to reconfigure the four dock systems in a similar configuration by removing and replacing the four floats, and removing and replacing a gangway, is subject to the following conditions:

1. The above referenced project and structure(s) is subject to all applicable federal, state, county and City of Newport Beach statutes, rules, ordinances, laws, and regulations, including but not limited to Title 17 of the Newport Beach Municipal Code.
2. Any future work on the above-mentioned structure(s) beyond that which is expressly permitted herein may require permits from the City of Newport Beach and any other applicable agencies. Painting and work considered to be cosmetic in nature does not require a permit. This approval does not extend to any changes to the operational characteristics, structures, and project beyond those expressly included as part of this approval.
3. The conditions set forth in this document pertain to the project as approved in concept. Any future modifications or alterations may require additional and/or updated conditions which may override or change these conditions. These conditions supersede all past conditions associated with this property.
4. Only marine oriented uses are allowed on the pier, pier platform, gangway, and float. Patio furniture, plants etc. are not permitted.
5. In accordance with subsections A and B.3 of the Newport Beach Municipal Code section 10.08.030 (Use of Streets and Sidewalks for Commercial Purposes), as amended from time to time or any other successor statutes thereto, the project applicant shall obtain the proper permits for equipment and materials storage.

6. The project shall be implemented in conformance with the current version of the City of Newport Beach Local Coastal Program – Coastal Land Use Plan.
7. The noise regulations in Newport Beach Municipal Code Section 10.28.040 (Construction Activity – Noise Regulations), as amended from time to time or any other successor statute thereto, apply.
8. Vessels shall not extend bayward beyond the east and west ends of each float by a distance of more than the maximum width of the beam.
9. Vessels may not extend beyond the prolongation of the east property line.
10. All required insurance shall be maintained in full force and effect during the pendency of this approval in concept.
11. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's Approval in Concept, the applicant's exercise of this Approval in Concept, the activities of the applicant carried on under authority of this Approval in Concept, and/or any related California Environmental Quality Act determinations. This indemnification shall include, but not be limited to, damages awarded against the City if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify City for all of City's costs, attorney's fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Lisa Walters, Public Works

Date

Applicant Signature

Print Name

Date

Joint Pier Applicant Signature (if applicable)

Print Name

Date



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

July 10, 2024
Agenda Item No. 8.1

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's objectives. This is the time the ad hoc committees will provide an update on their projects.

RECOMMENDATION:

- a) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- b) Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The Harbor Commission has 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)
- General Plan Vision Statement Ad Hoc – Commissioners Scully and Marston (08-09-2023)
- Public Dock Utilization Ad Hoc (04-10-2024) – Commissioners Beer, Svrcek and Williams.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

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



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

July 10, 2024
Agenda Item No. 8.2

TO: HARBOR COMMISSION

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

TITLE: Harbor Commission 2024 Objectives

ABSTRACT:

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

RECOMMENDATION:

- a) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- b) Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

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

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

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

ATTACHMENTS:

Attachment A – Harbor Commission 2024 Objectives

Newport Harbor Commission Purpose & Charter

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

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

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

Harbor Commission – Objectives

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

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

2024 Newport Beach Harbor Commission Goals and Assignments

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



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

July 10, 2024
Agenda Item No. 8.3

TO: HARBOR COMMISSION

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

TITLE: Harbormaster Update – June 2024 Activities

ABSTRACT:

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

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

RECOMMENDATION:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

Preparation for the busy summer season was the focus of activities for the Harbor Department in June. Details on the delivery of some services in support of our mission are summarized below.

Clean

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

- A dinghy at a public dock was observed discharging into the harbor. Alert Harbor Service Workers (HSW) boomed off the dinghy and absorbed the discharge
- Based on a public comment at a Harbor Commission meeting, we connected with Public Works on their "Clean Up" program initiated several years ago and mainly focused on the ocean beaches. In the future, they will incorporate harbor beach cleanups into their lineup. It is also worthy of note that there are active programs to remove debris from the surface of the harbor (Tim Smith's private skimmer, HD patrol boats equipped with skimmers (see Stats) and automated rovers coming to the harbor before the end of the year) plus a pilot program to remove large debris from the bottom of the bay using both divers to mark the material and cranes/davits to lift and remove
- The Marine Flare Disposal event was not as well attended as hoped (70+ cars) but no one had to wait and a significant amount of material was collected
- In a related story, the Marine Flare Producer Responsibility Act passed the State Senate 34-0. The State Assembly will consider the bill soon. The Governor would have to sign to become law
- A tire found floating in the coves was removed and disposed of properly
- A visiting vessel well-known to the Harbor team enjoyed an extended stay in the harbor. We suspect they illegally enjoyed a couple of nights on a public dock. We were unable to collect evidence that they were overstaying the time limit. HSWs gave them information on harbor rules, public docks, and the anchorage
- The team put significant effort into dock and facility maintenance at Marina Park. Trash receptacles and the entire Marina including gangway, piling caps, dock boxes and pedestals were prepared for the expected heavy use

Safe

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

- Several instances of speeding were observed, addressed, and resolved
- Several instances of bow and stern riding were observed and corrected
- Swimmers jumping off a moving electric vessel were contacted and educated about safe boating practices
- A local woman known to the Department attempted to board a boat in the marina at Marina Park, slipped, and went into the water. HSWs quickly retrieved her from the water and provided first aid to some abrasions and swelling. Nbfd was called they arrived quickly and confirmed the application of first aid. She was escorted home by Nbfd
- HSWs on patrol were approached by a federal agency operating on the water. They asked if they could practice maneuvering alongside our vessel as part of their training. We were pleased to collaborate with them on their training. They expressed their gratitude and indicated they look forward to collaborating with us in the future
- The anchorage boundary buoy positions were confirmed with a little charting and navigation exercise. In the near future the east anchorage buoys will be replaced

to make them consistent with the west anchorage buoys and distinguish them from the racing marks

