

**NEWPORT BEACH HARBOR COMMISSION
PUBLIC MEETING
Review of Proposed Changes to Title 17 of the Harbor Code
Marina Park, 1600 W. Balboa Blvd., Newport Beach, CA 92663
Monday, May 6, 2019
6 PM**

Commissioner Kenney reported proposed changes to Sections 17.01, 17.05, 17.20, 17.25, 17.30, and 17.35 will be reviewed. Proposed changes to the second half of the Harbor Code will be reviewed the following Monday night. Comments submitted during and outside the meeting are available to the Harbor Commission Ad Hoc Subcommittee, who will consider each comment. The public is invited to comment on the proposed revisions during the Harbor Commission's review of the subcommittee's recommendations and the City Council's review of the Harbor Commission's recommendations.

Assistant City Manager Carol Jacobs advised that the Harbor Commission Ad Hoc Subcommittee met following the prior public meeting, and its determinations are provided as comments in the redline document.

PUBLIC COMMENT	RESPONSE	Subcommittee response
Applicant definition		
A trust, company, business is not a person.	I would support using the simplest definition, applicant means a person applying for a permit under this title. The definition of person includes trust, corporation. Staff will suggest the definition to the City Attorney for consideration.	Changed to simple definition. Waiting for CAO review.
Bulkhead definition		
If the bulkhead lies on private property, we're paying property taxes on that. If it was farther out, beyond the bulkhead line, it would all be on state lands. Correct? The best tool the City has come up with is when the dock tax came up, you have the satellite image of where the bulkhead line is and where the pierhead line is when they're the same. We found out where our property line is in relation to the Harbor. I don't know that this is the place to make that distinction. If a bulkhead lies inside, meaning on the private property side, of the bulkhead or coincides with it, then it is private property. My tendency is to think that should be explained here.	I'm going to advocate against that. The bulkhead is the bulkhead whether it lies on the property line, inside or outside. There are property definitions and implications thereof when the bulkhead lies in one of those three positions. This is not the place to define that.	No change recommended.
Fairway definition		

<p>I believe that should say the area designated by the City. Otherwise, it makes it all over the whole mooring field. In most places there's not room for passage between the different boats except the areas that are left open, which is a fairway. To put any mooring balls basically makes the whole mooring field a fairway. There are now established fairways where there are spaces left for pressing between the mooring fields.</p>	<p>Gaps in the mooring fields are different from what we're trying to define here. We're trying to define a fairway within a mooring area.</p>	<p>No additional changes recommended. This will also be addressed with the proposed changes to the mooring extension discussion.</p>
<p>I have the same problem trying to visualize what it's trying to do, define, or illustrate. Whether a mooring field has a fairway in it, many or all of the spaces are fairways. The bigger question is, is the definition needed for anything. Is it used anywhere in the Harbor Code or is it referred to in other regulations that maybe say as defined in the Harbor Code? I could not find it in Title 17. Should it perhaps be there in Title 17? Why is it here if it's not referred to elsewhere in the Title? I would again suggest it could be illustrated. You might have a little diagram showing what you're trying to describe.</p>	<p>It's referred to in the design and building standards for structures on the Harbor, including moorings. We're also using fairways when we add the language dealing with extension of moorings. It's something to come. We could have a federal fairway and a city fairway within a mooring field. We could put in the U.S. Coast Guard definition of a fairway, and then we could put in mooring fairway, which would identify the open space between the lanes. Or a mooring field fairway. What if we said Fairway A as defined by the U.S. Coast Guard is X, and B, mooring field fairway, is Y. Since there is not yet a diagram anywhere else in Title 17 and I am clear on what a fairway is, I'm going to advocate that we don't put in a diagram at this time.</p>	<p>Recommended against a diagram in the Municipal Code.</p>
<p>Some of this stuff like this particular discussion, it's important that there's an establishment of stipulation. The City's acting in good faith to try to come up with definitions and write the agreement, and we as mooring holders go along with some of this stuff because you could litigate every paragraph in this. You've got to have a little trust in the boaters, and we've got to have a little trust in you.</p>		<p>General comment only.</p>
<p>One comment about a diagram. That may impede you from extending or changing the mooring (inaudible). If it's fixed in</p>	<p>If you put a diagram in, you can't dimension it because there's the potential that the distances will change.</p>	<p>Do not recommend a diagram.</p>

