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# **NEWPORT BEACH**

## **Harbor Commission Staff Report**

September 8, 2021  
Agenda Item No. 6.6

**TO:** HARBOR COMMISSION

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

**TITLE:** Harbormaster Update - August 2021 Activities

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### **ABSTRACT:**

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 August 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

### **FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

### **DISCUSSION:**

#### **Department Recruiting, Staffing and Development**

Cynthia Shintaku, the new Department Assistant is already more-than-earning her keep with research and connections at Cal Recycle related to a grant for the oil recycling center at Balboa Yacht Basin. The County indicated after our August 8 request for collection that it would be the last they would pay for. It seems the state grant (administered for us by the County) has been shrinking over the past three years. The County has applied for but not yet been granted funds to continue supporting collection at the facility. In the mean time we were able to quickly establish collection service with the existing provider. Material will continue to be collected without interruption on a purchase order (PO) with the City. We will continue to track whether additional funds from Cal Recycle become available to support this facility.

One new Harbor Services Worker (HSW) and one new Code Enforcement Officer joined the team in August while two HSWs left us. One transferred back to the Utilities Department for a full-time opportunity. One left to pursue endeavors outside the City. We have three new hires anticipated to join us in September and one team member still out on Military leave anticipated to rejoin us at the end of October.

CPR (re)certification for the team was offered at the regular "all hands" meeting on August 26. The instruction was given by one of our own HSW, Chris Bertrand and an LA County Lifeguard.

At an “all hands” meeting in the near future, team members will learn how to perform the inspections required before a vessel can be assigned to a mooring. This class will be led by Code Enforcement Officer Jeff Goldfarb who currently conducts the majority of these inspections.

### **Preparation for Labor Day Weekend**

Permits have been approved for four raft-ups in the east anchorage over the long holiday weekend. We've tightened a few conditions for these permits and loosened a couple of others, most notably the number of vessels allowed to participate.

Processing these permit applications prompted a discussion within the team on where the definition for a raft-up came from and why a permit is required. The term is defined in Fire Code Guidelines and Standards A.10 which specifies no multiple berthing or rafting in marinas or while anchored. When two vessels are tied together at anchor, either is free to disconnect in the event of a fire. If/when three vessels are tied together at anchor, at least one may not be free to disconnect in the event of a fire and therefore, a permit for the raft-up needs to be granted.

There is one approved permit for a large vessel visit anchoring in the West Anchorage over the long holiday weekend. The Captain and crew have been cooperative and appreciative of our efforts in arranging for their permit and visit.

We again renewed our process, protocol and matters of concern with the Newport Beach Police Department in anticipation of potential non-compliance or general misbehavior. One vessel of concern has been banned from using the anchorage during the long weekend. The vessel is still welcome to transit the waters of Newport Harbor including the anchorage but the owner has received notice the vessel will not be allowed to anchor or raft to any other vessel in the anchorage.

### **Status of Adding Lights to Various Private Aids to Navigation**

Updated new Private Aids to Navigation (PATON) applications are in process but not yet complete for adding the USCG approved lights to various marks/buoys in the harbor.

### **Better Identification for Public Restrooms and other Facilities for Harbor Users**

There was significant progress in support but not quite completion of a project better identifying and publicizing the existence and location of public restrooms for harbor users. There has been great collaboration with the City Water Quality, GIS and IT teams to get those locations incorporated onto the City Harbor Map and other guidance tools.

Members of the Harbor Department and Public Works/Water Quality/GIS conducted two field surveys to capture images of the related amenities (harbor adjacent public restrooms, pump-out docks and fuel docks). The data and images captured are being incorporated into a new GIS harbor related map layer. Once complete, printed versions of the Harbor Map will be distributed along with post cards and adhesive QR codes. Scanning the QR code from a mobile device will reward the user with the harbor specific interactive map within the MyNB app.

The first recipients of the QR code stickers, postcards and updated maps will be the rental vessel business operators. It is hoped they will direct their patrons to use of the QR code, perhaps stuck conveniently adjacent to the steering wheel of their rental vessel, for information on harbor amenities.

There's more to do to get this all up and running but the result will be robust, accurate and multi-media. Little room will be left for harbor users to claim ignorance or inconvenience in this regard.

### **Code Enforcement Efforts, Especially Unpermitted Charters/MAPs**

A significant amount of the Code Enforcement team's focus in August remained on identification of unpermitted charters. Our newest Code Enforcement Officer, Lenora Pena-Sanchez has contributed greatly to this effort in identifying and connecting with the unpermitted charter operators and laying out the pathway to compliance for them. Her efforts were also recognized and appreciated by our colleagues in Recreation who run the sailing programs at Marina Park who were dealing with unpermitted charter vessels using the Marina Park Long Dock for embarkation of passengers.

### **Status of Recommended Revisions to Council Policy H-1**

The Council Policy H-1 recommendation from the Harbor Commission was continued from the August 24 City Council agenda to ensure consistency between what was approved by the Harbor Commission and what the Council had before it. Revisions to the version approved by the Commission on July 14 were related to formatting for consistency with other Council policies. Upon further review with Chair Kenney, ad hoc subcommittee member Yahn and the City Attorney's office, with one small exception the revisions were determined not to be substantive in nature. The one substantive change was the use of "and" versus "or" in the finding that reads:

B. The existing pier or float was previously permitted to encroach bayward beyond the pierhead line ~~and~~ **or** is in substantial conformance with the existing City-issued permit;

Approval will be back on the Council Consent Calendar at their September 14, 2021 meeting. The final approved version will come back to the Harbor Commission as a "Receive and File" at a subsequent meeting.

### **Mooring Shuttle Program with Newport Mooring Association**

Some enterprising members of the Newport Mooring Association established a "dinghy shuttle program" to free up space at the Fernando Street Public Pier. The common/shared shuttle is used by mooring permittees in the C field who leave their main tenders on the moorings rather than at the Fernando Street dock. It's worked well so they requested some support and trial program for the H and J mooring fields. We have agreed to the terms of a 60-day trial period with options for two additional 60-day periods for a "shuttle depot" at Marina Park. We'll be able to monitor the program and utilization as well as any easing of congestion at the 15<sup>th</sup> and 19<sup>th</sup> Street Public Piers. Should the program prove successful we are looking at a different "depot" location in an underutilized area of the docks at Marina Park.

### **ENVIRONMENTAL REVIEW:**

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

**NOTICING:**

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

**ATTACHMENTS:**

Attachment A – Harbor Department Statistics by Month, Current Year

Attachment B – Harbor Department Statistics, Year over Year Comparison

Attachment C – Harbor Department Definitions