- Several mooring assists were provided including one that involved contact between the mooring permittee requesting service and the vessel on the next mooring. Follow-up with both permittees was conducted. Unskilled mariners can have trouble in any conditions including the current mooring layout. Mariners are advised to assess their skills and capabilities given current conditions and ask for assistance BEFORE they get into trouble
- Observers may well have mistaken an incident at Marina Park for a remake of the Hitchcock film, “The Birds”. Staff and marina customers were attacked by fowl associated with an impounded vessel. Hitchcock made the original film in 1963 to convey his concerns regarding humanity’s failure to appreciate and protect nature
- Discussions and techniques for gaining compliance with advisements on speed and wake were carried out
- Several instances of improper anchoring were addressed including education on proper tackle and techniques
- Solar-powered, US Coast Guard-approved lights were installed on various Private Aids to Navigation throughout the harbor. More lights will be installed by the end of July. Funds to purchase the lights were provided by the Newport Harbor Foundation via a grant
- Two wave runners speeding in the harbor were stopped and educated. Others who did not stop were cited
- HSWs provided first aid to another Marina Park customer
- A report of two missing children on a paddleboard was received at the end of the watch. A survey of HSWs coming off the water indicated the paddlers in question had been seen near Marina Par. A quick transit back out on the harbor resulted in an escort for the paddlers back to their parents anxiously awaiting their arrival
- At the invitation of the US Coast Guard, HSWs participated in training with the cutter “Narwhal” and tender “Narwhal 1” in the ocean
- Several disabled boats were assisted back to safety
- A sub-permittee/guest who lost reverse was assisted onto his mooring. Another sub-permittee was assisted off a different mooring at his departure
- An expensive camera was left on the Washington St. public dock. An investigation led to the discovery that the equipment belonged to a commercial charter operator. Upon contact and proof of ownership, the equipment was returned

Well-enjoyed

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

- The Dockmaster assisted a babysitter with kids visiting Marina Park in locating a lost pair of keys
- HSWs took the initiative to hire a diver to search for a pair of glasses lost by a mooring permittee when he fell off the dock after a recent surgery. Once retrieved, in an act of service well “above and beyond”, the glasses were delivered personally to the permittee in San Clemente by HSW Lebano

- A vessel exceeding noise limits was advised and complied
- An unpermitted electric vessel charter was observed using the Balboa Marina public dock to drop off guests. The registered owner of the vessel was identified and notified of various violations
- A recognizable commercial charter vessel was observed (and documented) loading and unloading passengers at the 15th St. public dock. The operators of the charter vessel were notified of this violation and restrictions on the use of public docks
- An argument between a boater and fisherman on the M Street public dock was settled by HSWs
- The Mayor was taken on harbor tour, along with the youth winner of “Mayor for the Day” and her family. The tour focused on code enforcement, water quality and recent improvements to the water quality and methods for measuring in the harbor
- Several calls were received about excessive noise and material discharge from a large vessel in the Lido Marina Village marina. HSWs responded, advised the crew working on the boat, and forwarded documentation which resulted in a citation
- A rental electric vessel enjoyed an unoccupied mooring and a break from their excursion. Day use of unoccupied moorings is permissible for private and chartered vessels

Odds and Ends

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

- In collaboration with Animal Control the Dockmaster captured a pelican on the dock at Marina Park and sent it to rehab. The capture was very impressive and the outcome was a success for the bird
- The Department has officially switched radio operations from VHF 19A to 17. Multiple daily announcements on channel VHF 19A are being made
- A vessel collision witnessed by HSWs was documented and communicated to the registered owners of both vessels and the OC Sheriffs Harbor Patrol. The vessel owner not on scene was very grateful for the contact and documentation
- Our application to the California Coastal Commission for the C Mooring Field optimization was accepted (deemed complete) on June 19 after honoring some last-minute graphics requests
- A film crew spent a day with HSWs obtaining footage/video for what will become a three-minute video on safety in Newport Harbor. We were grateful for some collaboration with our colleagues in the City Recreation Sailing program and a small vessel rental operation (Balboa Water Sports). They provided subjects and material to include in the video. A safety video that rental concessions can show their customers and anyone will be able to access from the Harbor Department website should be coming soon
- The registered owner of a large vessel which has been in impound for several months was observed aboard the vessel and cutting the lock on another impounded vessel that does not belong to him. After several contacts with the

owner, the police were called and the owner was arrested on a misdemeanor for taking another's property. After that arrest, we believe the subject was arrested on a felony warrant. He has yet to come to the Harbor Department to retrieve his impounded vessel as he indicated

- A contractor carrying out repairs to the Lido Isle Bridge was transported to a site accessible only by boat over the course of four early mornings commensurate with favorable tides
- A vessel wanting to be assigned to a mooring was inspected but did not pass. A list of deficiencies was provided and addressed by the owner/permittee. We expect the list to be addressed and the vessel to pass inspection soon

The most amusing call of the month came from an irate waterfront business owner and mooring permittee. He was irate over two items:

- 1) The 48-hour application requirement that one of his customers, a commercial fisherman must meet when he wants to make use of the Rhine Wharf to offload his for-profit catch
- 2) A notice of violation the business owner received related to the condition of the spreader line on his permitted mooring

After listening to the irate business owner use loud, threatening, and profane language, I explained that:

- As a commercial operator, the fisherman was at liberty to make whatever arrangements he wanted at any commercial facility for offloading his catch and ensuring its freshness. If however, that commercial fisherman wanted to continue to use the Rhine Wharf, for free, he is subject to the same requirements and conditions that all other users of that public amenity are and that no special accommodation can be offered to any one user as a matter of fairness to all users. Further, that public amenity is adjacent to waterfront residences. The peaceful enjoyment of those residences guides the intensity and characteristics of the use of the Rhine Wharf
- As a mooring permittee the caller is subject to the same conditions and requirements as every other mooring permittee who chooses to leave the mooring unoccupied with a spreader line. Further, he was not singled out by HSWs. HSWs performing mooring inspections do not reference who the permittee on any particular mooring might be but rather perform their inspections consistently across all permittees, of all skill levels in all fields. When any deficiency is noted a Notice of Violation (NOV) is issued to the permittee using consistent language reviewed and approved by the City Attorney. Lastly, submerged spreader lines constitute a significant hazard to mariners, especially inexperienced mariners operating during low visibility conditions transiting the harbor. Statistics on the assistance we provide for mariners in such unfortunate circumstances were also offered

The complaining business owner was not satisfied with my explanations and went on to accuse me of changing the character of the harbor and driving business (commerce) out of the harbor. He exaggerated the language in the NOV he received and took exception to the exaggerated language.

The specific (NOV) received by the caller is included with this report as Attachment E. The language in this NOV is consistent with all NOVs we issue.

The language on the welcome page of an application to use the Rhine Wharf appears in Attachment F and must be acknowledged by all who apply for permission to use this public amenity.

The Harbormaster seeks feedback from the Commission and the public on whether these arrangements are reasonable, in line with the objectives of the Commission, and support the Harbor Department's "clean, safe and well-enjoyed" mission. Suggestions for improvement to these aspects of the Harbor Department's operations are welcomed. Support for communicating and amplifying these policies and their rationale may be helpful in reducing the anger and abuse directed at department team members and the Harbormaster in particular as we carry out our duties.

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).

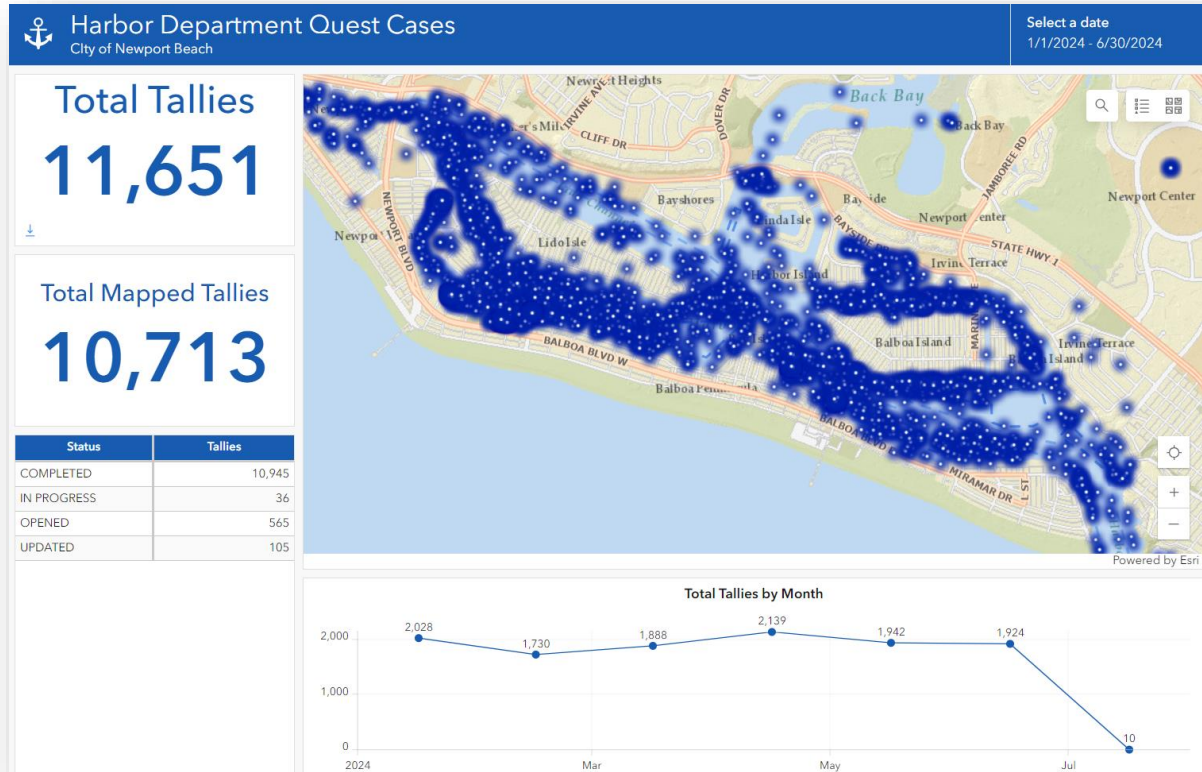
ATTACHMENTS:

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
Attachment E – Notice of Violation Example
Attachment F – Rhine Wharf Permit Application Welcome Page