the diagram, you're locked in to those areas. The way it's worded is really good.		
A fairway is not a channel. These fairways are designed with people with common sense. Hundreds of rental boats a day have no training, no idea, so they don't know the difference between a fairway and going 90 degrees up the channel or down the channel through the moorings. We're boaters here. We could have a show of hands of how many people understand the concept of the fairways between the moorings, and I think you'll see we're doing okay on this one.		General comment.
The problem is the position of the boats change all the time by the wind and by the tide. Sometimes, like mooring field C, some of them are laying to the tide, some of the them are laying to the wind. Sometimes they're 6 feet apart. Other times, they're 35 feet apart. It changes constantly, all day long every day.		General comment.
Which is why this wording is different.	It gives us flexibility to accommodate those kind of changes. That's the point. Here's what I would recommend. We will take this set of comments; we'll have the subcommittee review them; we'll send them to the attorneys. The next round of comments is going to be at the Harbor Commission meeting. We'll define for you what we've changed from this meeting to the Harbor Commission. If you still have concerns with it, then I would suggest at that time we bring it up with the Harbor Commission and let them make the final call before it goes to Council.	No additional change recommended at this time.
Another alternative is just to define one—it's either federal or it's not federal. If it's federal parameters, then whatever else is in the Harbor that is not federal is considered fairway.	Are we going to have two definitions or are we going to leave it like it is? I vote for leaving it like it is. Let's have a show of hands. Who wants to leave it like it is? Who advocates for changing it? Just a few.	No change based on vote

	I think the majority rules on that one.	
Federal Channel definition		
That's an example of if you start designating the type of channel. The first question is where are the federal channels? I just finished my dock permit, and the Army Corps was all over it, lending itself to say, "It's in our jurisdiction too." It must be here, I guess, for a reason, but it seemed just like (inaudible) the type of channel. No boater is going to know which is a federal channel and which is not a federal.	The federal channels are marked on the nav charts. They are what they are. They were established by the Army Corps. That's why the definition is in here.	No recommended change.
Graywater definition		
I direct you to the Pacific Fisheries white sea bass pen. When they pump out their—I want to call it wastewater, which has waste from the fish growing up, it used to have antibiotics and other things. They pump it into the Harbor. Do you know if that's still done? Is that called graywater? They may have changed.	I believe they have an obligation to dispose of that elsewhere. I can't tell you with 100 percent certainty. My recollection is that they have an obligation, just as the charter fleet does, to empty the pen. Any residue, dead fish, etc., have to be disposed of properly, not dumped in the Harbor. First of all, it's against the law, for those of you that are fishermen, to dump your bait tank in the Harbor as you're coming in. Those have to be disposed of before you enter the Harbor. I recently attended a presentation made by that group. My memory is that they described vacuuming those contents. I'd be happy to confirm if that's their practice. That's a good point. I would consider that graywater or at least I'd deal with it in another manner somewhere else in here. There is a section that deals with bait receivers. The same is true with the bait receiver. All that residue needs to be properly pumped out and disposed of correctly. It's not supposed to be dumped in the Bay. We have that clause in another area than the Title? I'm almost certain we do. We're going to get to it when we get to the bait receiver.	No additional changes to definition.
Houseboat definition		No recommended changes

