

Harbor Commission Regular Meeting Minutes
September 8, 2021
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the original intent of the MVMS implies that the original intent is changing. She advised that language be changed to present tense.

Commissioner Yahn shared that his philosophy is to minimize the footprint of the mooring areas to create more navigable areas between vessels. In reply to his question regarding if there is a relationship between the length of the floats and the width, Public Works Administrative Manager Miller restated that the recommendation is to limit the floats to 8-feet all around. In response to Commissioner Yahn's queries regarding limits to the number of MVMSs that can be in the mooring fields and grandfathering the existing MVMS, Public Works Administrative Manager Miller agreed that a limited number is not part of the standards at this time. He suggested that the Commission discuss grandfathering the existing MVMSs. Vice Chair Beer confirmed that the subcommittee had discussed grandfathering and they recommend that the existing MVMS come into compliance with the new specification standards as follows: (i) If the weight and chain is currently within 90 percent of compliance, the mooring must be brought up to specification by the next time their mooring is inspected, and (ii) If the mooring is below 90 percent compliant, due to safety concerns, the mooring must be brought up to specification within 90 days from the effective date of the new compliance specification standards. Concerning the existing 55-foot MVMS, the mooring must be brought up to specification for a 75-foot mooring (to be calculated by the engineer later).

In answer to Chair Kenney's query regarding if a beam width limitation of 8-feet can accommodate an 18-foot whaler and 20-foot Grady White boat, Public Works Administrative Manager Miller restated that the recommendation is a maximum width of 25-feet but that recommendation is up for discussion. In response to Chair Kenney's inquiry regarding solar panels, Vice Chair Beer reported that the subcommittee is concerned about how solar panels are attached, their weight and other considerations that may affect the MVMS system.

Jim Mosher found the proposed diagram not to be very specific. He mentioned that there is no vertical picture of the float, no specifications on how tall it can be, no explanation regarding the pontoons, and he questioned whether there should be a reference to how floats should be built. He agreed with the comments that there should be a maximum width to the float and he questioned if a new MVMS needs a Development Permit from the CCC.

Public Works Administrative Manager Miller indicated that the notes on the exhibit one through five are taken verbatim from other standard drawings in the Harbor Design Criteria. Number six is intended to be a catch-all and refers the reader to the Harbor Design Criteria. If the Commission feels it is appropriate, staff can insert information regarding specific spacing for the bridle system. With respect to the maximum width of a float, he noted that if the float is wider, then that means smaller beamed boats could be accommodated in order to comply with the overall system width restriction.

Keith Duarte disclosed he has a mooring at the BYC and is an officer at the BYC. As an officer, he is responsible for overseeing all the moorings at the BYC, the marina, the docks, and the boat storage facilities. After attending the site tour with City staff, he agreed that the recommendation regarding the minimum width of the dock be 8-feet. He explained that the proposed concept is not a true MVMS, but a single-point Harbor 20 mooring system. He argued that the single-point moorings can be expanded and made wider and should be expanded to accommodate a 35-foot beam. He acknowledged that BYC has a lot of demand to moor 18- to 20-foot boats and the additional extra 10 feet in the beam restriction would make the system work perfectly.

Len Bose shared there is a mooring system in place for the Harbor 20 fleet but being able to update those moorings to an MVMS would allow for more boats. He encouraged the Commission to consider double point mooring systems. He disagreed with the comment that on single-point moorings, all boats move at the same time and he believed that the double point mooring systems have less change in the sway of the boats.

Vice Chair Beer agreed that boats on a single point mooring may swing at different times and that is one of the reasons why the beam is restricted to 25-feet. With respect to the double-point moorings, he assured Mr. Bose that double point MVMS will be explored in the future. The goal with the proposed MVMS recommendations is to make the existing MVMS safe, manageable and allow the flexibility to add more

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boats. He concluded that the overall plan of the Open Water Initiative will be greatly affected by where the MVMS are installed.

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In reply to Secretary Scully's question regarding the cost for installing a MVMS, Vice Chair Beer felt that should be discussed with the full Harbor Commission. He acknowledged that currently the Municipal Code only allows one vessel to be on a mooring. If a mooring can house multiple vessels, the next reasonable step is to increase the mooring fees to reflect that.

Commissioner Marston pointed out that there are several moorings at BYC that berth four vessels on a 40-foot float and Harbor Design Criteria 3c limits the number of vessels to two. In answer to her question regarding if four 20-foot vessels can be berthed on an MVMS, Public Works Administrative Manager Miller clarified that criteria 3c is addressing a single side of a float. Commissioner Marston mentioned that is not clear in the way the language is written. She suggested that the Commission discuss if the floats that have CF numbers, and if they are being used as vessels, can be housed on an MVMS. Public Works Administrative Manager Miller explained that the Harbor Design Criteria only allows two dock boxes and nothing else. Those criteria preclude the float vessels. Also, the Harbor Design Criteria only discusses floats and docks, not boats.

Commissioner Yahn appreciated the comment that there are mooring fields that can accommodate a larger maximum width than 25 feet. His concern is that the navigational waterways will be reduced, but acknowledged that there is an argument that a larger maximum width can create more opportunities for the clubs. In answer to his question regarding limiting the MVMS to 20 - and 40-feet, Public Works Administrative Manager Miller shared that the two sizes allow uniformity for the applicants and staff approving the systems. Vice Chair Beer added that the intent is to create and allow more storage for smaller vessels.