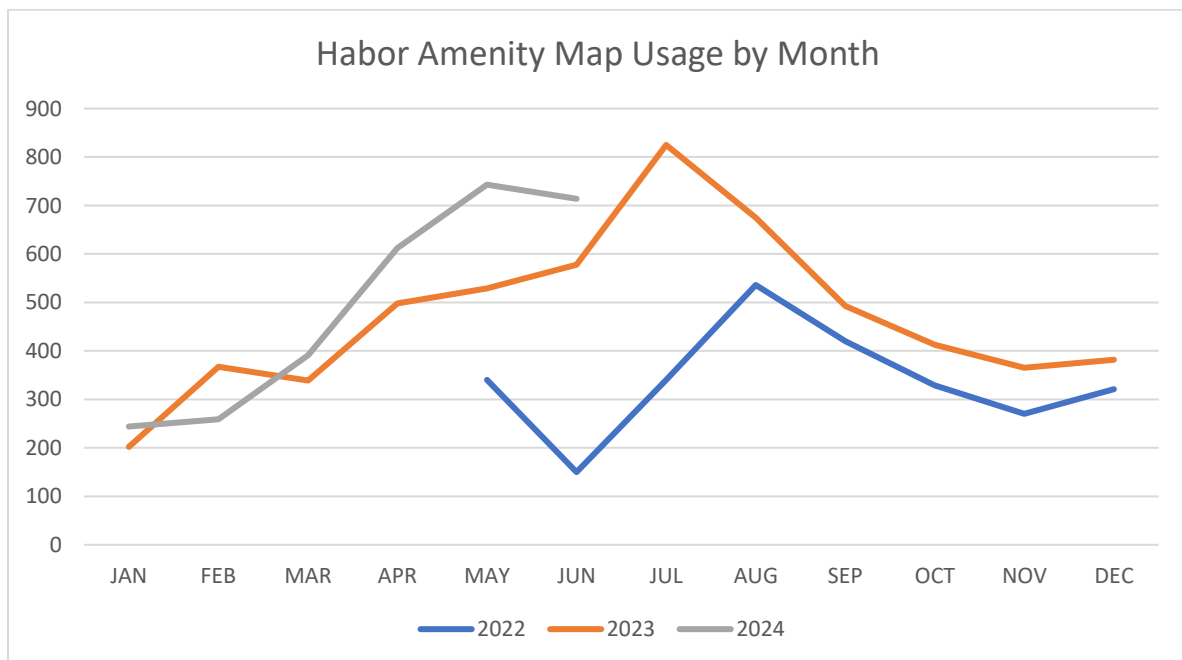
HARBOR DEPARTMENT STATISTICS INFOGRAPHIC

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

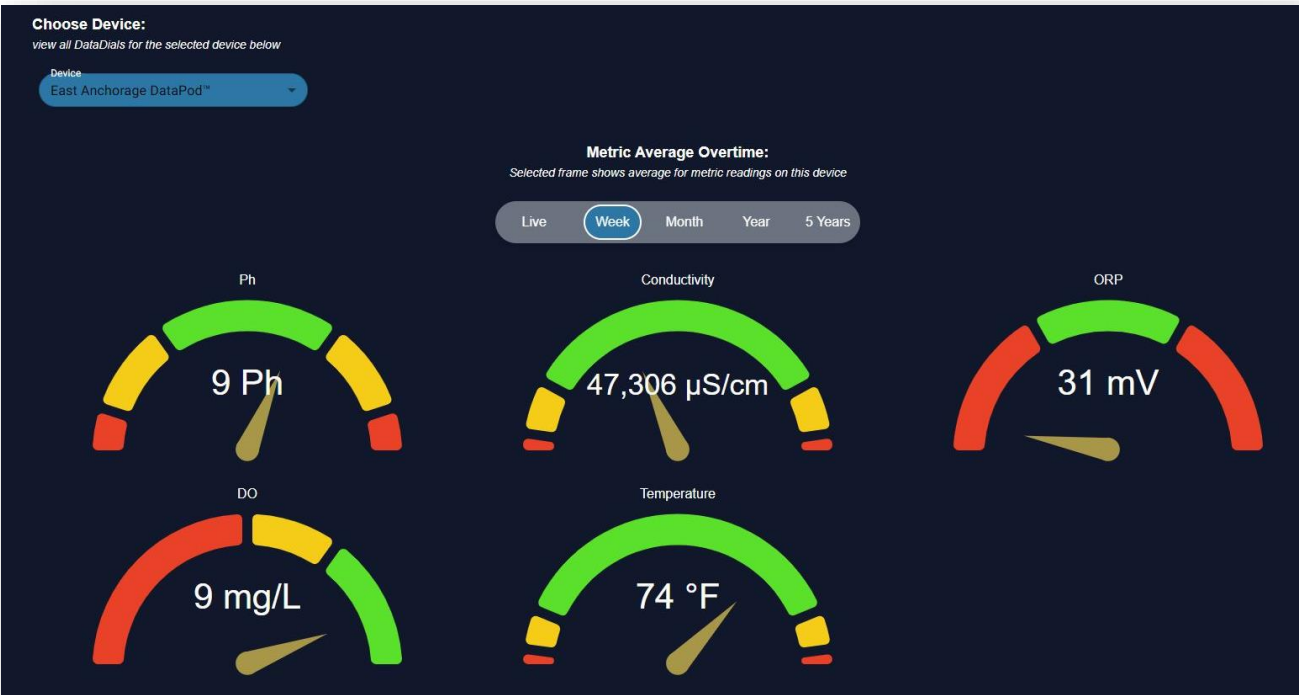
Heatmap of Harbor Service Requests – Year to Date