<p>I saw something that was a pontoon boat with a spa on it and a big screen TV. What would you call that?</p>		
<p>The way this reads, somebody could purchase a Lake Powell style houseboat and live on it and that would be legal. According to this, why would it not be legal? That type of boat has an engine. It's capable of going around the Harbor. I don't think that's a good enough definition. Live-aboards are legal if they meet all the requirements. A houseboat as I described—I think you've got to define it right here. I'm talking about a legal live-aboard with a houseboat, a Lake Powell style houseboat, which I thought we wanted to try to not allow. I think you're opening the door to allow it with this definition. A live-aboard with a catamaran or a Sidewinder are getting bigger and bigger. If it's got a galley and a head and it's got a permit to live aboard, how could you distinguish between the type of hull? A sloop could be a place to live. It's got a bunk. It's got a galley. It's got a head. Everyone thinks of a houseboat as being a pontoon boat with everything short of a fireplace on it. There are houseboats that never move, like they have in Seattle and Sausalito. Then there are houseboats like they have on Lake Powell that move quite a bit. I guess those are going to be legal per this definition. Maybe that's okay. I'm not saying it isn't. I'm just pointing that out.</p>	<p>No. Because that's a definition. As Mr. Mosher correctly pointed out, in Section 17.60.050, houseboats, all houseboat activity is prohibited in the Harbor. This is just a definition. In another section of the Code, houseboats are not allowed in the Harbor. That's why the definition is there, so we can exclude them from the Harbor later on. A legal live-aboard would have a permit. We struggled with this. How would you change it?</p>	<p>No recommended changes.</p>
<p>The problem is those houseboats are not ocean-going vessels. Anything that's not an ocean-going vessel would be a houseboat. If it can operate, it can get to the demarcation line and back. That's not the point I was making, that all the boats have to be ocean-going. There are ocean-going houseboats that travel regularly on the ocean, that are ocean-going vessels. All of the</p>	<p>There's a way to deal with that, and that has to do with operable. Maybe we change the word operable to make sure that any vessel that is defined as operable must be ocean-going. I strongly disagree. Harbor 20s are by definition by the manufacturer non-ocean-going. If all of a sudden you throw a requirement in here that says in order to have a mooring permit, you have to be ocean-going,</p>	<p>No recommended changes</p>

lake houseboats are not ocean-going vessels. They're (inaudible) water vessels. They would not survive on the ocean for even moderate weather.	Harbor 20s will no longer be allowed to moor on a mooring.	
Maybe you can put in restricting the ones that are designed for lake usage.	I think we're treading on very thin ice here. We've come up with a definition that allows the most activity and opportunity for those who want to boat on Newport Harbor to do so. Any further definition will cause us to be looked at with great scrutiny by organizations that are encouraging us to provide public access. Low-cost public access to the water. We went around and around on this, trying to come up with a solution. We currently don't have any. If somebody were to come in with a houseboat, Mr. Borsting would maybe rent them a mooring for a day, but they certainly wouldn't be here permanently.	No recommended changes
Is there something that states a boat after a certain size needs to be ocean-going in the Code at all?	Nope. You could have a 65-foot Baycruiser.	No recommended changes
Maybe since there's already a restriction on the number of live-aboards that are allowed in the Harbor—maybe that's enough of a restriction as it is.		General comment
It would not restrict them because they would have so many days a month that they could stay on the boat even though it's a houseboat.	I'm very comfortable with this definition. If someone has a better idea, come up with some language.	No recommended changes
It has to be ocean-going. It can't be in the Harbor if it's not ocean-going. There are ocean-going houseboats. If people look at this and say it's okay to have a houseboat on the Harbor, houseboats will be showing up on the moorings for sure because a majority of the boats for now do not leave the moorings at all.	You'd get rid of a lot of boats out here. Do you want to specifically state that a houseboat needs to be ocean-going? We don't have that condition on any other boat that enjoys a mooring, live-aboard or not. If we restricted it or made it more restrictive, we will come under scrutiny we do not want.	No recommended changes
Is this added?	No. This has been here for decades. We just couldn't figure out how to manipulate it to provide the protections that we're looking for.	No recommended changes

