



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, July 10, 2019 - 6:30 PM

Harbor Commission Members:

Scott Cunningham, Vice Chair
Ira Beer, Commissioner
Paul Blank, Commissioner
William Kenney, Jr., Commissioner
Marie Marston, Commissioner
Steve Scully, Commissioner
Don Yahn, Commissioner

Staff Members:

Carol Jacobs, Assistant City Manager
Kurt Borsting, Harbormaster
Jennifer Biddle, Administrative Support Specialist

The Harbor Commission meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Harbor Commission agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Harbor Commission. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Carol Jacobs, Assistant City Manager, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3001 or cjacobs@newportbeachca.gov.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the Harbor Department 24 hours prior to the scheduled meeting.

1) CALL MEETING TO ORDER

2) ROLL CALL

3) PLEDGE OF ALLEGIANCE

4) PUBLIC COMMENTS

Public comments are invited on agenda items. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Harbor Commission has the discretion to extend or shorten the speakers' time limit on agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

5) APPROVAL OF MINUTES

1. Minutes of June 12, 2019, Regular Meeting

[Draft Minutes 06-12-2019 Harbor Commission Regular Meeting](#)

6) **CURRENT BUSINESS**

1. **Election of Officers**

The Harbor Commission will elect officers for the 2019-20 year.

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) Elect Chair.

3) Elect Vice Chair.

4) Elect Secretary.

2. **Council Policy H-1 - Harbor Commission Review**

At the June 25, 2019 meeting, the City Council revised Council Policy H-1 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 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.

2) Assign the review of Council Policy H-1 to the Harbor Commission subcommittee for functional area four dealing with harbor policies within the Harbor Commission Objectives, and return to the Commission with recommendations.

[Staff Report](#)

[Attachment A - Council Policy H-1](#)

3. Newport Harbor Vessel Pumpout Program

The City of Newport Beach offers a number of facilities and programs for the boating community to properly dispose of waste materials collected in vessel holding tanks. The Harbormaster will provide an informational presentation to the Harbor Commission, providing overview information about these facilities and programs.

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.

[Staff Report](#)

4. Harbor Commission 2018 Objectives: Review and Assign Committee Members to the Commission's Objectives - Update for FY 2019-20

This is the time in which the Harbor Commission will review their 2018 Objectives, update as necessary and assign new Harbor Commissioners to subcommittees. In addition, each ad hoc committee studying their respective Functional Area within the Commission's 2018 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.

2) Review Objectives for FY 2019-20 and make any necessary adjustments to subcommittee members.

[Staff Report](#)

[Attachment A – Harbor Commission 2018 Objectives](#)

5. Harbormaster Update - June 2019

The Harbormaster is responsible for on-water management of the City's moorings, the Marina Park Marina and code enforcement on the water. This report will update the Commission on the Harbor Department's activities for June, 2019.

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.

[Staff Report](#)

[Attachment A – Marina Park Guest Slip Customer Survey Results for June 2019](#)

[Attachment B – Harbor Department Statistics, Fiscal Year through June 2019](#)

[Attachment C – Lifeguard Statistics FY 2018-19](#)

- 7) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)
- 8) QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES
- 9) MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE
AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)
- 10) DATE AND TIME FOR NEXT MEETING: Wednesday, August 14, 2019
- 11) ADJOURNMENT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
Council Chambers – 100 Civic Center Drive, Newport Beach CA
Wednesday, June 12, 2019
6:30 PM

1) CALL MEETING TO ORDER

The meeting was called to order at 6:32 p.m.

2) ROLL CALL

Commissioners: David Girling, Chair (excused absence)
Scott Cunningham, Vice Chair
John Drayton, Secretary
Ira Beer, Commissioner
Paul Blank, Commissioner
William Kenney, Jr., Commissioner
Don Yahn, Commissioner

Staff Members: Carol Jacobs, Assistant City Manager
Kurt Borsting, Harbormaster
Jennifer Biddle, Administrative Support Specialist

3) PLEDGE OF ALLEGIANCE – Commissioner Drayton

Vice Chair Cunningham read a letter from Chair Girling.

4) PUBLIC COMMENTS

Mark Callin did not support increasing the number of nights one can remain on a mooring. Increasing the number would raise a number of issues, primarily enforcement.

5) APPROVAL OF MINUTES

1. Minutes of May 8, 2019, Regular Meeting

Commissioner Blank reported the unidentified speaker at the bottom of page 3 was Jordan Wachter.

Commissioner Yahn moved to approve the Minutes of the May 8, 2019 meeting as amended. Commissioner Blank seconded the motion. The motion carried by the following roll call vote:

Ayes: Vice Chair Cunningham, Commissioner Beer, Commissioner Blank, Commissioner Kenney, Commissioner Yahn

Nays: None

Abstaining: Commissioner Drayton

Absent: Chair Girling

6) CURRENT BUSINESS

1. Presentation by Orange County Sheriff's Department on Dock Space at Harbor Patrol Office

Recently the Orange County Sheriff's Department changed the dock time limits at their facility located on Bayside Drive. The Sheriff's Department will provide a presentation regarding the changes.

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.

Vice Chair Cunningham announced the presentation has been postponed.

Wade Womack reported the Coastal Commission found in favor of public use of the docks. He hoped the docks remained in public use for generations.

2. Proposed Changes to Title 17 – Harbor Code, Sections 17.01 (Definitions), 17.05 (General Provisions), 17.20 (Vessel Launching and Operation), 17.25 (Berthing, Mooring and Storage), 17.30 (Harbor Use Regulations), 17.35 (Harbor Development Regulations)

The City Council requested that the Harbor Commission Review Title 17- Harbor Code, of the Newport Beach Municipal Code in February of 2018. The Harbor Commission appointed an ad hoc committee comprising Commissioners Kenny, Blank and Yahn. The proposed changes are being recommended to the full Harbor Commission.

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) Approve the recommended changes to Title 17 (Attachment A) and forward the recommendations to the City Council for consideration.

Assistant City Manager Carol Jacobs reported the City Attorney's Office has reviewed the proposed changes and at this time does not have any concerns. The numbering and formatting need additional work, and additional wordsmithing may be necessary. The committee held public meetings on April 8 and May 6 and conducted a public outreach campaign. A website was created so that the public could provide comments. Items 3 and 4 will be discussions of mooring extensions and the definition of a live-aboard.