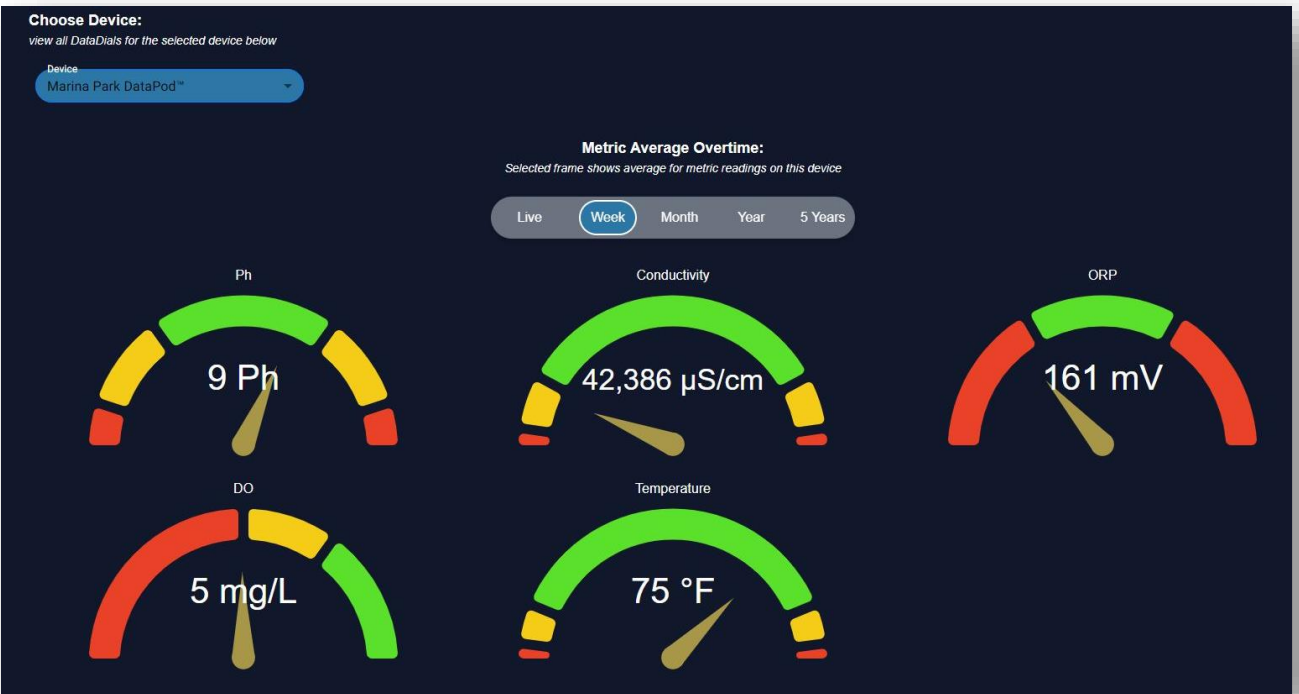
Harbor Adjacent Public Amenity Map Usage



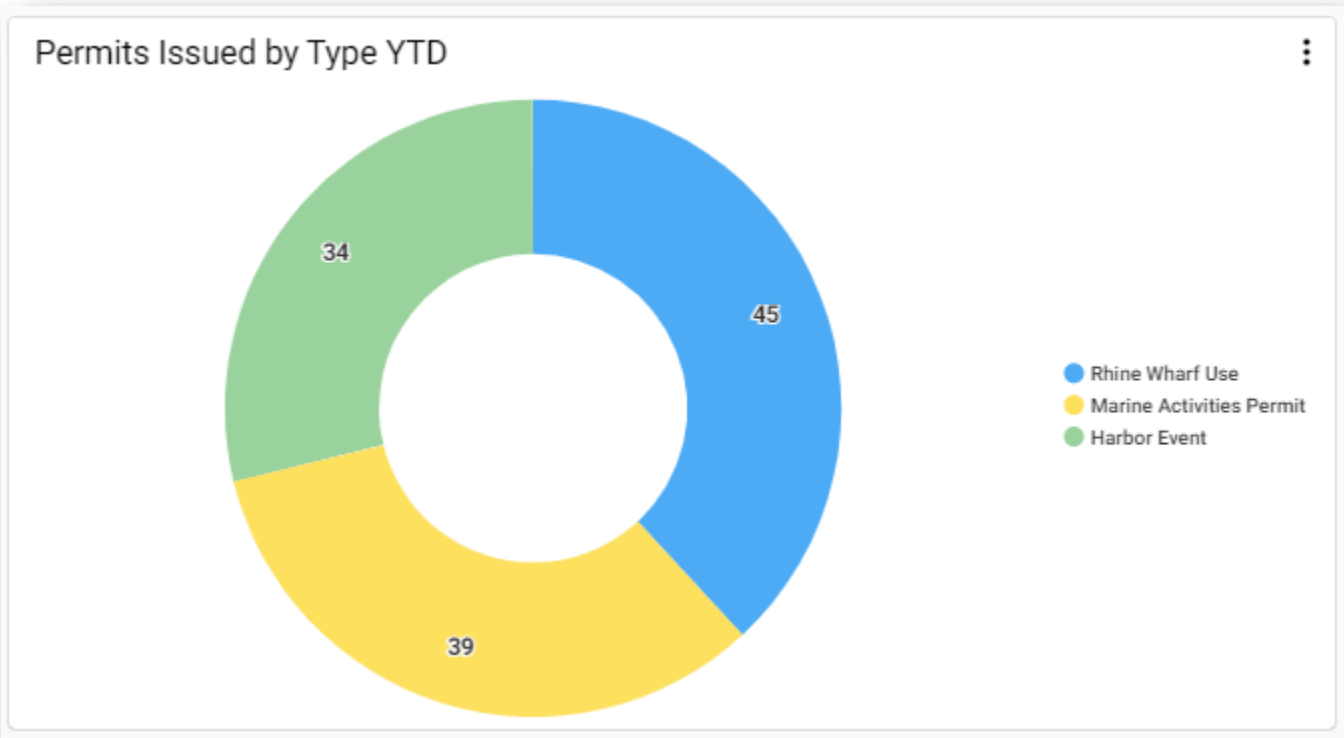
Water Quality Monitoring – East Anchorage