You haven't had any houseboats yet, so I guess it's working.	Good point. It's been working. If it's not broken, don't fix it.	No recommended changes
Do we expect an onslaught of houseboats?	It only takes one, and then others could follow. All we're trying to do is be careful that the definition is correct.	General comment.
	<p>The differentiating word here is one that is not principally used for transportation. If we're talking about a lake houseboat, those are transportation vessels. They live aboard. You could have a place of habitation and a use for transportation. That, to me, would qualify a lake houseboat as opposed to a Seattle-style houseboat that doesn't move, that stays permanently in one place. Correct.</p> <p>We've talked about that particular definition. If we're not changing it, we're still leaving the door open for what we've just described.</p> <p>Right. We can't legislate aesthetics. Just because you don't want it here, just because you don't think it's attractive, doesn't mean it can't be here. This is a public amenity. It belongs to the people of the State of California. We cannot exclude a section of them because their boats are ugly.</p> <p>Does it help if you put that one word, ocean-going, in? Not used for ocean-going transportation.</p> <p>Then we're going to be subject to scrutiny on all the other boats that are not ocean-going that enjoy moorings.</p>	General comment.
(crosstalk) just going to make more ocean-going houseboats, and then we'll have the whole Harbor filled up with those. The idea is really the moorings are designed for live-aboards. That's a benefit for people that do have a permit. The thing is it's really recreational boating. Some people can't afford a house on the Bay with a dock. People from inland can have a mooring just as much as somebody that lives here and has a financially high-end.		General comment

You've got a big mix of people. You don't want everybody to have a live-aboard here. The way you've got it set is fine. It's worked well.		
The real intent is to keep the Seattle-style houseboats out, right? That addresses that specifically.	Right, stuff that doesn't move. Stuff that cannot be used for recreation. The Seattle and Sausalito-style houseboats have fixed connections to the bulkhead. That's the difference. The lake-style boats do not. We certainly can control through not only the Harbor Code but also through our Building Code the permanent, attached-type structures. We really don't have to worry about those. I recommend we keep the language as is.	General comment,
Pierhead Line definition		
It's consistent with a declaration I had to sign to get my dock permit, that the vessel will not overhang beyond the beam of the boat.		General comment
Seaworthy definition		
Good luck with that.		General comment
That's kind of a weird (crosstalk). I would say made with competent material.		General comment
I would delete "and generally free from dry rot." That was put in there when most boats were made of wood.	There are still boats that have wood decking that can be subject to dry rot and, therefore, a hazard for fire/life safety personnel that are coming on board.	No recommended change.
There are a number of wooden boats in the Harbor still.	Again, there are a lot of fiberglass hulls that have a wood deck or a wood superstructure. I'd like to leave that dry rot in there just because I've witnessed it. I would concur.	General comment
Vessel Length/Width definition		
Those are really the only two dimensions that are ever used, as far as I know. Width is the beam. That's standard.		General comment
I thought we had a pretty extensive discussion about LOD,	We're not defining it because that's not what we're going to use. It is the	No recommended change

length on deck. That's usually what's on the registration of your—it's not length overall; it's length on deck. Are you saying that there's no length on deck ... What's the max slip that we have here in Marina Park? If you've got a 40-foot sailboat with a bowsprit, you're usually let in at 40 feet, and that's okay, but the bowsprit is longer than that. That's still understood?	dimension most frequently used in documented length or registered length. Forty feet. The documented registered length we felt was the most objective. It's not arguable. For purposes of mooring permits, that's what should be used.	
There's no significance in the bowsprit on the mooring (crosstalk).		General comment
Basically, the documented registered length is normally the length on deck. It just doesn't say LOD.	Correct.	General comment
Section 17.05.065(E)		
This seems like something that would be decided by the City Council, not by anybody else. Did the City Council instruct you to do whatever they wish?	It would ultimately be decided by the City Council, absolutely. However, sometimes the City Council—why you have a Harbor Commission and why you have a Planning Commission is because they're the subject matter experts on those subjects, and they would provide a recommendation to the City Council from their perspective, whether that be Harbor or Planning. Hopefully they will take our recommendations into consideration and adopt them. If they're going to give us the credibility, then hopefully they'll stand behind us.	General comment
It says to advise them on what you're referred.		General comment
Section 17.20.020(A)		
There's a provision in the California Constitution that goes something like nobody owning, possessing or controlling access to any of the navigable waters of the State shall not impede access thereto. That'll be most liberally interpreted in favor of allowing access. I know the City was sued many years ago on that. There	These are the designated launching sites, if you will. Almost all of them are street ends. Obviously not every street end is designated as a launching site. This was adopted in 1971. We certainly want to take a fresh look at what this is.	For this conversation, the group agreed to let the language stand as is for now and ask the City Council if this is something they would like reviewed separately as this is a topic of its own.

