



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, January 8, 2020 - 6:30 PM

Harbor Commission Members:

Paul Blank, Chair
Scott Cunningham, Vice Chair
Ira Beer, Secretary
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

[Humor Slide](#)

2) ROLL CALL

3) PLEDGE OF ALLEGIANCE

4) PUBLIC COMMENTS

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Harbor Commission. 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 or non-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. Draft Minutes of November 13, 2019, Harbor Commission Regular Meeting**

[11-13-2019 Harbor Commission Draft Minutes](#)

[Additional Materials Received Minutes of November 13, 2019 Commissioner Beer Comments](#)

6) **PRESENTATIONS**

1. **Presentation on Draft Disposable Food Service Ware Ordinance**

The Water Quality/Coastal Tidelands Committee (WQCTC) has been reviewing the City's Municipal Code since September of 2019 to determine if the Code could be modified to provide additional regulations to improve the environment and water quality. This presentation will provide the Harbor Commission with an update of the work in progress.

Recommendation:

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

2) Receive and file.

[Staff Report](#)

[Attachment A – PowerPoint Presentation](#)

[Attachment B – Santa Monica Food Service Ware Guidelines](#)

[Attachment C – Manhattan Beach Balloon Ban](#)

2. **Update on the Water Wheel**

The City has a robust water quality program that is overseen by the Public Works Department and the Water Quality/Coastal Tidelands Committee. In June of 2019, the City entered into an agreement with the State of California Natural Resources Agency for the Newport Bay Water Wheel Project. Public Works staff will provide a presentation on this project.

Recommendation:

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

2) Receive and file.

[Staff Report](#)

[6.2 Update on the Water Wheel Staff Presentation January 8, 2020](#)

7) **PUBLIC HEARING**

1. **Residential Dock Reconfiguration at 117 North Bay Front**

The applicant at 117 North Bay Front is proposing to reconfigure the residential dock in essentially the same orientation by shifting the structure to the south. The proposed float will not extend bayward any further than the existing float, and this dock is in an area where the harbor lines (bulkhead, pierhead and project) are not clearly defined. Because the applicant is proposing a different configuration within an area where the harbor lines are not defined, staff is unable to approve the project. Therefore, Council Policy H-1 directs the Harbor Commission to hold a public hearing for the proposed project. The applicant requests the Harbor Commission to approve the proposed dock configuration.

Recommendation:

- 1) Conduct a public hearing; and
- 2) Find the Project exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and
- 3) Approve the Project at 117 North Bay Front by making specific findings to allow the dock to be reconfigured pursuant to the provisions in Council Policy H-1.

[Staff Report](#)

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

[Attachment B - Aerial Photos](#)

[Attachment C - Existing Approved Plans and Configuration](#)

[Attachment D - Proposed Configuration](#)

[Attachment E - Public Outreach](#)

[7.1 Residential Dock Reconfiguration at 117 North Bay Front Staff Presentation January 8, 2020](#)

8) CURRENT BUSINESS

1. Harbor Commission 2020 Objectives

The Harbor Commission has completed a number of Objectives since the last full update of the Objectives in 2018. At the October 9, 2019 meeting the Harbor Commission created a subcommittee to review the current updated Objectives. They were tasked with adding to, deleting and modifying the current Objectives for Council Consideration in January 2020. The subcommittee for Objective Review will report their recommendations for consideration of 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; and
- 2) Review and approve updates to the Harbor Commission Objectives for 2020, and recommend that they be forwarded to the City Council for consideration.

[Staff Report](#)

[Attachment A – Harbor Commission 2018 Objectives, Revised July, 2019](#)

[Additional Materials Received Staff Memo 2020 Objectives Draft and Harbor Stats](#)

2. Harbormaster Update - December 2019 Activities

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

2) Receive and file.

[Staff Report](#)

[Additional Materials Received Staff Memo 2020 Objectives Draft and Harbor Stats](#)

[8.2 Harbormaster Update Staff Presentation January 8, 2020](#)

- 9) **COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**
- 10) **QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES**
- 11) **MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**
- 12) **DATE AND TIME FOR NEXT MEETING: Wednesday, February 12, 2020 at 6:30 p.m.**
- 13) **ADJOURNMENT**



**Welcome to the Harbor Commission Meeting
January 8, 2020**

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
Council Chambers – 100 Civic Center Drive, Newport Beach, CA
Wednesday, November 13, 2019
6:30 PM

1) CALL MEETING TO ORDER

The meeting was called to order at 6:30 p.m.

2) ROLL CALL

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

Staff Members: Carol Jacobs, Assistant City Manager
Kurt Borsting, Harbormaster
Yolanda Summerhill, Assistant City Attorney
Chris Miller, Public Works Administrative Manager
Matt Cosyion, Code Enforcement Supervisor
Jennifer Biddle, Administrative Support Specialist

3) PLEDGE OF ALLEGIANCE – Commissioner Kenney

4) PUBLIC COMMENTS

John Fradkin requested the Harbor Commission continue the practice of private moorings within the Balboa Yacht Club mooring field falling within the purview of the Balboa Yacht Club dockmaster and allow all moorings within the field to be treated similarly. The term "Balboa Yacht Club-designated moorings" should be defined to include all moorings within the field.

5) APPROVAL OF MINUTES

1. Draft Minutes of October 9, 2019, Regular Meeting

Chair Blank corrected the draft minutes to reflect Vice Chair Cunningham's presence at the meeting.

