

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
Council Chambers, 100 Civic Center Drive, Newport Beach, CA
Wednesday, June 9, 2021
5 p.m.

1) CALL MEETING TO ORDER

The meeting was called to order at 5:01 p.m.

2) ROLL CALL

Commissioners: William Kenney, Jr., Chair
Scott Cunningham, Vice Chair
Ira Beer, Secretary
Marie Marston, Commissioner
Steve Scully, Commissioner
Gary Williams, Commissioner
Don Yahn, Commissioner (excused absence)

Staff Members: Carol Jacobs, Assistant City Manager
Paul Blank, Harbormaster
Chris Miller, Public Works Administrative Manager
Matt Cosyion, Code Enforcement Supervisor
Jennifer Biddle, Administrative Support Specialist

3) PLEDGE OF ALLEGIANCE – Commissioner Scully

4) PUBLIC COMMENTS

None.

5) APPROVAL OF MINUTES

1. Draft Minutes of the May 12, 2021 Harbor Commission Regular Meeting

Chair Kenney remarked that Commissioners Scully, Marston and himself have provided comments to staff regarding the draft minutes.

Jim Mosher mentioned on Page 1 in public comments under Item 4, the word extent should be changed to extend. Also, on Page 5, the top paragraph, the word “used” should be changed to “issued”.

Secretary Beer suggested on Page 5 under Functional Area 2, the word “will” should be changed to “is expected” regarding the temporary west anchorage.

Secretary Beer moved to approve the draft Minutes of the May 12, 2021 meeting as amended by Chair Kenney, Commissioners Marston, Beer, Scully and Mr. Mosher. Commissioner Scully seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Kenney, Vice Chair Cunningham, Secretary Beer, Commissioner Marston,
Commissioner Scully, Commissioner Williams

Nays: None

Abstaining: None

Absent: Commissioner Yahn

6) CURRENT BUSINESS

1. Harbor Department Code Enforcement Program

The Harbor Department is responsible for many of the harbor-related programs and services in the City of Newport Beach (City). A robust code enforcement program is needed to protect and maintain the health, safety, and charm of Newport Harbor through the enforcement of Title 17 regulations and applicable State and Federal laws. This report will update the Harbor Commission on enforcement activities since March 2020.

Recommendation:

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

Code Enforcement Supervisor Matt Cosylon advised the Commission to provide feedback regarding areas that code enforcement should spend more time on, divert resources to, or express any concerns that have been raised by the public. Code enforcement focuses on education and obtaining voluntary compliance whenever possible. The department operates within the framework of Council Policy K-9. The department was formed in 2018 and currently has three part-time staff. The department runs the Marine Activities Permit Program (MAP), the Small Harbor Operator Registration Program, the Live-Aboard Permit Program, and the day-to-day patrol activities. In terms of the MAP Program, the department has issued 47 MAPs with 12 applications under review. The Small Harbor Operator Registration Program was implemented in January of 2021 and requires all businesses who operate in Newport Harbor to hold a MAP. Currently, the department has registered 18 businesses in the program. Staff continues to seek out businesses operating within the harbor who do not have a MAP and help them become registered. In regard to the Live-Aboard Permit Program, the department assists with the application process and conducts vessel inspections. In terms of the Anchorage, Berthing, and Mooring Regulations Program, the department patrols the mooring fields daily for violations to Title 17 as well as boats that look like they have not been used in some time. The department has started the Dye Tab Program and is placing dye tabs in vessels that stay overnight in the anchorage or on rented moorings. Bridge jumping enforcement has issued two citations so far and code enforcement will continue monitoring the City's bridges. In terms of the Vessel Turn in Program (VTIP), the department is reaching out to folks who are interested in having their vessel destroyed.