are all sorts of people on all the islands around here and the Peninsula who have dinghies and kayaks in their garages, and kids have to launch them. To sometimes have to go to a designated launching place that might be blocks and blocks away is a real problem for people who have historically ... I've got a couple of inflatables in the garage my grandkids use and a couple of kayaks.		
Number 6 is the Fernando Street dock? Look at Number 20. That's the area, right? In that area where Number 20 is, there are people on our mooring field who access their boats, who do not want to take up public space on the docks. They bring their paddleboards on the roof of their vehicles. Wherever they can find parking in that neighborhood, they're not going to carry that paddleboard blocks away. They go to the nearest place where there's water, they jump on that paddleboard, they paddle to their boat, and they use their boat. Consider those people as well in the decision-making.	No. Number 6 is 18th Street. Twenty is Coronado Street. Fernando is 27. We have not analyzed each and every one of these launching sites. I'm sure that somebody did at some point in time. That's the real purpose why we're here. Should it be every street end? Should we designate street ends and certain beaches? If so, should we go through an extensive analysis to determine if these are still the proper locations? I don't have the answers.	
I notice that my street, Ruby, is one of the launching ramps, so we're not breaking the law. I feel sympathy for people at some of the other streets who are blocked off and have to go blocks out of their way. There is overuse perhaps concentrated at the legal spots.	I have no way to confirm this, but I believe this was done in relation to shore moorings. Where there were some shore moorings, that street end was not designated as a launching site.	
Can you more clearly define where is 25? Is that E? The launching areas are keyed with the red circle? That's the street end that I live on. 17.20.020 says where permitted. There are two shore moorings, and there is a street sign or City sign that says no launching of any boats from this site. That's not permitted. It's a conflict because people all the time want to ... What's a vessel? Anything that floats? That's a paddleboard, a kayak. One kid on	E Street. Yes, the red circles. That's why we're here. We didn't go check every one of these. I can't tell what's at every street end.	

the corner has his own Ski Doo. He hauls it down the sidewalk, pulls it over the seawall, and launches it, whatever the sign says. What I'm getting at is it looks like there needs to be a review of which is going to govern.		
The general public has no idea about this. People come down all the time, and they just walk out to the end of the street (crosstalk). Most of the signs don't say you can't launch. They're just blank.		
Could you perhaps exempt hand-carried vessels?		
The signs at the end of those streets say hand-carried vessels only.		
Maybe it's because of the two shore moorings there. They don't want to have a conflict of damaging the boats on the shore moorings.	<p>I'm certain that the signage and the location of the shore moorings have changed over time. Whomever within the City didn't know there were designated sites or didn't look at the designated sites and didn't realize they were creating conflict. I have a suggestion. Can we get the Harbor Department to do a survey and determine the concurrence between signage and this authorized map? I certainly wouldn't advocate for taking any of these away.</p> <p>This was done in '71 for whatever reason at that time. There are certainly a lot more spots that aren't showing here that are easily accessible like most of them are. I think there are more that should be added or there should be something considered more of a universal without any red dot seen at the end of a street. There should be availability unless there's something with that street end that makes it dangerous or non-navigable for launching a vessel. This map could be obsolete.</p> <p>I would recommend that this is a subject that needs study on its own outside of Title 17. This involves a lot of residents and a lot of folks. It's not just the people who are trying to get to their boats. It involves the</p>	