Commissioner Kenney advised that the committee divided the task into three components, Sections 17.01-17.35 excluding Section 17.10, Sections 17.40-17.70, and Section 17.10. The committee has debated several provisions of the Code. At last count, 16 comments have been submitted via the website. In response to Mr. Mosher's comments, Commissioner Kenney indicated the City Attorney's Office has reviewed and revised the definition of commercial fishing vessel. He concurred with Mr. Mosher's proposed change to the definition of graywater. The committee's proposed change to Section 17.20.010 allows the launching of only human-powered craft. However, the Code section contains a prohibition against operating a motor within 100 feet of swimmers. The committee's proposed changes would prohibit the launching of wind-powered craft from designated launching sites. Commissioner Kenney proposed the Harbor Commission consider the original language of hand-carried vessels in place of human-powered vessels. Because of the level of community input and interest regarding the definition of live-aboard, the committee believed the definition of live-aboard should be determined by the Harbor Commission following discussion, public comment, and debate. Therefore, the definition of live-aboard will be covered in Item Number 4.

Commissioner Blank recalled the committee's request for the Harbor Department to conduct a survey of launch sites and present the findings to the Commission. He suggested the Commission delay a discussion until the findings are available.

In response to Commissioner Yahn's queries, Commissioner Kenney explained that the committee proposed a revision to Section 17.20.010(B)(3) to allow the launching of human-powered vessels and a revision to section 17.20.010(B)(2) to prohibit the operation of a motor within 100 feet of a swimmer. The two appear to conflict. If Subpart 3 states hand-carried vessel, a vessel with a motor could be launched and the prohibition would remain in place. A future discussion of launch sites will not affect the proposed changes.

Commissioner Drayton moved to approve the recommended changes to Title 17 with amendments to Section 17.20.010(B)(3) to state "hand-carried vessels" and to the definition of graywater to incorporate Mr. Mosher's revision and forward the recommendations to the City Council for consideration. Commissioner Blank seconded the motion. The motion carried by the following roll call vote:

Ayes: Vice Chair Cunningham, Commissioner Drayton, Commissioner Beer, Commissioner Blank, Commissioner Kenney, Commissioner Yahn
Nays: None
Abstaining: None
Absent: Chair Girling

3. Proposed Amendment to Title 17, the Harbor Code, Regarding Offshore Mooring Extensions

The Harbor Commission established their 2018 Goals and Objectives last year. Goal 3.2 is to "Establish policies for modifications to mooring sizes". As part of this objective, an analysis of all mooring fields under City management was completed. As a result of that analysis, the Harbor Commission subcommittee is recommending changes to Title 17 to establish maximum lengths of vessels in each row of each mooring field.

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) Approve the proposed changes to the Newport Municipal Code and recommend to the City Council for approval.

Commissioner Blank recused himself from this item as he holds a mooring permit.

Assistant City Manager Jacobs reported the City's Municipal Code does not contain a process or method for granting or denying a mooring extension request. The subcommittee has analyzed every offshore mooring managed by the City. The goals of the analysis are to ensure the mooring fields are safe and have appropriate availability; to maximize the space within the fields in the most effective manner possible; and to provide staff and the community with guidance regarding mooring extension requests. The committee found no best practices for the distance between vessels, the width of fairway rows, or the appropriate size and mix of vessels within a mooring field. The committee developed a formula to establish maximum vessel lengths for each row within each field. In addition, the committee drafted an ordinance and a Harbor Department policy.

Commissioner Beer summarized the Policy. An extension request can be considered only if the following conditions apply: the proposed extension will not impede or obstruct the fairways or channels or prevent or obstruct the passage of other vessels between or adjacent to the rows; will not impede, obstruct, or prevent other mooring permittees from safely navigating in and out of adjacent moorings or moorings in other rows connected by the same fairway to the row of the permittee's vessel; will not extend beyond the outer boundaries of the mooring area row; will not exceed the intended vessel length overall (LOA) established by the Harbor Commission for the row or mooring area in which the vessel will be moored; and will not exceed the lesser of the maximum length of other vessels in the same row or one-third (1/3) the total sum of the width of the mooring row plus the widths of both adjacent fairways as adopted by resolution of the

Harbor Commission. In the event a mooring extension is approved, two conditions must be met. One, the mooring permittee must occupy the mooring with the new vessel within 12 months following the date of approval. Two, the mooring permittee's rights pursuant to a valid mooring permit as amended shall not be sold or otherwise transferred for a period of 12 months following the date of occupancy of the mooring with the new vessel. The Policy will accommodate extensions for at least one mooring in 78 of 88 mooring rows excluding Rows K and D because they are mostly two-row fields. Within the 78 rows, approximately 246 moorings potentially qualify for a mooring extension. The proposed Policy and amendment to Title 17 allow a vast number of mooring permittees to extend their mooring lengths, where appropriate, while ensuring there is adequate space in the fields for safe navigation in and out of moorings, between rows, and throughout the Harbor.

Commissioner Kenney indicated the definition of fairway in the Policy and in Title 17 should be consistent. The word "occupancy" should be removed from the first paragraph of Section 17.60.040(M). In response to Commissioner Kenney's questions, Commissioner Beer explained that the applicant will provide an LOA rather than the make model, year, etc. when requesting an extension prior to purchasing a boat. The Harbormaster will follow the guidelines contained in the Policy. If he cannot approve an extension request, he will generate a report with findings and present it to the Harbor Commission for approval or denial of the application. As conditions change, the Harbor Commission may change the Policy without amending Title 17.

In reply to Commissioner Yahn's question, Commissioner Beer indicated the limits do not apply to the two attachment mooring fields and the G Field. Commissioner Yahn commented that the proposed Policy has eased his concerns regarding the potential growth of the mooring fields.

Vice Chair Cunningham related that initially he was against extending moorings because a permittee could find another mooring for a larger boat. After reviewing the Policy, he could support allowing extensions of no more than 5 feet. Commissioner Beer indicated many rows can accommodate 50-foot vessels, but they are occupied by 30-foot vessels. In 27 instances, vessels in a row exceed the recommended length. Item 5.C prevents the transfer of a mooring extension to a new permittee, so that eventually all vessels will comply with the maximum vessel lengths. The next step is to use GIS to utilize the space more efficiently and perhaps increase the waterways without affecting the lengths and rows. Vice Chair Cunningham added that there should be a 5, 8, 10-year plan.

An unidentified speaker encouraged the Commission to remember the mooring field is intended for recreational use.

Jim Mosher noted the definitions of fairway proposed in Items 2 and 3 are not the same. The definition of fairway is not clear to a non-boating person.

Tom Lebeau suggested the Harbor Commission include a provision indicating a permittee who is in default or has violated his permit cannot apply for an extension. A permittee should be required to pay a deposit upon application for an extension in the event the applicant defaults on the agreement.

Commissioner Beer advised that proposed Section 17.60.040(M) states a permittee may not apply for an extension unless he is in full compliance with the original permit. The permittee is responsible for paying all costs to modify the length of the mooring and to resize mooring tackle.

Chuck South remarked that his policy is not to replace the chain when the size of a mooring is reduced. When a customer requests work on the mooring, he will replace the chain with one of the appropriate size. He never picks up the weights because all vessel owners want weights heavier than the required weights.