In answer to Secretary Beer's questions regarding the number of vessels in the MAP Program, and maximum MAPs that can be issued, Code Enforcement Supervisor Cosylon remarked that he can provide the number of vessels in the MAP Program to the Committee at a later time. In terms of the maximum number of MAPs that can be issued, Code Enforcement Supervisor Cosylon stated that the code does not limit the number but addresses potential impacts to health, safety, and general welfare of the community due to too many MAPs being issued. He mentioned that there is a natural limitation caused by the parking standard. Secretary Beer commented that visually it appears that there is a substantial number of rented vessels on the harbor. Secretary Beer also inquired regarding noise regulation, how many Live-Aboard Permits have been issued and derelict vessels. Supervisor Cosylon confirmed there is a restriction on noise both at docks as well as in the water. In terms of Live-Aboard Permits, he mentioned that there are 51 permits and the program is at full capacity. In terms of derelict vessels, the department is encouraging permittees to clean their boats regularly and the department has asked a small number of permittees to demonstrate that their vessel is seaworthy.

Vice Chair Cunningham appreciated the presentation and thanked code enforcement for their hard work. In response to his questions regarding enforcement of live-aboards in commercial marinas and business licenses required for a MAP, Code Enforcement Supervisor Cosylon answered yes, four live-aboard applications are in the approval process and businesses must have a City of Newport Beach business license in order to obtain a MAP. In answer to Vice Chair Cunningham's inquiries regarding businesses like rentmyboat.com and the Orange County Sheriff's Department bringing derelict boats into the harbor, Code Enforcement Supervisor Cosylon confirmed that code enforcement staff does monitor all rentmyboat.com

type platforms. Citations have been issued when there is clear evidence that the business is engaging in rental activities. He reported that he has not noticed the Orange County Sheriff's Department bringing boats into the harbor on a consistent basis.

Commissioner Scully acknowledged Code Enforcement Supervisor Cosylion's professionalism and his commitment to his work. In reply to his inquiries regarding Groupon boat rentals and MAP permittees speeding in the harbor, Code Enforcement Supervisor Cosylion confirmed that short-term lodging in the harbor is not an allowed use. In terms of speeding, Code Enforcement Supervisor Cosylion reported that several operators have received citations for speeding. Code enforcement had held several meetings with operators to educate them on speeding and requested that all captains be made aware of the impacts that speeding causes. In answer to Commissioner Scully's query if any of the Live-Aboard Permits come from the large yachts that houses a crew, Code Enforcement Supervisor Cosylion answered no.

In answer to Chair Kenney's queries regarding how a business is verified to be in the SHOR Program versus the MAP Program and the large amount of vacant offshore moorings, Code Enforcement Supervisor Cosylion explained that a business has to demonstrate that they were in operation prior to the update to Title 17, Chapter 17.10. In terms of vacant moorings, he mentioned there has been turn over and some permittees do not house a vessel on the mooring. Chair Kenney acknowledged that the code was amended to allow permittees to own a mooring but not house a boat on it. He agreed that though there is not a limit on how many MAPs can be issued, parking restrictions will help limit the number of MAPs issued naturally. He echoed the remarks made by the other Commissioners regarding the exceptional work of the Code Enforcement Team.

Jim Mosher is surprised to see that bridge jumping is part of the code enforcement duties. He mentioned that the City Council may not be aware that code enforcement monitors all bridges based on their lengthy discussion that they had at a previous budget hearing.

Chair Kenney understood that code enforcement issues citations for jumpers but there are no active lifeguards on duty at the bridges. Harbormaster Paul Blank confirmed that there are no permanent postings of Harbor Department resources at any of the bridges. He shared that coordination between the Harbor Department, Police Department, Lifeguards and the Fire Department is happening to discourage bridge jumping.

Heidi Hall confirmed that many boats coming into the Harbor in the evenings violate the speed limit. She was happy to hear that citations have been written and requested that noise on the party boats be addressed.

2. Council Policy H-1 - Harbor Commission Review of Proposed Changes

As a result of recent applications for dock extensions and reconfigurations brought before the City Council, the City Council raised a concern regarding the inability of the Harbor Commission to resolve applications. The City Council requested the Harbor Commission review the policy and recommend changes that may allow them to approve dock permit applications that cannot otherwise be approved by staff. The Harbor Commission established a subcommittee at the February 10, 2021 Harbor Commission meeting to review City Council Policy H-1, Harbor Permit Policy, to clarify the Policy's intent and process, in order to assist staff and the Harbor Commission when considering future applications. The City Council also directed the Harbor Commission to review the recent changes adopted in 2020 and to make recommendations to the City Council regarding any proposed revisions thereto.