	<p>residents. I would recommend we leave the language as it is because right now it says if it's authorized, you can do it, but the Harbor Commission at some point direct staff to do an overall brand new analysis, actually go out and get some hard data about this, so that we can make an informed decision about where things should be.</p> <p>I would like to suggest that we do a three-part overlay, existing, include the moorings, include the signage. I know there are street ends where it's sometimes dangerous to launch. I'm sure one of the reasons that some of them are not designated or that there is signage prohibiting is it may be somewhat of a dangerous situation. I like Carol's idea. I'm going to suggest we leave this alone, but we advise the Council that with respect to this provision we'll do a separate analysis and come back to them at a later date.</p> <p>The general tone of this group is we're looking for ways to make more spots available, not reduce the number of spots.</p>	
<p>On the 19th Street pier, according to this, you can't launch a vessel. 19th Street, there's a dock, there's a parking area, and you can't launch there? A vessel on a cart would not be permitted?</p>	<p>At 18th Street you can. You have to go through the bollards and over the sand at 18th Street.</p> <p>No, you can. You can go down on the float and throw your paddleboard in the water from the float or carry your (inaudible) down and throw it off the float.</p> <p>Manual push. It can't be mechanically aided.</p>	
<p>Can you launch at Marina Park? If I had a boat on a trailer and I'm coming from Riverside? Since we have parking and elbow room and space, why aren't we making this the center of access? If we could recommend overriding that, it just makes sense. This is a better center to launch than having people go through the neighborhoods and find their way to park and lug their boats down to the street ends if you were visiting. I'm surprised it isn't. Any vessel. You have a davit here; you have a crane. You have the facility, parking. You have temporary</p>	<p>No.</p> <p>I think that's a Public Works and public safety matter because the lifeguard boats use here and we have safety personnel here. I remember the discussion from when Marina Park was in design.</p> <p>You're suggesting a trailer boat?</p> <p>You don't have parking for trailers.</p> <p>Public use of that crane is a liability for the City that it doesn't want to take on. If you cartopped your kayak here, I don't see a reason why you shouldn't be able to throw it in the water off the float.</p>	

access. You can pull up alongside and get your boat in the water much more easily than around the neighborhoods.		
This came up last time. The parking of the cars with the trailers was a big concern.	One of our goals is to try to find a second launch ramp. We've scoured the Harbor trying to find a location. It's difficult because it's not just a place to drop a boat. It'd be great if we could have a crane.	
When that was thought of, there was no Uber. You could pull up a trailer here. You have a time-limited space and you could off-load your boat, and then you can take it to another location and Uber back here. I'm not suggesting that we park here. I'm suggesting that we launch here because this is a marina park, and it does promote access.	One of the issues we face in Newport Beach is parking. You'd have to have a special area to be able to park a trailer. I don't believe you can park a car and trailer on the street in the metered parking.	
I'm speaking as a resident and not in my official capacity. Just looking at this map, it seems like they're all concentrated in one area on the Peninsula and Balboa. I don't know if it's possible to put some on Lido or on the PCH side of the Bay, but that might help alleviate some traffic issues during summer. I don't know if it's possible.		
How does Lido get away with having one?	Their street ends are all owned by the community association. Those are private property.	
The same thing on the mainland and on the islands.		
Section 17.20.040		
Is there another place in the Code about trespassing or is this the only place? Do you have a slide of where the pierhead line, the bulkhead line is on any given dock? Bulkhead line is my northern property line. It cuts right through one of the floats of my dock. Everything on the private property side is essentially an area that's private property. When somebody comes around and	It's certainly in the Penal Code. It's the GIS map. There's a way to configure the GIS with those filters. What's your specific concern over trespass between the project and pierhead? We're not going to write liability into the Code for one homeowner or even a small group of homeowners. This is a broad definition that applies universally through the Harbor.	No recommended changes