An unidentified speaker noted a permittee could increase the value of the mooring during a transfer of the mooring permit by putting the new permittee's boat on the mooring. He preferred the City take possession of a mooring when a permittee chooses to leave the mooring instead of the City allowing permittees to transfer the permit to a new permittee.

Len Bose questioned whether a 40-foot boat could occupy a 50-foot mooring. Vessel length should not be the only factor in setting limits on moorings; displacement should be considered as well.

Commissioner Drayton suggested in this instance fairway be referred to as a mooring fairway. This would distinguish it from the fairway definition elsewhere in Title 17. Commissioner Beer suggested the definition include "the space between a row of moored boats within a mooring field as set forth in Attachment A." Assistant City Manager Jacobs recommended the language state "as set forth in Harbor Policy."

Commissioner Kenney indicated a permittee had the right to moor a 40-foot boat on a 50-foot mooring. If a permittee requests an extension, he must place the larger vessel on the mooring within 12 months. Once the larger vessel is placed on the mooring, the permittee cannot sell the mooring for 12 months. This provision limits a permittee's right to expand a mooring. Assistant City Manager Jacobs added that a permittee cannot place a boat he does not own on his mooring.

Commissioner Beer moved to approve the proposed changes to the Newport Municipal Code with an amendment to delete "occupancy" from proposed Section 17.60.040(M)(1) and the proposed Policy with the definition of fairway revised to state "as set forth in Harbor Policy" and recommend to the City Council for approval. Commissioner Drayton seconded the motion. The motion carried by the following roll call vote:

Ayes: Vice Chair Cunningham, Commissioner Drayton, Commissioner Beer, Commissioner Kenney, Commissioner Yahn
Nays: None
Recused: Commissioner Blank
Absent: Chair Girling

4. Consideration of Revision to Title 17 - Live-Aboard Definition

The City Council requested that the Harbor Commission Review Title 17-Harbor Code, of the Newport Beach Municipal Code in February of 2018. The Harbor Commission appointed an ad hoc subcommittee comprised of Commissioners Kenny, Blank and Yahn. The ad hoc subcommittee is requesting the Harbor Commission review the definition of live-aboard.

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) Provide direction to staff on any recommendations to the City Council.

Commissioner Blank recused himself from this item as he holds a mooring permit.

Assistant City Manager Jacobs reported the definition of live-aboard generated a lively debate at the public meetings. Members of the public requested an extension of the time limit to 11 or 12 days per month so that mooring permittees could enjoy their boats on their moorings more often. However, residents facing the bay opposed extending the time limit. The committee believes the Harbor Commission should hear public comments and decide whether to change the definition.

Commissioner Kenney proposed deleting the words "as a domicile" from the definition. By definition, a domicile is a primary residence. Any person who resides on a vessel for three days or eleven days each month is not using the vessel as a domicile.

Commissioner Yahn remarked that after hearing comments during the two public meetings, he felt all Commissioners should hear public comments and debate the issues and possible consequences of extending the time limit.

Commissioner Beer favored increasing the time limit to four days so that permittees can enjoy their moorings two weekends per month.

Vice Chair Cunningham suggested the three-day limit was based on 10 percent of 30 days in a month.

Commissioner Drayton noted anchorages, moorings and slips at Marina Park, and commercial slips are available to permittees who want to use moorings more than three days.

Chuck South remarked that many boats had been turned into domiciles over the past few years, but the Harbor Department is working on the problem. He speculated that residents are anticipating problems if the time limit is increased. The time limit has not been enforced in several years, and many permittees live aboard more than three days a month without raising any concerns. Extending the time limit to eight or ten days should not change the current situation.

Rob Steward expressed concern about raw sewage being pumped into the Bay. Some vessels never leave their moorings or have pump outs. The time limit should not be increased or another live-aboard permit issued until the City addressed raw sewage in the Bay. Commissioner Yahn indicated the term live-aboard in this context should be interpreted as stay-aboard. Enforcement is increasing. Mr. Steward stated the sewage issue was the same for live-aboards and stay-aboards.

Mark Callin agreed that increasing the time limit would not cause a change in use of the Harbor. Some stay-aboards do party on the moorings just 10 feet away from his dock. One boat never leaves the mooring, and a man lives aboard permanently. Increasing the number of nights will increase the value of the moorings. He opposed any increase in the time limit.

Tom Lebeau commented that many permittees are on the moorings more than three days per month. Increasing the time limit would decrease the City's ability to remove nuisances.

Bill Peterson remarked that *LA168* is a derelict boat located in front of Marina Park. According to the Harbormaster, nothing can be done to remove it. The Sheriff's Department stores impounded boats in the Harbor. The Harbor Commission should address these issues before considering an extension of the time limit.

Commissioner Drayton noted mooring permittees are not present advocating for an extension of the time limit. He did not support extending the number of days.

Commissioner Kenney reported the Harbor Commission wants to make a greater impact on the raw sewage and enforcement issues. One of the main issues is cost versus benefit. The public needs to advocate for additional funds for the Harbor Department so that enforcement efforts can increase.

Commissioner Yahn found no reason to increase the time limit, given that permittees are not present to request an increase. Extending the time limit would impact the community and City resources.

Commissioner Yahn moved to retain the existing definition of live-aboard with "as a domicile" deleted. Commissioner Beer seconded the motion.

Assistant City Manager Jacobs expressed concern about deleting "as a domicile" because she understood a person could not live on the vessel for three consecutive days. Commissioner Kenney indicated a live-aboard permit requires the vessel to be the permittee's domicile or primary residence. A mooring permittee could argue that he is not using the vessel as his domicile and, therefore, is not subject to the 72-hour limit. Commissioner Beer questioned whether removing "as a domicile" would indicate the permittee could not be on the vessel for more than 72 hours in 30 days, e.g., the permittee could spend a few hours each day on the vessel for a total of 72 hours. Retaining "as a domicile" seems to indicate a permittee could live or spend the night onboard but could not live there for more than 72 hours. Commissioner Drayton suggested adding "continuous" before "use or occupancy." Commissioner Beer stated including "continuous" would allow a permittee to stay for 48 hours five times in a month.

With the consent of the maker and seconder, the motion was amended to:

Commissioner Yahn moved to approve the definition of live-aboard in concept subject to the City Attorney's Office crafting language for the definition that includes the allowance of 72 hours in any 30-day period and that will be presented to the Harbor Commission for ratification at its next meeting. Commissioner Beer seconded the motion.

The motion carried by the following roll call vote:

Ayes: Vice Chair Cunningham, Commissioner Drayton, Commissioner Beer, Commissioner Kenney, Commissioner Yahn

Nays: None

Recused: Commissioner Blank

Absent: Chair Girling

5. Harbor Commission 2018 Objectives: Ad Hoc Committee Updates

Each ad hoc committee studying their respective Functional Area within the Commission's 2018 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.
- 2) Receive and file.