Recommendation:

- 1) Determine that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it will not result in a physical change to the environment, directly or indirectly; and

- 2) Review, modify, and/or approve changes proposed by the Harbor Commission subcommittee to Council Policy H-1 and forward the recommendations to the City Council for consideration.

Chair Kenney requested that Deputy City Attorney Jeremy Jung provide a summary of the suggested changes made by the City Attorney's Office.

Deputy City Attorney Jung stated that the City Attorney Office's comments are related to areas of potential ambiguity and unintended consequences. In terms of the proposed change to Item Number Two, he stated that the change put the responsibility upon code enforcement on being able to go out and actively looked at existing conditions and issue a Notice of Violation. The unintended consequence is a newly constructed dock that can extend past the pierhead line, if it has not received a Notice of Violation. He suggested the Committee explore language that includes a condition where proof must be shown that the dock has encroached past the pierhead line for a certain amount of time. The second recommendation refers to Item Number Four where it cites that any vessel utilizing a pier float and not extending bay ward past the project line. The language is unclear as to the reference of "any vessel" and he suggested the Commission clarify that language. Staff believed the intent was to allow any vessel that has been there historically, rather than a newly acquired vessel. In Item Number Five, subpart B and C, the language as written reads "maintain or enhance public access" and then "preserve or enhance visual character". That language was taken from the purpose section of Title 17 which says "maintain and enhance" and "preserve and enhance". The other big change is the reference to staff in Policy H-1 regarding situations where the pierhead line applies and the pier float extends past it and situations where projects do not fall within the first situation. Staff suggested there be a reference to the Rules of Interpretation in Title 17 instead of the Ad Hoc Committee's recommended change. The last suggestions include using a different term instead of like-for-like and tighten up the language in the second paragraph under policy.

In answer to Vice Chair Cunningham's question of including areas of the harbor that would normally be approved by staff in the document, Chair Kenney believed that the last paragraph in the document gives staff the right to handle situations where there are replacements and he agreed that "like-for-like" should be changed to "same size and configuration". Vice Chair Cunningham was hopeful that the new changes would reduce the workload for the Commission and provide staff more leeway to approve applications. Chair Kenney believed that all the applications that the Commission has reviewed in the prior months were applications that needed to come before the Commission.

Secretary Beer suggested to include language to Item Two that reads "nor does one currently exist". With respect to Item Five, subparts B and C, he agrees with Deputy City Attorney Jung's comments. He mentioned there are concerns regarding aesthetics and suggested adding language that reads "that it shall aesthetically remain consistent with its surroundings". With respect to Item Four, he remarked that consistently throughout the harbor, the project line is 15 to 20-feet beyond the pierhead line. He stated there has to be a distance that vessels should not encroach past. With that understanding, he suggested the word "greater" be changed to "the lesser of".

Commissioner Marston mentioned that in Item Five D, the language is very vague and should include language that views should be preserved. In terms of Item Two, she agrees with Secretary Beer's comment.

Commissioner Scully echoed Secretary Beer's concerns regarding Item Four.

Commissioner Williams believed that the recommended changes allowed the Commission more latitude. In answer to his question regarding introducing a timing component for Item Two, Deputy City Attorney Jung explained that using the existing language "previously permitted", permitted could mean several things. The change to include Notice of Violation removes any establishment of time.

Chair Kenney supported the language of the first paragraph under policy. Deputy City Attorney Jung noted that the scenario is also addressed in the Municipal Code Section 17.35.030(a) and staff can paraphrase that from Title 17. With respect to Item Two, Chair Kenney agreed with the other Commissioners' comments. He asked if there is a way to redraft Item Two to provide for other criteria that codifies the intent which is if the dock has been there for a long time, the owner has a right to use it. With respect to Item Three, he remarked that if the dock is a u-shape, the length of the vessel will be limited by the actual width

of the dock. He agreed with Secretary Beer and Commissioner Scully that in Item Four the words “the greater of” should be changed to “the lesser of” as well as Commissioner Marston’s comment about adding a view provision. With respect to the last paragraph, he wanted to keep that paragraph in the document, remove the words “like-for-like” and replace them with “same size and configuration”.