<p>wants to fish or have fun, I'm not chasing them away. It is a liability that I'm assuming is covered by my homeowners policy if somebody trips and falls, they trip over the groin, which is on my property. It's differentiated from state lands. Where does the trespassing occur? I'm not suggesting it would be on the state land side. It would appear to me that the trespassing is on the private property side. Where does the liability come and go? Is it going to be in the Code? Harbor-wide is what I'm talking about, about trespassing. Who would be the City individual I'd go to, to give my comments? There are no trespassing signs all over, but they're disregarded like the launching signs. I just wondered for the purposes of this discussion and Title 17 if we're going to talk at all about the definition of trespassing on land or just vessels. My dock is half on state lands. Where would I find the trespassing statement here?</p>	<p>This definition applies only to the state lands. It does not apply to private property. I'm sure there is another portion of the Municipal Code that would deal with trespassing on private property, but it wouldn't be in Title 17.</p> <p>You can certainly go to the Police Department. It's also part of the California Penal Code because that's where trespass is truly defined. The City of Newport Beach Police Department is responsible for enforcing that section of the California Penal Code that deals with trespass. We are way outside the scope of this meeting. It would be my advice to mark the property line clearly and post a no trespass. Posting that sign limits your liability. Nope, we're dealing with the Harbor and state tidelands.</p> <p>This deals with anything over the state tidelands. If the pier or dock is on the state tidelands, it's covered here.</p> <p>Anything that's on state lands. The half that's on state lands is covered right here. The half that's on private property is covered somewhere else.</p>	
<p>Section 17.25.010(C)</p>		
<p>I get what you're saying about 15th Street, but what about 19th Street? We have a different problem at 19th Street. Is there going to be any recommendations about that because it's a problem now? It's completely inaccessible. Are those 3-hour zones still going to be at risk of impound until this gets sorted out? That's an expensive way to experiment. What about tomorrow? People are worried now. They don't know what to do. For places where there are a lot of boaters that have been using that dock for years or decades over that. There are some pretty simple solutions we could do to make everybody get along and be happy. That's change those 3-hour zones to 12-hour zones for people who have stickers for boats connected to a</p>	<p>The approach we're taking is to see if it works at the 15th Street trial. If we have success ...</p> <p>The problem I have observed is that the tidal conditions at 19th Street are one of the contributors to the problem there. We've marked a lot of area for 72 hours that are subject to tidal conditions.</p> <p>It becomes inaccessible, exactly. We're going to handle that at a different time. That needs to be dealt with as well.</p> <p>We've been educating folks about the time limits and doing enforcement. We did some enforcement in that area that led to some impounds.</p> <p>That needs to be researched. I don't disagree with you. The current configuration of the hours on that dock needs to be revisited. I'm just</p>	<p>Harbor Department to review separately. Added 24 hour time limit to 15th St. dock at Harbor Commission meeting of 5/9/19.</p>

mooring. There are people that need to tie up there still.	not bringing that tomorrow to the meeting.	
The simplest thing to do is follow the rules, then you don't have a problem, which has never been done in the past.		General comment
The issue is not only the time but also the length of the vessel. There is a lot of space for the 9-foot vessel. I'm speaking as a live-aboard. Most of the live-aboards I know need larger boats than 9 feet. We all stack up at the 3-hour, and many of us have to go to work or doctors' appointments. Because of the 9-foot limit, it's a big issue for us. I'd like to propose that—it's a beautiful dock out here—it can be used for 20 minutes without any harm to the public as a 20-minute short stay, and you can convert the 20-minute stay that's only 15 minutes or the 3 or 12 hour. That will complete maybe the problem.		Harbor Department to review.
The outside dock with the 20-minute, the dock is almost free all the time just for a couple of boats. If you've got a 40-foot boat, it takes up most of that dock. In the summer time, people are using that dock to come and go, just to take people on and off. All of us need that slip. Marina Park is rarely separate (inaudible). It's only about 10 or 12 years ago maybe that they actually expanded the 15th Street three (inaudible). It used to be just the front dock and a little bit on the side.	For the purposes of the Code, we're going to leave it as it is. I understand you're a live-aboard. There's a dilemma here. On the one hand, we want to accommodate as many people as we can. That's the purpose for the 9-foot limit. Live-aboards have the ability to tie two dinghies to their boat as opposed to one. Use the 9-foot dinghy when you're going to be for any length of time. The public docks also need to be available not just to the mooring permittees but also to the general public. We have to balance the needs of both.	Harbor Department to review.
Just an observation. When you guys mark 15th Street, there are a couple of large inflatables there. Two days later, they're at Fernando Street taking space there. They're going to move around as long as you have motors. The 24-hour thing you have here, I come down here for three days. If I have to move it for 24 hours, where do I put it? Mine's a rowboat. I don't have a motor		Harbor Department to review.