Water Quality Monitoring – Marina Park



Permit Activity in 2024



Harbor Department Statistics

Fiscal Year 2023-2024

	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	YTD
Anchorage-Daytime Raft-up, No Permit Required	0	0	0	0	0	0	0	0	0	0	0	1	1
Anchorage -3 Day Limit Violation	1	0	6	1	5	3		2	1	1	3	0	23
Anchorage -Improper Anchoring	22	10	19	3	1	10	7	9	6	21	15	11	134
Anchorage-Raft-up permit Required	0	0	0	0	0	0	1	0	0	0	20	0	21
Anchorage-Unattended Vessel	0	0	0	0	2	1	0	3	3	2	0	1	12
Anchorage Dye Tab	36	27	25	28	15	11	17	7	11	22	46	24	269
Assisting Vessels Over 20'	19	9	18	2	9	8	4	5	4	10	5	5	98
Assisting Vessels Under 20'	10	18	14	7	8	4	15	12	4	7	7	11	117
Boat Maintenance	4	13	21	24	16	15	16	18	13	15	10	21	186
Bridge Jumpers	42	80	43	10	1	0	0	0	0	7	11	2	196
Code Enforcement	134	62	65	48	68	37	71	74	78	91	78	73	879
Daily Anchorage Check	53	40	68	83	95	17	23	28	35	49	56	69	616
Dewatering Vessels	0	0	0	0	0	0	35	85	26	8	0	2	156
Discharge/Pollution	4	5	6	3	2	4	11	5	105	6	6	7	164
Dock/Pier/Bridge Issue	42	18	9	15	0	7	27	19	38	36	43	52	306
Emergency	2	2	0	0	1	0	0	0	1	1	0	7	14
General Assist	47	125	71	72	54	168	32	0	69	42	48	42	770
Hazards/Debris	11	20	14	10	13	7	28	0	119	9	24	11	266
Human Lift Use Request	0	0	2	0	0	1	2	0	2	0	0	0	7
Impound	9	15	10	47	23	18	17	13	15	13	18	7	205
Impound Relocation	0	0	0	0	0	0	1	11	4	19	6	4	45
Incident	32	25	27	13	18	11	12	16	9	12	11	19	205
Marina Park Dock Maintenance	12	27	9	13	21	21	20	8	22	22	24	16	215
Mooring Assist	22	14	20	12	11	9	1	7	5	9	10	14	134
Mooring Check	158	117	97	74	100	288	148	60	47	36	54	49	1228
Mooring Field Vacancy Check	31	28	19	35	36	42	110	101	112	133	159	169	975
Navigational Lighting	0	0	0	0	0	3	7	0	0	1	0	18	29
Noise	1	0	1	0	5	3	0	1	0	1	2	2	16
Paddleboard/Kayak	8	18	4	1	0	0	2	0	2	7	9	17	68
Proactive Patrol	0	0	0	0	0	0	16	12	50	153	32	10	273
Public Contact	143	104	76	69	74	44	101	137	103	104	101	10	1066
Public Dock Enforcement	669	706	804	1,009	999	722	773	615	823	1001	913	930	9,964
Pump Out	19	15	14	7	9	23	8	2	3	10	8	18	136
Registration & Insurance	16	34	21	61	37	36	230	11	20	24	61	36	587
Sea Lions	15	58	106	40	20	8	22	17	15	25	40	21	387
Speeding	37	23	23	6	8	3	9	3	14	6	26	24	182
Spreader Line	2	6	6	0	2	3	4	0	1	2	1	6	33
Sub Permit Dye Tab	0	7	3	2	0	4	15	1	1	1	5	1	40
Swim Line	5	4	2	0	0	3	0	0	0	1	4	2	21
Training	0	0	0	0	0	0	0	0	0	2	3	2	7
Trash	7	85	62	59	109	62	37	69	122	215	25	74	926
Vessel Inspections	0	0	0	1	15	14	5	5	3	8	2	2	55
Rentals - Marina Park Slips	170	173	170	109	66	71	45	34	69	120	96	140	1,263
# of nights	510	495	441	372	231	281	153	102	206	284	297	398	3,770
Rentals - MP Sand Lines	24	18	19	15	16	11	3	4	0	2	9	9	130
# of nights	82	99	76	71	72	74	34	45	0	6	31	27	617
Offshore Mooring Sub-permittee	116	92	121	106	104	111	127	122	122	98	97	104	1,320
# of nights	696	876	971	1,052	814	984	1,033	866	547	662	509	628	9,638
Onshore Mooring Sub-permittee	61	52	48	53	46	35	31	30	26	25	37	23	467
# of nights	744	755	912	737	470	438	407	417	355	377	349	425	6,386
Code Enforcement													
New Cases	102	98	97	80	77	73	174	119	56	80	67	75	1098
Closed Cases	64	98	63	72	119	141	118	103	95	87	53	41	1054
Verbal Warning	13	12	8	3	11	8	17	19	6	7	8	11	123
Warning Notices	76	83	83	104	79	67	216	135	74	101	80	52	1150
Admin Cites	18	19	16	13	9	0	0	0	0	0	0	0	75
MAPS Issued	0	0	3	1	3	2	0	1	0	0	0	0	10