Functional Area 1: Vice Chair Cunningham reported work continues on dredging, renewal of the RGP-54 permit, exploring low-cost solutions, and searching for new hydraulic dredgers.

Functional Area 2: Commissioner Drayton noted the Harbormaster continues to work on enforcement and derelict vessels.

Functional Area 3: Commissioner Beer advised that the committee will explore opportunities to utilize mooring field space more effectively, which could include designating some space for commercial and derelict vessels.

Functional Area 4: Commissioner Kenney indicated the next stakeholder meeting regarding Sections 17.40-17.70 is scheduled for June 24.

Functional Area 5: Commissioner Kenney related that the committee has obtained good feedback from the president of Electra Yachts and Chandler Bell of Hornblower.

Functional Area 6: No report

6. Harbormaster Update – May 2019

The Harbormaster is responsible for on-water management of the City's moorings, the Marina Park Marina, and code enforcement on the water. This report will update the Commission on the Harbor Department's activities for January 2019.

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.

Harbormaster Borsting reported on the Harbor Department's public dock time-limit education and enforcement efforts; summer staffing and expanded patrol hours; recent anchorage raft-up events; summary data from Marina Park Guest Slip Surveys; a community serve project led by local youth; staff recruitment efforts; and Department statistics for May 2019.

In reply to Commissioner Kenney's question, Commissioner Blank advised that the dinghy dock has been restored to dinghy access from dusk to dawn.

In answer to Commissioner Beer's inquiries, Harbormaster Borsting indicated he will check on the status of the pontoon boat with a jacuzzi and television. With respect to the West Anchorage, Borsting reported that the Department is awaiting the US Coast Guard's decision associated with the City's request to re-establish the public Anchorage and that follow up inquiries had recently been made.

In response to Commissioner Yahn's queries, Harbormaster Borsting shared that in-coming telephone calls made to the Department's main public number were being transferred and fielded by Harbor Department patrol staff following the office's closure at 5 pm, with calls answered by staff in the field through the ends each night's final shift. Following close of business, callers may either leave messages for the following business day (for non-pressing inquiries) or may be transferred to the City's Metro-Net Dispatch line for assistance by lifeguards (for items needing immediate attention). Harbormaster Borsting was under the impression after-hours call volume was light. Assistant City Manager Jacobs added that the Harbor Department implemented the 24/7 call availability of lifeguards. A monthly statistic can be added to the report to show after-hours calls to lifeguards.

In answer to Commissioner Blank's questions, Assistant City Manager Jacobs explained that an after-hours caller hears a recorded message directing them to press 1 for immediate assistance. The caller is connected to Metro-Net Dispatch who calls the Sheriff's Department, 9-1-1, or the lifeguards depending on the caller's needs. If the call is referred to the lifeguards, the lifeguards contact the caller and determine the appropriate action.

7) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEM)

Commissioner Kenney announced the next Title 17 community meeting is scheduled for June 24.

Commissioner Blank reported Commissioner Kenney and he attended the Regional Water Quality Board hearing on copper TMDLs in Newport Harbor. He felt the Board had made its decision prior to the meeting. The next meeting is August 2. The Board's staff recommends the Board ban copper-based anti-fouling paints in Newport Harbor and task the City with goals and objectives related to TMDLs in Newport Harbor over the next several years. Commissioner Blank felt the recommendation is ill-advised. The City has recommended a statewide program. Commissioner Kenney noted the areas of non-attainment are getting smaller in Newport Harbor. The City is attempting to focus on the small non-attainment areas rather than the entire Harbor. Vice Chair Cunningham added that dredging could change the entire makeup of the Harbor. Perhaps the City's plan for dredging could have a positive effect on negotiations with the Board.

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

None

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

Commissioner Kenney requested a future discussion of designated launching sites.

10) DATE AND TIME FOR NEXT MEETING: Wednesday, July 10, 2019

11) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:25 p.m.

DRAFT



CITY OF NEWPORT BEACH

Harbor Commission Staff Report

July 10, 2019
Agenda Item No. 6.2

TO: HARBOR COMMISSION

FROM: Kurt Borsting, Harbormaster – 949-270-8158,
kborsting@newportbeachca.gov

PREPARED BY: Chris Miller, Public Works Administrative Manager – 949-644-3043,
cmiller@newportbeachca.gov

TITLE: Council Policy H-1 – Harbor Commission Review

ABSTRACT:

At the June 25, 2019 meeting, the City Council revised Council Policy H-1 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 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.
- 2) Assign the review of Council Policy H-1 to the Harbor Commission subcommittee for functional area four dealing with harbor policies within the Harbor Commission Objectives, and return to the Commission with recommendations.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

Council Policy H-1 (Attachment A) provides criteria for staff and the Harbor Commission when making decisions regarding piers and floats within Newport Harbor, specifically the distance they extend channelward throughout the harbor. The City Council recently updated Council Policy H-1 to provide clarity and direction during this interim period while the Harbor Commission studies the issue. The City Council has directed the Harbor Commission to review Council Policy H-1 and to return with recommendations if needed.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission 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 Harbor Commission considers the item).

ATTACHMENTS:

Attachment A - Council Policy H-1

HARBOR PERMIT POLICY

Background

Newport Beach Municipal Code Section 17.35.030(A) provides that piers and floats may not extend beyond the pierhead line unless approved by Council policy.

Policy

Consistent with Title 17's purposes described in Newport Beach Municipal Code Section 17.05.020, the City Council's general policy is not to approve piers and floats beyond the pierhead line. Limited exceptions exist as described in this Policy, but the Harbor Commission is directed to use this general policy and the underlying purposes of Title 17 as a default rule that can only be excepted by making specific findings concerning such exceptions.

The proper procedure for determining whether such exceptions exist is to hold a public hearing in front of the Harbor Commission with a staff report that includes a staff recommendation and accompanying materials that shall include, but are not limited to, the application and materials supporting the staff recommendation. The Harbor Commission shall consider the City's general policy as articulated herein and shall make specific factual findings as to each of the categories of exceptions.

The applicant, or any interested person, shall have the right to appeal the Harbor Commission's decision to the City Council in accordance with Chapter 17.65 of the Municipal Code. Any individual City Council Member shall also have the right to call for review the Harbor Commission's decision to the City Council in accordance with Chapter 17.65.