Commissioner Cunningham stated that the Commission is very sensitive to small boat storage in the Harbor and the proposed recommendations are a starting point. He agreed with the comments that at the BYC there should be flexibility, but the recommendations are a starting point and larger MVMSs can be explored in the future. He encouraged the subcommittee to investigate the business side of the mooring agreements and come up with an agreement with the yacht clubs that allows flexibility.

Chair Kenney echoed Commissioner Cunningham's comment regarding small boat storage. In reply to his question regarding where the offshore mooring specifications are located, Public Works Administrative Manager Miller clarified that the Harbormaster is in charge of those moorings. Chair Kenney appreciated the work that has been done regarding the Harbor Design Criteria. He echoed the comment that the yacht clubs control the mooring fields and that the clubs would never allow a structure that could cause conflicts with other mooring permittees. He agreed with Commissioner Yahn that it may be appropriate to allow a greater maximum width for the clubs. He supported the recommendation of maintaining 20- to 40-foot lengths only.

Public Works Administrative Manager Miller requested that the Commission provide guidance on how to handle the existing fleet and bringing them up to compliance. Commissioner Williams agreed with the recommendation that the existing fleet shall have 3-months to come into compliance.

In answer to Chair Kenney's question regarding is 3-months enough time to come into compliance, Vice Chair Beer clarified that it will be 3-months after Council adoption. Chuck South stated that 6-months is plenty of time to bring the moorings into compliance. He asked how many moorings have to be updated and Public Works Administrative Manager Miller answered eight moorings.

Chair Kenney announced that there is consensus among the Commission to require the existing moorings to come into compliance 3-months after final approval.

Chair Kenney inquired if any of the Commissioners want to make changes to the Waterfront Project Guidelines. Vice Chair Beer recommended incorporating Commissioner Marston's suggestion to clarify the language for Harbor Design Guideline 3C. He requested that Public Works Administrative Manager Miller investigate specifications that can be added to the drawing with respect to the attachment of hardware and spacing between the hooks that attach to the float. He also suggested

that the 8-foot minimum become the designated width and incorporate into the document that the existing MVMS have 3-months to come into compliance. With respect to the existing 57-foot float, he requested that Public Works Administrative Manager Miller discuss with Noble Consultants the specifications for that float per the guidelines and make a recommendation.

Secretary Scully suggested removing the words "single anchor" from Municipal Code 17.60.040(B)(c). Vice Chair Beer clarified that the intended language was to allow the Harbor Department to approve an MVMS in single anchorage mooring areas in the Harbor. Chair Kenney shared that the Municipal Code currently allows an MVMS in the double point mooring fields and so the recommendation is to remove that flexibility to reduce confusion.

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Commissioner Yahn wanted to see the 25-foot maximum width to be increased. He noted that one consequence is that there may be a bigger stress load on the structure. Public Works Administrative Manager Miller confirmed that staff could revisit the calculations. Thomas Fischetti, Noble Consultants, expressed that a 35-foot maximum width would be a significant change to the calculations, but a 30-foot maximum width would not be so drastic.

In reply to Public Works Administrative Manager Miller's question regarding if a 30-foot width maximum would require a float wider than 8 feet, Mr. Richelle predicted it would stay the same.

Chair Kenney reiterated that he supported the maximum for a float being 8-feet wide. In answer to his inquiry requiring if 30-feet gave enough flexibility for the yacht clubs, Mr. Duarte restated their preference is 35- to 36- feet because the average 40-foot boat has a 14-foot beam.

Vice Chair Beer agreed that a maximum width of 35- to 36- feet is a huge footprint. Based on the comments from the engineer, he supported a maximum width of 30-feet.

Secretary Scully, Commissioner Marston and Commissioner Yahn supported 30-feet for the maximum width for an MVMS.

Commissioner Williams requested that the limit be set at 25-feet and then revisited in the future.

Commissioner Cunningham found it a reasonable request to explore a maximum width of 36-feet for an MVMS.

Chair Kenney supported a wider footprint but acknowledged that there is flexibility in the guidelines to explore that in the near future.

Vice Chair Beer noted that staff and the subcommittee have researched other MVMSs and normally only double point MVMSs are the ones that house large vessels.

Vice Chair Beer moved that the project is exempted from CEQA and to approve the Harbor Design Criteria, the Mooring Specifications and the changes to the Newport Beach Municipal Code as outlined in the recommendations to Title 17 in the staff report, and incorporate the following adjustments; change the word "was" to the word "is" in paragraph three, provide clarification on 3C, make the 8-foot minimum beam width on the float also the maximum, and any modifications and specifications with respect to a 30-foot beam needs to be made from Noble Consultants and reviewed by Public Works Administrative Manager Miller; and once approved by Council that any existing MVMS that are not in compliance with the specifications bring themselves to compliance within 90-days. Commissioner Yahn seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Kenney, Vice Chair Beer, Secretary Scully, Commissioner Cunningham,
Commissioner Marston, Commissioner Yahn
Nays: None
Abstaining: Commissioner Williams
Absent: None