Harbor Department Statistics Comparison Year over Year																											
	Jul-22	Jul-23	Aug-22	Aug-23	Sep-22	Sep-23	Oct-22	Oct-23	Nov-22	Nov-23	Dec-22	Dec-23	Jan-23	Jan-24	Feb-23	Feb-24	Mar-23	Mar-24	Apr-23	Apr-24	May-23	May-24	Jun-23	Jun-24	YTD 22-23	YTD 23-24	
Anchorage-Daytime Raft-up, No Permit Required	1	0	28	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	29	1		
Anchorage -3 Day Limit Violation	7	1	0	0	2	6	2	1	1	5	0	3	0	0	2	2	0	1	0	1	0	3	2	0	17	23	
Anchorage -Improper Anchoring	7	22	2	10	13	19	2	3	2	1	3	10	1	7	0	9	2	6	0	21	3	15	3	11	35	134	
Anchorage-Raft-up permit Required	0	0	2	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	20	0	0	2	21	
Anchorage-Unattended Vessel	0	0	0	0	0	0	0	2	0	2	0	0	0	0	0	0	0	3	0	2	0	0	0	1	0	10	
Anchorage Dye Tab	0	36	0	27	0	25	0	28	0	15	0	11	0	17	0	7	0	11	0	22	31	46	9	24	51	269	
Assisting Vessels Over 20'	6	19	7	9	6	18	10	2	5	9	5	8	8	4	13	5	10	4	6	10	16	5	8	5	102	98	
Assisting Vessels Under 20'	9	10	8	18	4	14	4	7	17	8	12	4	46	15	19	12	20	4	9	7	9	7	13	11	170	117	
Boat Maintenance	7	4	19	13	17	21	7	24	7	16	19	15	6	16	12	18	7	13	18	15	16	10	18	21	151	186	
Bridge Jumpers	36	42	164	80	56	43	0	10	1	1	0	0	0	0	0	0	0	0	3	7	0	11	5	2	209	196	
Code Enforcement	93	134	90	62	88	65	43	48	42	68	86	37	53	71	65	74	43	78	49	91	87	78	101	73	789	879	
Daily Anchorage Check	55	53	48	40	66	68	54	83	22	95	22	17	17	23	26	28	22	35	22	49	39	56	31	69	375	616	
Dewatering Vessel	0	0	0	0	0	0	0	0	0	0	0	0	0	35	0	85	0	26	0	0	0	0	0	2	0	148	
Discharge/Pollution	4	4	5	5	7	6	4	3	0	2	4	4	6	11	3	5	6	105	6	6	4	6	10	7	56	164	
Dock/Pier/Bridge Issue	0	42	36	18	10	9	20	15	10	0	10	7	28	27	3	19	4	38	25	36	26	43	14	52	183	306	
Emergency	1	2	1	2	0	0	0	0	0	1	0	0	1	0	1	0	0	1	1	1	0	0	0	7	5	14	
General Assist	48	47	46	125	24	71	42	72	13	54	40	168	83	32	39	0	40	69	73	42	70	48	65	42	727	770	
Hazards/Debris	7	11	9	20	14	14	3	10	5	13	12	7	13	28	15	0	39	119	6	9	8	24	12	11	136	266	
Human Lift Use Request	0	0	0	0	0	2	3	0	0	0	0	1	0	0	2	0	0	2	1	0	0	0	2	0	9	5	
Impound	9	9	17	15	17	10	31	47	9	23	11	18	6	17	10	13	11	15	17	13	18	18	14	7	171	205	
Impound Relocation	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	11	0	4	0	19	0	6	0	4	0	45	
Incident	16	32	20	25	11	27	5	13	7	18	13	11	9	12	16	16	17	9	6	12	18	11	19	19	157	205	
Marina Park Dock Maintenance	24	12	60	27	11	9	332	13	155	21	301	21	16	9	7	8	15	22	19	22	15	24	19	16	984	195	
Mooring Assist	9	22	14	14	10	20	2	12	2	11	11	9	3	1	6	7	9	5	8	9	9	10	21	14	103	134	
Mooring Check	94	158	82	117	118	97	54	74	47	100	37	288	51	148	43	60	67	47	88	36	112	54	150	49	1113	1,228	
Mooring Field Vacancy Check	5	31	0	28	0	19	5	35	0	36	4	42	18	110	0	101	0	112	0	133	0	159	0	169	74	975	
Navigational Lighting	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	1	0	0	0	18	3	22	
Noise	4	1	0	0	1	1	0	0	0	5	4	3	0	0	0	1	0	0	0	1	2	2	2	2	15	16	
Paddleboard/Kayak	3	8	11	18	3	4	2	1	1	0	0	0	1	2	3	0	6	2	4	7	2	9	2	17	35	68	
Proactive Patrol	0	0	0	0	0	0	0	0	0	0	0	0	0	16	0	0	0	2	0	153	0	32	0	10	0	213	
Public Contact	203	143	207	104	81	76	232	69	89	74	86	44	62	101	56	137	73	103	4	104	128	101	91	10	1275	1,066	
Public Dock Enforcement	820	669	991	706	619	804	471	1,009	474	999	312	722	404	773	453	615	411	823	533	1,001	887	913	839	930	7317	9,964	
Pump Out	12	19	16	15	9	14	6	7	3	9	8	23	2	8	7	2	14	3	9	10	18	8	16	18	134	136	
Registration & Insurance	690	16	78	34	19	21	60	61	54	37	26	36	85	230	22	11	35	20	55	24	36	61	33	36	1210	587	
Sea Lions	24	15	52	58	74	106	27	40	6	20	6	8	17	22	7	17	11	15	35	25	56	40	26	21	275	387	
Speeding	12	37	8	23	13	23	2	6	1	8	4	3	1	9	5	3	5	14	12	6	12	26	23	24	88	182	
Spreader Line	12	2	7	6	6	6	6	0	3	2	1	3	0	4	1	0	0	1	2	2	1	1	7	6	43	33	
Sub Permit Dye Tab	0	0	0	7	0	3	0	2	0	0	0	0	0	15	0	0	0	1	2	1	8	5	1	1	11	35	
Swim Line	1	5	2	4	4	2	5	0	0	0	2	3	2	0	0	0	0	0	2	1	1	4	4	2	22	21	
Training	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	3	2	0	7		
Trash	33	7	129	85	55	62	14	59	2	109	16	62	42	37	83	69	248	122	22	215	92	25	47	74	790	926	
Vessel Inspections	0	0	0	0	0	0	0	1	0	15	0	0	0	5	0	5	0	3	0	8	0	2	0	2	0	41	
Rentals - Marina Park Slips	164	170	160	173	167	170	108	109	60	66	83	71	41	45	48	34	71	69	105	120	85	96	100	140	1096	1,263	
# of nights	543	510	663	495	518	441	283	372	207	231	347	281	161	153	545	102	391	206	657	284	509	297	260	398	4847	3,770	
Rentals - MP Sand Lines	19	24	18	18	20	19	21	15	5	16	6	11	3	3	7	4	8	0	16	2	13	9	16	9	143	180	
# of nights	35	82	53	99	56	76	48	71	10	72	14	74	23	34	50	45	126	0	77	6	76	31	79	27	665	776	
Offshore Mooring Sub-permit	130	116	100	92	87	121	70	106	43	104	100	111	71	127	54	122	53	122	98	98	104	97	94	104	1028	1,320	
# of nights	691	696	558	876	538	971	490	1,052	326	814	419	984	358	1,033	299	866	262	547	576	662	654	509	562	628	6179	9,638	
Onshore Mooring Sub-permit	64	61	53	52	57	48	43	53	36	46	37	35	28	31	22	30	31	26	37	25	41	37	38	23	465	467	
# of nights	841	744	736	755	706	912	586	737	501	470	528	438	359	407	303	417	419	355	414	377	476	349	503	425	6104	6,386	
Code Enforcement																											
New Cases	76	102	103	98	128	97	95	80	63	77	65	73	134	174	122	119	101	56	81	80	126	67	132	75	1171	1,098	
Closed Cases	34	64	51	98	118	63	85	72	104	119	49	141	158	118	55	103	78	95	144	87	90	53	113	41	1102	1,054	
Verbal Warning	15	13	10	12	22	8	17	3	11	11	12	8	42	17	13	19	18	6	17	7	16	8	11	11	190	123	
Warning Notices	28	76	80	83	92	83	83	104	59	79	47	67	108	216	106	135	103	74	60	101	101	80	111	52	953	1,150	
Admin Cites	12	18	11	19	24	16	8	13	4	9	13	0	9	0	32	0	16	0	13	0	19	0	17	0	154	75	
MAPS Issued	0	0	2	0	2	3	3	1	4	3	7	2	3	0	6	1	8	0	6	0	3	0	7	0	51	10	