Jim Mosher mentioned that he submitted his comments in writing regarding Title 17 to the Commission as was requested by the Chair regarding the policy. He disagreed that the last paragraph in the document allows staff to make decisions on “like-for-like” replacements. He believed that the last paragraph only gives staff the authority to make those decisions where there is not a defined pierhead line. He agreed that Item Two is problematic with its reference to a Notice of Violation. He felt the language was encouraging folks to install an illegal pier or float. He declared that the source of confusion regarding Title 17 comes from the two Council Members who have conflicting viewpoints on if a float should extend past the pierhead line or not.

Chair Kenney noted he did not receive any written comments from Mr. Mosher. With respect to Mr. Mosher’s comment regarding the last paragraph, he restated the intent is to allow the Harbor Resources Manager to approve the same size and configuration replacement only in areas where there is not a pierhead line. The standard practice is that a homeowner can repair or replace their pier float “like-for-like” anywhere in the Harbor by going through the Public Works Department. With respect to the issue of whether or not an encroachment is permitted, he summarized that the policy used to say that the Harbor Commission did not have the right to act unless the Commission could make all five findings.

Harbormaster Blank appreciated the discussion regarding Item Two and the Notice of Violation provision. He agreed with all the other changes recommended by the Ad Hoc Committee and reminded the Commission that the policy is a Council Policy, not a Harbor Commission policy.

Chair Kenney suggested that Deputy City Attorney Jung provide alternative language for Item Two. He recommended that the Ad Hoc Committee review the policy one more time and incorporate the suggestions made during the meeting. Then bring the policy back to the Harbor Commission for another review.

Vice Chair Cunningham agreed with Chair Kenney’s suggestion.

Secretary Beer understood that the additional changes suggested and discussed will be incorporated by the City Attorney. Chair Kenney confirmed that is correct.

Commissioner Marston, Commissioner Scully, and Commissioner Williams concurred with Chair Kenney’s suggestions.

Chair Kenney requested that Deputy City Attorney Jung provide a revised Title 17 to the Ad Hoc Committee within the next couple of weeks.

Deputy City Attorney Jung requested a summary of the changes the Commission discussed. Chair Kenney and Secretary Beer volunteer to provide the summary.

3. Ad Hoc Committee Updates

Several ad hoc committees have been established to address short term projects outside of the 2021 Harbor Commission objectives. The ad hoc committees will provide an update on their projects.

Recommendation:

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

Commissioner Marston reported that the Ad Hoc Committee is investigating floats and other devices within the Harbor. The Ad Hoc Committee conducted a field review and found that the problem is not as extensive as they thought. The Ad Hoc Committee will continue to do field reviews and discuss how to manage the issues that are existing.

Secretary Beer reported that the Ad Hoc Committee is exploring the possibility of transporting and depositing contaminated materials into a land-based disposal site. A public discussion was held at the City Council meeting at the end of May 2021. The City Council did approve the use of a Confined Aquatic Disposal (CAD) but advised the Ad Hoc Committee to work in parallel with Mr. Lucky and his team on alternatives. Mr. Lucky's team provided a proposal that was very expensive, which staff provided a response to and the Ad Hoc Committee is waiting for a response back from Mr. Lucky's team.

Commissioner Scully expressed that Chair Kenney and Secretary Beer did a great job presenting their items to Council.

4. Harbor Commission 2021 Objectives

Each ad hoc committee studying their respective Functional Area within the Commission's 2021 Objectives, will provide a progress update.

Recommendation:

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

Functional Area 1: Chair Kenney announced that Objective 1.1 will be revisited later in the year. With respect to Objective 1.2, code enforcement has made great progress in bringing commercial users in the Harbor into compliance and the Ad Hoc Committee will be revisiting the objective later in the year. With respect to Objective 1.3, staff will be providing an update on the distribution of the new Mooring Permits and any feedback that has been received. With respect to Objective 1.4, the Ad Hoc Committee is waiting for feedback from mooring permittees. With respect to Objective 1.5, staff will be providing a status update later in the meeting.

Functional Area 2: Secretary Beer reported that Commissioner Scully is working on Objective 2.1. Harbormaster Blank explained earlier in the meeting that there is a delay in the west anchorage. With respect to Policy H-3, there are discrepancies in the Geographic Information System (GIS) maps. Assistant City Manager Carol Jacobs and Harbormaster Blank provided corrections and those maps will be resubmitted.