The Harbor Commission, or the City Council considering an appeal or call for review, may approve or conditionally approve a permit for a pier or float to extend beyond the pierhead line if it is determined that: (1) the existing pier or float is already physically encroaching beyond the pierhead line; (2) the existing pier or float was legally permitted to encroach beyond the pierhead line; (3) the pier or float will not result in an increase in the physical encroachment beyond the pierhead line that is greater than the existing encroachment; (4) any boat utilizing the pier or float will not extend beyond the project line or line at which it would currently be allowed, whichever is greater; and (5) the pier or float will (i) preserve the diverse uses of the harbor and the waterfront that contribute to the charm and character of Newport Bay, (ii) maintain or enhance public access to the harbor water and waterfront areas, (iii) preserve or enhance the visual character of the

harbor, and (iv) not negatively impact adjacent property owners and dredging of the harbor.

Any permit issued by the City of Newport Beach before June 26, 2019, which allows an existing pier or float to extend beyond the pierhead line, is ratified by the City Council and may continue as valid until such time as a new permit for a pier or float is approved and the pier or float is constructed pursuant to the new permit.

History

Adopted H-1 - 6-1-1964
 Amended H-1 - 10-19-1964
 Amended H-1 - 10-26-1964
 Amended H-1 - 4-27-65
 Reaffirmed H-1 - 8-30-1966
 Amended H-1 - 1-9-1967
 Amended H-1 - 7-24-1967
 Amended H-1 - 6-24-1968
 Amended H-1 - 8-19-1968
 Amended H-1 - 12-23-1968
 Amended H-1 - 1-26-1970
 Reaffirmed H-1 - 3-9-1970
 Reaffirmed H-1 - 2-14-1972
 Amended H-1 - 8-14-1972
 Amended H-1 - 6-25-1973
 Reaffirmed H-1 - 12-10-1973
 Amended H-1 - 12-17-1973
 Amended H-1 - 6-10-1974
 Reaffirmed H-1 - 11-11-1974
 Amended H-1 - 3-10-1975
 Amended H-1 - 4-28-1975
 Amended H-1 - 5-27-1975
 Amended H-1 - 10-28-1975
 Amended H-1 - 12-8-1975
 Amended H-1 - 5-10-1976
 Amended H-1 - 10-26-1976
 Amended H-1 - 11-22-1976
 Reaffirmed H-1 - 1-24-1977
 Amended H-1 - 5-23-1977
 Amended H-1 - 5-22-1978
 Amended H-1 - 12-11-1978

Amended H-1 - 3-12-1979
Amended H-1 - 6-25-1979
Amended H-1 - 6-9-1980
Amended H-1 - 6-23-1980
Amended H-1 - 11-23-1981
Amended H-1 - 6-28-1982
Amended H-1 - 10-12-1982
Amended H-1 - 10-25-1982
Amended H-1 - 6-27-1983
Amended H-1 - 1-14-1985
Amended H-1 - 3-25-1985
Amended H-1 - 6-24-1985
Amended H-1 - 6-22-1987
Amended H-1 - 6-13-1988
Amended H-1 - 11-28-1988
Amended H-1 - 6-26-1989
Amended H-1 - 9-25-1989
Amended H-1 - 11-27-1989
Amended H-1 - 5-14-1990
Amended H-1 - 6-25-1990
Amended H-1 - 4-8-1991
Amended H-1 - 6-24-1991
Amended H-1 - 10-28-1991
Reaffirmed H-1 - 1-24-1994
Amended H-1 - 6-27-1994
Amended H-1 - 6-26-1995
Amended H-1 - 3-25-1996
Amended H-1 - June 8, 1998
Amended H-1 - 12-14-1998
Amended H-1 - 5-8-2001
Amended H-1 - 9-10-2002
Amended H-1 - 10-28-2003
Amended H-1 - 4-13-2004
Amended H-1 - 1-8-2008
Amended H-1 - 5-22-2018
Amended H-1 - 6-25-2019



CITY OF NEWPORT BEACH

Harbor Commission Staff Report

July 10, 2019
Agenda Item No. 6.3

TO: HARBOR COMMISSION

FROM: Kurt Borsting, Harbormaster, (949) 270-8158
kborsting@newportbeachca.gov

TITLE: Newport Harbor Vessel Pumpout Program

ABSTRACT:

The City of Newport Beach offers a number of facilities and programs for the boating community to properly dispose of waste materials collected in vessel holding tanks. The Harbormaster will provide an informational presentation to the Harbor Commission, providing overview information about these facilities and programs.

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.

DISCUSSION:

Informational presentation related to the City of Newport Harbor public pumpout facilities.

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).



CITY OF NEWPORT BEACH

Harbor Commission Staff Report

July 10, 2019
Agenda Item No. 6.4

TO: HARBOR COMMISSION

FROM: Kurt Borsting, Harbormaster, 949-270-8158
kborsting@newportbeachca.gov

TITLE: Harbor Commission 2018 Objectives: Review and Assign Committee Members to the Commission's Objectives – Update for FY 2019-20

ABSTRACT:

This is the time in which the Harbor Commission will review their 2018 Objectives, update as necessary and assign new Harbor Commissioners to subcommittees. In addition, each ad hoc committee studying their respective Functional Area within the Commission's 2018 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.
- 2) Review Objectives for FY 2019-20 and make any necessary adjustments to subcommittee members.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission 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.

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).

ATTACHMENTS:

Attachment A – Harbor Commission 2018 Objectives



City of Newport Beach

Harbor Commission Purpose & Charter

Newport Harbor supports numerous recreational and commercial activities, waterfront residential communities and scenic and biological resources. The purpose of the Harbor Commission is to provide the City of Newport Beach with an advisory body representing these diverse uses of Newport Harbor and its waterfront.

1. Advise the City Council in all matters pertaining to the use, control, operation, promotion and regulation of all vessels and watercraft within Newport Harbor.
2. Approve, conditionally approve, or disapprove applications on all harbor permits where the City of Newport Beach Municipal Code assigns the authority for the decision to the Harbor Commission.
3. Serve as an appellate and reviewing body for decisions of the City Manager on harbor permits, leases, and other harbor-related administrative matters where the City of Newport Beach Municipal Code assigns such authority to the Harbor Commission.
4. Advise the City Council on proposed harbor-related improvements.
5. Advise the Planning Commission and City Council on land use and property development applications referred to the Harbor Commission by the City Council, Planning Commission, or the City Manager.
6. Make recommendations to the City Council for the adoption of regulations and programs necessary for the ongoing implementation of the goals, objectives, policies of the Harbor and Bay Element of the General Plan, the Harbor Area Management Plan, and the Tidelands Capital Plan.
7. Advise the City Council on the implementation of assigned parts of the Tidelands Capital Plan such as:
 - Dredging priorities
 - In-bay beach sand replenishment priorities
 - Harbor amenities such as mooring support service areas and public docks

Harbor Commission - 2018 Objectives

The following objectives are intended to support the mission of the Harbor Area Management Plan and the two most essential responsibilities of the Harbor Commission: (1) Ensuring the long-term welfare of Newport Harbor for all residential, recreational, and commercial users; (2) Promoting Newport Harbor as a preferred and welcoming destination for visitors and residents alike.

