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# NEWPORT BEACH

## Harbor Commission Staff Report

March 11, 2020  
Agenda Item No. 6.2

**TO:** HARBOR COMMISSION

**FROM:** Matt Cosylion, Code Enforcement Supervisor, (949) 270-8164  
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**TITLE:** Harbor Code Enforcement Program Presentation

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**ABSTRACT:**

The Harbor Department is responsible for the management of the City's mooring fields, the Marina Park guest slips and providing quality customer service to harbor-users and various stakeholder groups. Harbor Department staff are also tasked with maintaining the health, safety and charm of Newport Harbor through the enforcement of Newport Beach Municipal Code, Title 17- Harbor Code regulations and applicable State and Federal laws. This report will update the Harbor Commission on Harbor related code enforcement activities since July 2018.

**RECOMMENDATION:**

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

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**BACKGROUND:**

The City assumed management of the Harbor in July 2017, ending a long-standing contract model with the Orange County Sheriff's Department (OCSD). At that time, enforcement of Title 17 ("the Harbor Code") was initially assigned on an informal, part-time basis to staff from the City's Code Enforcement Division.

In July 2018, one of the City's top priorities was to develop and implement a code enforcement program. A staff member from the Community Development Department was temporarily assigned to the Harbor Department to formulate policies and procedures, provide training to

department staff and ensure code enforcement activity was conducted in a fair and professional manner.

## **DISCUSSION:**

### **Philosophy**

Harbor Department staff are trained to educate mooring permittees, business owners and visitors on the various requirements of the Harbor Code as a means to obtain voluntary compliance. When education fails to achieve compliance with the law, staff takes a progressive approach through the use of verbal and written warning notices to resolve code violations.

Harbor Department staff have other enforcement “tools” at their disposal, such as administrative citations and permit suspension and/or revocation. However, these administrative penalties and other legal remedies are only utilized to address repetitive or flagrant violations of the Harbor Code.

### **Code Enforcement Activity**

The Harbor code enforcement program is currently administered by one Code Enforcement Supervisor assisted by two part-time lead harbor service workers. They in-turn rely heavily on additional part-time field staff to identify and report code violations for follow up action. Since July 2018, the code enforcement team has opened 1,631 cases and issued more than 1,800 verbal and written warning notices as well as 139 administrative citations. Three mooring permits have been revoked since the City took over management of the Harbor, which the team views as a success with most issues amicably resolved.

It should be noted that the counts reported above do not reflect the daily interactions that Harbor Department staff have with mooring permittees and other users of the Harbor. Harbor staff are ambassadors whose main role is to educate members of the public on the various rules of the Harbor, particularly those affecting health and safety. Many of their daily contacts with the public never require further enforcement action and as such are not included with the code enforcement team’s statistics.

Code enforcement staff is also responsible for ensuring compliance with the conditions of approval for various permits issued by the Harbor Department. Amongst these are the Marine Activities Permit and the Live-Aboard Permit, which require annual renewals and inspections in addition to routine monitoring of the permittee(s) to verify they are adhering to their respective terms and conditions of approval.

### **Future Role and Responsibilities**

Code enforcement staff will maintain focus on its core mission of overseeing the on-going cleanup or removal of derelict and abandoned vessels from the Harbor. Staff will continue to ensure that mooring permittees comply with the conditions of approval for their permits, which include maintaining valid registration and insurance for vessels and overhauling moorings on a biannual basis.

Staff will be charged with administering amendments to Title 17 that the City Council approved in February 2020. The update to Title 17 will require extensive public outreach to assist mooring

permittees and other stakeholders with understanding the new regulations. Staff will play a key role in this code education process, through the use of proactive informational efforts and initially relying on verbal warnings and in-person meetings to advance public awareness and compliance to these new rules.

**ENVIRONMENTAL REVIEW:**

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

**NOTICING:**

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