Vice Chair Cunningham reported with respect to Objective 2.4, the Ad Hoc Committee is seeking a meeting with the Balboa Island Improvement Association to begin discussions. He reported that there are no beam specifications for onshore moorings and he requested that the Harbor Department flag any applications that are planning to house a vessel with a beam over 8 feet. He acknowledged that this objective will take a lot of time and suggested starting with the onshore mooring specifications first.

Secretary Beer stated with respect to Objective 2.5, staff is working with an engineering firm to come up with design specifications for a multi-vessel mooring. He predicted that staff will have more information on that by the middle of June.

Chair Kenney agreed that there should be an 8-foot beam restriction on any onshore moorings.

Functional Area 3: Vice Chair Cunningham reported with respect to Objective 3.1, that the Coastal Commission will be reviewing and renewing the RGP54 by the end of the year. With respect to Objective 3.2, the objective will be incorporated into Objective 2.4. With respects to Objective 3.3, dredging has begun and continues to move forward smoothly

Functional Area 4: Commissioner Scully stated with respect to Objective 4.1 there is no report. With respect to Objective 4.2, Commissioner Marston and himself will be meeting to formulate next steps. With respect to Objective 4.3, the Ad Hoc Committee and staff continue to identifying charter operators within the harbor. There have been discussions with Ms. Jacobs and Harbormaster Blank on using existing technology within the City to build a harbor database.

3. Harbormaster Update – May 2020 Activities

The Harbormaster is responsible for the management of the City's mooring fields, the Marina Park Guest Marina, a variety of Harbor activities and Harbor on-the-water City code enforcement. This report will update the Commission on the Harbor Department's activities for May 2021.

Recommendation:

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

Harbormaster Blank updated the Commission on the temporary west anchorage. The anchorage was approved in April of 2021. The Local Notice to Mariners has been achieved, but the application for the buoys to mark the edges has not been approved. He disclosed he has tried to request a status update on the application but has received no response. He predicted that that Coast Guard will not take action until the temporary permit expires which is on September 7, 2021. He reported that the three patrol vessels will be properly registered by early July 2021 and August 2021. All three vessels now have a suitable ground tackle on board as well as tackle that can be used for other vessels. Vessels HD2 and HD3 are now equipped with depth sounders, GSP and AIS. With respect to requests for Large Vessel Anchorage Permits, one application has been received and processed. An alternative arrangement has been planned in case the Coast Guard does not approve the temporary permit. The vessel will be in the Harbor from June 25, 2021 to June 27, 2021 for an entertainment-style event. The Harbor Department requested a collaboration with the Newport Beach Police Department over the Memorial Day weekend. The Police Department was very receptive in establishing a protocol in which the Harbor Department can request uniformed armed support if needed over the weekend. Though the Police Department was never engaged, the Harbor Department was grateful to have their help and will be using that collaboration in the future. With respect to bridge jumping, City Council discussed the subject at length at their May 2021 meeting. The Harbor Department has established protocols and operations related to deterring and writing citations for bridge jumping. He advised the Commission to explore the inconsistencies between the original intent of onshoring moorings and the limitation for tying tenders to boats on offshore moorings. Onshore moorings permit a tender up to 18 feet and the original intent for onshoring moorings was to provide tenders to people who have offshore moorings. Title 17 limits tenders tied to permitted boats on offshore moorings to 14 feet. With respect to the purchasing efforts related to finding new mooring support and dock cleaning services, those services will be re-established on July 1, 2021. Council Member Muldoon has requested that the Commission evaluate improved experiences for residences and casual users within the harbor. Several harbor front residents have expressed concerns regarding causal or non-committed boaters using the harbor without the best intentions.

In answer to Vice Chair Cunningham's question regarding impacts to large vessel moorings outside of the temporary west anchorage, Harbormaster Blank explained that the local commander of the Scepter Long Beach/Los Angeles has verbally expressed that should additional requests for temporary large vessel anchorage reach her. She will approve them without further review with no special markings. Harbormaster Blank produced an application that followed the protocol for the three most recent successful applications and permit approvals but has heard no word when it will be approved or if it will be approved. Vice Chair Cunningham mentioned that the Harbor Department has done studies on who owns the onshore moorings.