These calendar year 2018 Objectives are subject to the review and approval of the Commission, and final approval by the Newport Beach City Council. Harbor Commission ad hoc committees, as established by the Commission, bear principal responsibility for coordinating the Commission's efforts, along with staff support, in achieving these Objectives.

City of Newport Beach - Harbor Commission
2018 Objectives
Updated July 12, 2018

2018 Objectives	Functional Area
<p>1.1 Identify sustainable low-cost solutions to dredge the deep-water channels throughout the harbor.</p> <p>1.2 Identify opportunities to streamline the RGP54 permit process.</p> <p>1.3 Evaluate options for near shore dredging. Establish a sustainable program that consistently nourishes harbor beaches on a yearly basis.</p>	<p>1.0 Harbor Dredging (<i>Cunningham</i>, Drayton)</p> <p><i>Advise the City Council on:</i></p> <ul style="list-style-type: none"> ○ <i>Dredging methodologies</i> ○ <i>Dredging priorities</i> ○ <i>Eelgrass protection</i> ○ <i>Beach re-nourishment</i>
<p>2.1 Evaluate current enforcement of applicable City codes throughout the harbor. Report back to Commission by July.</p> <p><u>Future Priorities</u></p> <ul style="list-style-type: none"> A. Work with Harbormaster's office to evaluate mooring management and oversight. B. Identify and address derelict vessels in the harbor. 	<p>2.0 Harbor Operations and Management (<i>Drayton</i>, Beer & Yahn)</p> <ul style="list-style-type: none"> ○ <i>Matters pertaining to use, control, operation, promotion, regulation of all vessels and watercraft.</i>
<p>3.1 Evaluate potential enhancements to city amenities provided to mooring permittees, residents and visitors.</p> <p>3.2 Establish policies for modifications to mooring size.</p> <p><u>Future Priorities</u></p> <ul style="list-style-type: none"> A. Complete evaluation for establishing day moorings off Big Corona beach. B. Evaluate options to consolidate and reduce the footprint of current mooring fields. 	<p>3.0 Harbor Amenities and Capital Improvements (Mooring Fields, Shore Facilities, Docks) (<i>Beer</i>, Drayton)</p> <ul style="list-style-type: none"> ○ <i>Advise the City Council on proposed harbor-related improvements.</i> ○ <i>Advise the City Council on harbor amenities such as mooring support service areas and public docks.</i>
<p>4.1 Review and update City Municipal Codes, Title 17, Harbor Policies 1-5 and Marine Activities Permits.</p> <p>4.2 Secure California Department of Recreation approval for an amendment to the Harbor Code granting an exception to the harbor speed limit for sanctioned sail racing and human powered racing events. With such authorization, recommend a Harbor Code amendment to the City Council.</p>	<p>4.0 Harbor Policies, Codes, Regulations (<i>Kenney</i>, Blank & Yahn)</p> <ul style="list-style-type: none"> ○ <i>Approve, conditionally approve, or disapprove applications on all harbor permits.</i> ○ <i>Serve as an appellate and reviewing body for decisions on harbor permits, leases, and other harbor-related administrative matters.</i>

City of Newport Beach - Harbor Commission
2018 Objectives
Updated July 12, 2018

2018 Objectives	Functional Area
<p>5.1 Establish a dialogue with representatives of the Harbor Charter Fleet industry, other commercial vessel operators and rental concessionaires to promote best practices for charter and commercial boat operations in Newport Harbor with particular attention to vessel specifications, noise and pollution control/compliance and long-range plans for berthing.</p> <p>5.2 Review current rental concessionaires for safety and regulatory compliance (e.g. unpermitted rental operations for SUP's).</p>	<p>5.0 Commercial, Recreational and Educational Activities (<i>Girling, Kenney</i>)</p> <ul style="list-style-type: none"> ○ <i>Matters pertaining to use, control, operation, promotion, regulation of all vessels and watercraft.</i> ○ <i>Serve as an appellate and reviewing body for decisions of the City Manager on harbor permits, leases, and other harbor-related administrative matters.</i>
<p>6.1 Draft a Harbor Plan that can be used independently or in conjunction with an update to the General Plan and/or Harbor Area Management Plan (HAMP). Specific attention should be paid to state requirements including conservation for harbors, MLPA/MPAs and fisheries and work previously done by the Harbor Commission related to preservation of marine related activities and businesses in Newport Harbor and the Harbor Financial Master Plan.</p> <p><u>Future Priorities</u></p> <p>A. Create a Vision Statement for the Harbor describing the purposes, uses and characteristics in the year 2050. Reference how that Vision aligns with the current two most essential responsibilities of the Harbor Commission: (1) Ensuring the long-term welfare of Newport Harbor for all residential, recreational, and commercial users; (2) Promoting Newport Harbor as a preferred and welcoming destination for visitors and residents alike.</p>	<p>6.0 Long Term Vision for Harbor (Harbor Strategic Planning) (<i>Blank, Cunningham</i>)</p> <ul style="list-style-type: none"> ○ <i>Advise the City Council on the City General Plan.</i>



CITY OF NEWPORT BEACH

Harbor Commission Staff Report

July 10, 2019
Agenda Item No. 6.5

TO: HARBOR COMMISSION

FROM: Kurt Borsting, Harbormaster, (949) 270-8158
kborsting@newportbeachca.gov

TITLE: Harbormaster Update – June 2019

ABSTRACT:

The Harbormaster is responsible for on-water management of the City's moorings, the Marina Park Marina and code enforcement on the water. This report will update the Commission on the Harbor Department's activities for June, 2019.

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.

DISCUSSION:

Abandoned Vessel Auction - June 5

On Wednesday, June 5, an abandoned boat auction was held at the City's Marina Park guest slip facility. The public sale featured 33 previously impounded and abandoned vessels. The program was well attended, competitive bidding took place and 15 vessels were successfully sold. All boats purchased at the event have since been released to their new owners. Those vessels which did not sell, are currently in the process of being destroyed. The program resulted in \$1,005 in sales revenue to the department.

The auction program was organized to take place concurrent with the Orange County Sheriff's Boat Auction, allowing both agencies to share resources and benefit from a larger pool of bidders vs. hosting individual events at different times.

5 MPH / No Wake Signage Replacement

During the month of June, Harbor Department staffers removed, refurbished and remounted four previously worn and illegible instructional speed limit signs located along the channel at the Balboa Island Bridge. Staff efforts remain on-going to identify additional Harbor navigational markers, buoys and informational signs that require updating and/or replacement.