Harbor Department Definitions

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



NOTICE OF VIOLATION

CITY OF NEWPORT BEACH
HARBOR DEPARTMENT
1600 W. Balboa Blvd, Newport Beach, CA 92663
949-270-8159

Name of Owner or Business: XXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX
Balboa, CA 92661-0660

Case #: HD24-0535
Notice Date: 06/08/2024

Warning Only:
Previously Advised:
Final Warning: **X**

An inspection of the premises located at **A-2XX** on **Saturday, June 8, 2024**, revealed a violation(s) of the Newport Beach Municipal Code.

NEWPORT BEACH MUNICIPAL CODE SECTION / DESCRIPTIONS OF VIOLATION: 17.25.020F, CHAINS AND FASTENINGS
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Correction(s) Required:

1. Please provide floats for spreader line.
2. All mooring lines on buoys shall be so arranged that, when dropped, they will immediately sink. It shall not be a violation of this subsection for a double mooring to connect two mooring anchor lines or buoys with a spreader line having floats attached thereto to keep such spreader line afloat when the mooring is unoccupied.

ALL LISTED VIOLATIONS MUST BE CORRECTED ON OR BEFORE: **Monday, June 17, 2024**

If the violations are not corrected by the date specified, an ADMINISTRATIVE CITATION may be issued and penalties will begin to accrue (\$100, \$200, \$500, \$1000, \$2000, \$3000) each day. Additional enforcement actions such as administrative citations, administrative penalties, prosecution and/or civil injunction may be utilized to correct this violation(s).

A REINSPECTION WILL BE MADE ON OR AFTER THE CORRECTION DATE. IF THE CORRECTION(S) IS NOT COMPLETED, AN ADMINISTRATIVE CITATION MAY BE ISSUED AND FEES WILL BEGIN TO ACCRUE.

The City of Newport Beach recognizes that oversights occur and challenges come up. We encourage you to contact the Harbor Department for questions about this notice or to request an extension of time if one is needed. We understand the importance of working together and appreciate your cooperation in this matter.

Print Name of Officer: **Steven Estrada**

Signature of Officer: *Steven Estrada*

Officer ID#: 8170

HARBOR DEPARTMENT

Attachment F – Rhine Wharf Permit Application Welcome Page

Dashboard Home Apply My Work Today's Inspections - Service Window Map Fee Estimator Pay Invoices Search Calendar

Apply for Permit - Rhine Wharf Use Permit REQUIRED

1

2

3

4

5

6

TypeContactsMore InfoAttachmentsSignatureReview and Submit

PERMIT DETAILS

Anyone wanting to use the Rhine Wharf for loading or unloading equipment, materials, etc. is required to submit this permit application. The Harbor Department must be notified no later than 48 hours in advance of the day of planned use. Please provide a brief description of activity for which you seek a permit.

* Permit Type Rhine Wharf Use Permit

Description

Create Template

Save DraftNext

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