It was determined that 90 percent of the current onshore mooring permittees do not have offshore moorings. The onshore moorings are being used primarily for boat storage.

In reply to Secretary Beer's request for clarification if a shore mooring can have a vessel on it up to 18 feet as well as a tender tied to it, Harbormaster Blank explained that a dual permittee cannot take an 18-foot tender from a shore mooring to an offshore mooring and tie it to the vessel housed at the offshore mooring. In response to Secretary Beer's query if the City Attorney's Office has been consulted about installing buoys for the temporary west anchorage, Harbormaster Blank reported he has not consulted the City Attorney's Office due to them addressing more sensitive matters. He has reached out to Congressmen Steele's office to seek support from her staff.

In reply to Chair Kenney's query regarding a vessel anchoring in the turning basin without the temporary west anchorage being marked, Harbormaster Blank expressed that harbor staff will indicate to the vessel that there are no boundaries marked, there may be challenges associated with the vessel staying in that area but the boat will not be asked to leave. Chair Kenney requested a status update on the City acquiring the tackle that was used by Invictus. Harbormaster Blank stated he is not involved in the negotiations but has heard no objections to the City acquiring the tackle. Chair Kenney mentioned it will be beneficial if the City controls the tackle. He observed that there have been 106 new cases of code violations in the month of May. In answer to Council Member Muldoon's request, he said that if the Harbor Department had a bigger budget and more staff. More staff could be on the water to manage boaters.

7) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEM)

Secretary Beer announced that Vice Chair Cunningham, Harbormaster Blank, and himself conducted depth readings at the lowest tied of the day just north of Newport Bridge. The area of concern is between markers 12 and 16 where the depth drops to 2 ½-feet at zero tide. He recommended a flashing light be placed on the shoal marker immediately, as well as a larger sign indicating there is a shallow depth. Also, to dredge that portion of the channel between marker 12 and marker 17.

Chair Kenney noted that Secretary Beer and himself spoke at the May 25, 2021 City Council meeting during which the Council voted unanimously to adopt and certify the Environmental Impact Report (EIR) for the CAD, as well as gave authority for the Commission to work with the public and staff on an alternative disposal method and site.

8) QUESTIONS AND ANSWERS WITH STAFF ON HARBOR-RELATED ISSUES

Chair Kenney requested an update on the status of issuance for the new Onshore and Offshore Mooring Permits, the appraisal for onshore and offshore moorings, and the hydro hoist at 940 Via Lido Soud. Ms. Jacobs reported that approximately 925 permits have been sent out electronically. Of the 925, 53 were in trust status, 109 have been completed, 106 permittees did not have an email or the email was not in service, and 31 permits don't have a permit at all. The Balboa Yacht Club permittees have individual permits and staff will be sending those permits out in the coming weeks. With respect to the appraisal, the City has received four proposals. Staff will be reviewing those proposals and will be making a recommendation to the Commission in July of 2021 and Council thereafter. Harbormaster Blank reported that the Harbor Department, the Department of Public Works, the City Manager's Office and the City Attorney's Office are conducting investigations regarding 940 Via Lido Soud. The homeowner has taken steps to address some of the concerns that have been expressed during the investigation.

Chair Kenney expressed that a charter fleet operator has informed him that California Air Resources Board is proposing amendments to engine changes that will be required on January 1, 2023. Harbormaster Blank shared he is not aware of any amendments. Commissioner Scully explained that the California Air Resources Board is raising the emission standards and the amendments pertain to highway equipment.

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

Commissioner Scully wanted an update regarding the *Caulerpa Prolifera* located in China Cove. Harbormaster Blank disclosed that the Fish and Wildlife Department is the lead agency and they are having discussions on the best methods and processes for eradication and disposal. After the method of eradication and disposal is agreed upon, discussions will happen regarding funding. The site is being very closely monitored, the *Caulerpa Prolifera* is not growing, and there are efforts in place to keep it in place.

Chair Kenney wanted an update on the new pump-out facility that will take bilge and grey water and an expanded hazmat facility.

10) **DATE AND TIME FOR NEXT MEETING: Wednesday, July 14, 2021 at 5 p.m.**

11) **ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:12 p.m.

DRAFT