Removal of Select Marina Park Sand Line Moorings

During the month of June, five of the Marina Park Sand Line Moorings (also referred to as “MP Moorings”) were removed from the Harbor following it having been determined that they were mistakenly placed at locations within the navigational channel, immediately south of, and outside of the J mooring field. In those locations, these guest moorings interfered with vessel use of the navigational channel, and negatively impacted sailing instruction activities hosted at the Marina Park facilities. Four guest moorings will remain in place at the east side of the H mooring field, as will a number of two point moorings (owned by the City). All of these remaining mooring options can be reserved in advance by visiting boaters. Minimal impact to guest boaters are expected as a result of this change.

Public Information and Departmental Outreach Efforts

Meetings with stakeholder groups continued during June 2019, aimed at informing the public about the Harbor Department and its mission.

On Wednesday, June 12th the Harbormaster along with City Council member Duffield were featured co-presenters at the scheduled meeting of Speak-Up Newport. Their presentation focused on providing overview information about the Harbor Department as well as sharing a long term vision for managing the Harbor as a vital community resource.

On Thursday, June 13th the Harbormaster was the featured speaker at the American Legion Yacht Club meeting, again providing the group with overview information about the Harbor Department.

California Association of Harbormasters and Port Captains – Southern CA Meeting

On Friday, June 26th the Harbormaster attended the Southern California Regional Member meeting of the California Association of Harbormasters and Port Captains at Port San Luis in San Luis Obispo, CA. While this particular meeting was sparsely attended, the get-together provided an opportunity for staff become acquainted with the professional association (which is comprised of other municipal and other governmental harbor operators). In addition to participation by City of Newport Beach, representatives from Port San Luis and Ventura Harbor were also in attendance at the meeting.

Customer Satisfaction Survey

During June 2019, fifteen (15) customer satisfaction surveys were completed and returned to the Harbor Department office associated with visiting boaters at the Marina Park Guest Slips. A summary of the feedback/data received from these customers is attached as part of this report.

Code Enforcement Activity

During June 2019, Code Enforcement staff opened 77 new cases and successfully resolved/closed 88 existing files.

Lifeguard Assistance

Over the last year, the City's Lifeguards have been incredibly valuable in assisting the Harbor Department with a variety of operations in the Harbor. Our lifeguards have worked with staff on how to schedule and patrol the harbor effectively, worked with us on our hazmat trailer, provided valuable CPR training, radio training, boat training and in July will be holding two training sessions with the Harbor staff called H.A.L.T. – Harbor Department Awareness in Lifesaving Techniques. This training will inform our staff in how to quickly and safely assist someone in the water prior to Lifeguards arriving. Attachment C are the lifeguard statistics related to Harbor activities for Fiscal Year 2018-19.

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).

ATTACHMENTS:

Attachment A – Marina Park Guest Slip Customer Survey Results for June 2019
Attachment B – Harbor Department Statistics, Fiscal Year through June 2019
Attachment C – Lifeguard Statistics FY 2018-19

Marina Park Guest Slips
Customer Satisfaction Survey
Responses for June 2019

Question #1 - My experience was as a...

Visiting Boater = 10 (67%)
Local Boater = 4 (26.5%)
Other = 1 (6.5%)

Question #2 – Overall, I was satisfied with my stay...

Strongly Agree	= 14 (93.5%)	Somewhat Disagree	= 0 (0%)
Agree	= 1 (6.5%)	Strongly Disagree	= 0 (0%)
Neutral	= 0 (0%)		

Question #3 – I received the quality and value I expected for the cost...

Strongly Agree	= 10 (67%)	Somewhat Disagree	= 0 (0%)
Agree	= 4 (26.5%)	Strongly Disagree	= 1 (6.5%)
Neutral	= 0 (0%)		

Question #4 – I was pleased with the overall appearance and condition of the Marina Park Guest Slips...

Strongly Agree	= 15 (100%)	Somewhat Disagree	= 0 (0%)
Agree	= 0 (0%)	Strongly Disagree	= 0 (0%)
Neutral	= 0 (0%)		

STOPPED HERE

Question #5 – Please check all of the services that you used during your stay...

Restrooms/Shower	= 15 (100%)	Lighthouse Bayview Café	= 11 (73.5%)
In-Slip Pump Out	= 2 (13%)	On-Site Beach, Playground or Park Areas	= 9 (60%)
On-Site Washer/Dryer	= 1 (6.5%)	Nearby Dining, Entertainment or Commercial	= 12 (80%)
Complementary Wi-Fi	= 9 (60%)		

Question #6 – The condition of the restroom/shower...

Excellent	= 10 (67%)	Below Par	= 1 (6.5%)
Good	= 3 (20%)	Unacceptable	= 0 (0%)
Just OK	= 1 (6.5%)	No Response	= 0 (0%)

Question #7 – The condition of the Marina Park facilities and grounds...

Excellent	= 14 (93.5%)	Below Par	= 0 (0%)
Good	= 1 (6.5%)	Unacceptable	= 0 (0%)
Just OK	= 0 (0%)	No Response	= 0 (0%)

Question #8 – I was satisfied with the level of care and commitment shown by Harbor Department staff...

Strongly Agree	= 14 (93.5%)	Somewhat Disagree	= 0 (0%)
Agree	= 1 (6.5%)	Strongly Disagree	= 0 (0%)
Neutral	= 0 (0%)	No Response	= 0 (0%)

Question #9 – I will return and/or recommend your facility to other boaters...

Strongly Agree	= 14 (93.5%)	Somewhat Disagree	= 0 (0%)
Agree	= 1 (6.5%)	Strongly Disagree	= 0 (0%)
Neutral	= 0 (0%)	No Response	= 0 (0%)

Question #10 – Please tell us what you liked best about your stay at the Marina Park Guest Slips...

- "great location, friendly staff, clean"
- "Ryan was great – helped all in our club tie off and be of service"
- "Clean"
- "Ryan is always my favorite – then showers, laundry, hose to wash and pump out service"
- "So convenient and appealing"
- "Ryan was great"
- "Staff was very helpful with docking at my arrival. Nice docks, nice area, nice facilities."
- "Ryan was amazingly helpful, knowledgeable, and very professional."
- "Nice sized slips, quality facility for showers and bathrooms. Everything was clean and kept up. Restaurant was excellent and very convenient. We will be back again."
- "Accessibility to local retail / restaurants"
- "Staff, slips, facilities"
- "Clean and easy"
- "Everyone was very kind and helpful. Ryan was fantastic, he really is an asset to the City"
- "Always good to see Ryan as he is so helpful in making our stay easy"
- "Service provided was excellent."

Question #10 – Please tell us what was not up to par about your stay...