like those guys that can go to the (inaudible) or the other dock. It limits my ability to get to my mooring.		
Section 17.25.020(I)(4)		
Just got the survey today. I have some preliminary results. Sixty-six votes cast; 55 were in favor of the Harbor Department doing something active, so 55 to 11. Personally, I'd like to hear more about what are we talking about billing. If the Harbor workers are just scaring the sea lions off with a hose or something, is that a non-billable event? Are they installing devices? What are we talking about, what kind of deterrents?	The discussion at our last meeting was installing the seal stop. I don't know that we would install. I thought that was what we discussed, putting the seal stop device on the boat temporarily. We're not going to make any permanent modifications to a boat. There are a couple of things. First of all, we cannot charge you for anything unless we have a fee for it. I don't think we have a fee for this. Right now, we don't have a fee for it. We'll probably have to have one. We can only charge you what we estimate it to cost, the cost of service. We cannot make money off you. We do a fee for service survey, and that's how we come up with our fees. As we move forward with this and if we want to establish a fee for this, we would take recommendations from the Harbor Department and the Harbor Commission that says if we have a sea lion problem, these are the steps we take. Calling you is free. Squirting them down is free if we happen to be out there. If we have to put buckets or netting or something like that on your boat, that is the cost, and it's \$100 or \$125.50. You'll know what that fee will be in advance of this going out and being implemented by anyone.	No additional changes recommended.
Just speaking for myself, the Harbor workers are on the Harbor all the time. They're seeing what's going on. If they have devices onboard to place on the vessel after the sea lions were scared away, that'd be great. I can't imagine too many people being against that. Installing seal stops at a giant expense ...	Don't mistake what I said. Whatever we would do would be on a temporary basis. We're not going to start drilling holes on your boat.	General comment
Are we talking about the first day we see the seals on there or within that seven-day period that we	The intent for this is when the clock runs out and you haven't responded, the City can take action.	General comment

have to take action? Am I going to get a call on Tuesday morning and I come down at 5:00 Tuesday evening after work, and you guys have taken action, and I get a bill?	The good news is when we start that multi-day clock, most people are very responsive. They're out there right away to address it. This rule is going to address the exception. If you're out of town, you don't have to wait the seven days. If you're on a phone call, you can just take care of that work right up front.	
Section 17.30.30(E)		
The term is non-domesticated sea life.	I would include the white sea bass pen to make sure they have the same obligation to dispose. They could think they don't have the obligation because they're not specifically called out. I agree. It should be any facility for fostering the growth of live animals under the surface of the water.	Added language to the definition of Life Bait to include other sea life.
It might be included because it calls it out that they have an obligation to maintain it.		General comment
Section 17.30.010		
The landing of aircraft, is that meant on the waters of the Harbor? If they're landing on a vessel, it doesn't affect it?	Yes. Are we going to allow somebody to land their helicopter on the helipad of their large yacht? It's over the Harbor, so it would be the subject of this Code. You are not allowed to land your helicopter on your helipad on your large yacht while your large yacht is on Newport Harbor. You've got to go out half a mile. That's not true. It says you could with a permit. If you get a special events permit, you can do it. There's no guarantee you're going to get the permit.	General comment
The verbiage about not creating a public hazard to life or property is pretty good, or nuisance or public hazard. Maybe that could go into that hand-launching thing. That would cover a lot of the issue.		General comment

Commissioner Kenney advised that the next opportunity for public comment on the proposed changes could be the June Harbor Commission meeting, depending on the attorney's review of the proposed changes. A public meeting for review of proposed revisions to the second half of Title 17, starting with Section 17.40, is scheduled for Monday, May 13, at 6 p.m.

In response to a question from the public, Assistant City Manager Jacobs indicated the proposed revisions for the May 13 meeting will be posted online on May 7.