- "WiFi could use improvement"
- "Men's restroom on Sunday wasn't clean"
- "Would love to see a lock on gate leading to boat access – greater security"
- "All great"
- "30 AMP plug at slip 17 not working"
- "Men's restroom urinal drainage issue"
- "Women's handicap stall, rusty / stained"
- "Men's restroom urinal not working"
- "Mold in shower and under handicap shower seat"

Question #11 – Comments / Suggestions

- "A bit pricey"
- "We love coming here, but are still coking on the raised prices. We have friends in San Diego who used to come here, now they won't."
- "Need more large slips or side ties"
- "Great staff and friendly professional vibe overall"
- "Availability of late night key code boxes where boaters arriving after hours can pick up they key card."
- "Super nice staff"

Harbor Department Statistics													
Fiscal Year 2018-19													
	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	April	May	June	YTD
Anchorage								5	8	-	-	7	20
Daily Anchorage Check	104	80	58	97	107	48	34	29	94	47	88	81	867
Assisting Vessels under 20'	28	4	16	9	6	7	9	14	12	5	5	15	130
Assisting Vessels Over 20'	8	7	18	2	8	11	6	2		4	7	8	81
Bridge Jumpers	43	19	3	-	2	-	-	-	1	2	-	3	73
Mooring Assist	20	17	16	5	8	11	10	7	2	4	6	13	119
Mooring Check	17	19	20	37	62	73	73	67	51	26	82	77	604
Noise	1	3	1	-	-	1	-	-	-	-	-	-	6
Paddleboard/Kayak	156	135	77	25	32	2	5	3	13	5	8	65	526
Public Dock Enforcement	-	14	10	3	18	7	7	9	5	1	11	62	147
Public Contact	-	-	-	13	37	12	16	7	10	5	4	32	136
Rentals - Marina Park	158	147	106	99	74	69	38	39	110	105	99	106	1,150
# of nights	480	399	292	283	231	306	160	171	272	215	225	262	3,296
Rentals - MP Sand Lines	51	50	46	46	20	38	28	23	12	20	26	20	380
# of nights	174	194	164	176	126	192	191	187	75	67	52	69	1,667
Mooring Sub-permittee	102	128	100	110	106	150	142	115	93	50	38	32	1,166
# of nights	714	925	759	856	869	1,069	1,240	746	379	339	254	334	8,484
Swim Line	3	1	2	-	3	1	1	-	1	1	-	-	13
Sea Lions	10	55	51	27	12	3	7	10	17	25	13	22	252
Code Enforcement													
New Cases	43	46	88	36	47	169	42	70	76	72	61	77	827
Closed Cases	24	31	37	22	6	11	68	68	115	45	37	88	552
Discharge/Pollution	17	8	1	-	1	1	-	1	-	-	-	2	31
Dock/Pier/Bridge Issue	5	4	13	8	16	7	2	1	4	5	8	12	85
Emergency	2	-	-	-	3	1	-	-	-	-	-	2	8
General Assist	75	46	41	21	14	33	44	20	20	1	21	29	365
Hazards/Debris	52	1	12	4	22	2	15	29	12	4	1	18	172
Impound		17	11	16	22	22	6	3	2	12	8	6	125
Speeding	68	67	56	29	21	8	7	6	23	11	12	20	328
Trash	-	130	124	417	327	328	225	152	79	15	10	91	1,898
Total	987	1,029	907	1,026	974	1,015	785	680	760	465	545	888	10,061

Harbor Department Definitions	
Anchorage	Anchorage Check of vessels in anchorage each day
Assisting Vessels Over 20'	Assisting or educating Vessels over 20' (Anchorage Boundary Issue, Pump Out sinking vessel)
Assisting Vessels under 20'	Assisting or educating Vessels under 20' (Anchorage Boundary Issue, Pump Out sinking vessel)
Bridge Jumpers	Warning/Educating people not to jump
Discharge/Pollution	Any pollutant being discharged into the water
Dock/Pier/Bridge Issue	Gangway detached, Maintenance Issues, etc
Emergency	Any emergency sent to 911
General Assist	General Harbor Information, Misc Catch All
Hazard/Debris	Large Debris in water such as log, chair, shopping cart, etc.
Impound	Vessel Impounded in place or at dock
Mooring Assist	Helping Permittee or Sub-permittee on or off of the mooring
Mooring Check	Checks on moorings that are necessary outside the daily mooring vacancy checks, Checking lines, etc
Noise	Noise complaint
Paddleboard/Kayak	Assisting or educating paddleboarders or kayakers
Public Contact	Education of rules and regulations in the harbor
Public Dock Enforcement	Boat tagged at public dock
Pump-Out Dock	Pump-Out Dock Issue (Enforcement of time limits or inoperable pump)
Sea Lion	Sea Lion Complaint, Abatement Effort
Speeding	Wake Advisement/ educating boaters to slow down
Swim Line	Replace/readjust/broken swim line issues
Trash	Daily trash pick up

Location	Nature Code	Number	Time noted if after normal lifeguard operations hours
3300 via Lido	Animal warning	14	
Bay Tower@18 (Marina Park)	Boat Accident	1	
1600 Balboa	Boat Assist	2	
1901 Bayside (OCSD_HD)	Boat Assist	1	
Bay Tower@18 (Marina Park)	Boat Assist	3	
1600 Balboa	Boat Rescue	1	
814 Bay Ave	Boat Rescue	1	
Emerald & South Bayfront	Boat Rescue	1	
1901 Bayside (OCSD_HD)	Boat Rescue 1	1	19:00
1901 Bay aver	Boat Tow	1	
Bay Tower@18 (Marina Park)	Boat Tow	1	
3300 via Lido	Boat Warning	2	
Bay Tower@18 (Marina Park)	Boat Warning	3	
3300 via Lido	Code Enforcement	365	
Bay Tower@18 (Marina Park)	Code Enforcement	21	
1600 Balboa	First Aid	2	
3300 via Lido	First Aid	1	
Bay Tower@18 (Marina Park)	First Aids	39	
Bay Tower@18 (Marina Park)	Harbor Service Responses	3	
1901 Bayside (OCSD_HD)	Medical Aid	10	
3456 via Oporto	Medical Aid	1	
1131 Backbay (Dunes)	Medical call	2	03:00 & 21:00
3300 via Lido	Pier jumper	20	
Bay Tower@18 (Marina Park)	Prevents	223	
Bay Tower@18 (Marina Park)	Public Assists	10	
1 Beacon Bay	Public Contact	5	
1600 Balboa	Public contact	10	
1901 Bayside (OCSD_HD)	Public Contact	9	
Bay Tower@18 (Marina Park)	Public Contacts	828	
1000 Bayside Drive	Rescue	1	22:38
829 Harbor Island Drive	Rescue	1	22:10
via Antibes & via Lido Soud	Rescue	1	22:49
Bay Tower@18 (Marina Park)	Rescues	21	

Yellow indicates after hours.