Commissioner Beer moved to approve the draft Minutes of the October 9, 2019 meeting as amended. Commissioner Marston seconded the motion. The motion carried by the following roll call vote:

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

Nays: None

Abstaining: None

Absent: Commissioner Scully

6) CURRENT BUSINESS

1. Referral of Marine Activities Permit Application to Harbor Commission

SoCal Cycleboats, Inc., a commercial operation interested in providing a human-powered multi-passenger cycleboat experience on the waters of Newport Harbor, has submitted a Marine Activities Permit application for consideration. Since no similar business currently operates in the Harbor, there is no basis of comparison for staff to evaluate if this operation

will adversely affect the health, safety, or welfare of those who use, enjoy, or own property near Newport Harbor. As such, the Harbormaster is referring the application to the Harbor Commission for their recommendation as to whether or not a Marine Activities Permit should be issued for this type of operation (such referrals for Harbor Commission consideration are provided for in NBMC Section 17.10.050).

Recommendation:

- 1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- 2) Provide staff direction regarding the request for issuance of a Marine Activities Permit for the SoCal Cycleboats Inc. proposal, subject to any additional approvals from other City Departments or outside agencies with authority over the proposed business.

Harbormaster Kurt Borsting reported SoCal Cycleboats, Inc., has submitted a Marine Activity Permit (MAP) application to provide a human-powered, multi-passenger cycleboat experience on the waters of Newport Harbor. As there is no similar business in Newport Harbor, Harbormaster Borsting referred the application to the Harbor Commission for an evaluation of the business' compatibility with other Harbor uses.

Michael Kapusta, applicant, advised that a cycleboat can travel 3-5 miles per hour. Rentals will include the services of a captain and deckhand. Passengers will not control the boat.

Chris Ferren Cirino indicated he and his wife have cycleboat operations in San Jose, Sacramento, and Reno. The experience is interactive and personable. The primary priority is ensuring customers have an interactive experience. In Sacramento, each excursion includes one stop at a bar or restaurant where customers can patronize the bar or restaurant. All cycleboats are certified by the U.S. Coast Guard and inspected annually. The number of alcoholic beverages customers can bring aboard is limited to three or four. He prefers customers not bring hard liquor onboard. Excursions are restricted to the hours of 9 a.m. to approximately 9:30 p.m.

In response to questions, Mr. Cirino explained that a cycleboat does not have a head. After approximately 30 minutes, excursions stop at restaurants and bars where customers may use the restrooms. Excursions load at Mr. G's. A 30-hp motor provides alternative power to peddling. Corporate outings can extend to 2-3 hours, but the total time is not spent on the water. Corporate groups may visit a restaurant for a meal or visit several bars during the excursion. The application notes only one cycleboat. Should the number of cycleboats increase in the future, parking arrangements will have to be determined. Mr. G's dock will be the point for departure and arrival. The five parking spaces allocated to Cycleboats do not include spaces for the rental operation. The rental operation is required to provide ten parking spaces, and it has 15 spaces. The rental operation agreed to allow Cycleboats to utilize five of the 15 spaces. The rental operation will provide offsite parking for Cycleboat only. Customers can park at Balboa Fun Tours and sign in at Mr. G's. The owner of the rental operation has offered to mark five parking spaces for Cycleboats. Seating is provided in the front of the boat for passengers who do not want to pedal. Passengers naturally alternate peddling with socializing. The captain and deckhand can control the volume of amplified sound. Mr. Cirino and Mr. Kapusta advised that they are aware of the regulations contained in the MAP. Cycleboats will not provide passengers with food or beverages. In the future, food and beverages may be provided to corporate passengers. Cycleboat's ABC license limits beverages to an alcohol content of 8 percent or less. Hard liquor is not allowed aboard the boats. The captain and deckhand are authorized to handle rowdy or intoxicated customers. Typically, the captain or deckhand addresses the issue with the person who booked the excursion. If necessary, the captain or deckhand may cancel or shorten the excursion. Mr. Cirino and Mr. Kapusta were amenable to utilizing multiple excursion routes to mitigate the impacts on one area of the Harbor. The passengers do not steer the cycleboat. Cycleboats are equipped with lighting for the passengers and with Coast Guard lighting. To comply with legal requirements, the captain will be a certified master captain as defined by the Coast Guard. Mr. Kapusta and Mr. Cirino explained that they are partners in the venture, and both are financially responsible for the business. Early morning tours are popular in

Sacramento. A good time to end excursions is 8:30 to 9:30 p.m. during the summer months. The application includes a letter from the Sacramento Chief of Police, in which he endorses the Sacramento operation's safety practices.

Matt Cosylyon, Code Enforcement Supervisor, reported the parking standard is one space per three passengers. With five parking spaces, the number of passengers would be limited to 15.

Harbormaster Borsting reported he can add a condition for multiple excursion routes.

Commissioner Kenney suggested the Commission limit the number of cycleboat operations in the Harbor and the number of boats for each operation. He proposed allowing one cycleboat during the first year of operations; restricting the hours of operation to 6:30 p.m. during winter months and 9 p.m. during summer months; requiring the use of multiple excursion routes and the presence of a certified master captain onboard at all times; prohibiting the use of public docks except in emergencies; and prohibiting alcohol except for beer, wine, hard cider, and packaged premixed beverages.

Commissioner Beer added a prohibition for excursions after dark.

Commissioner Yahn felt the requirements contained in Title 17 should adequately limit operations without adding specific conditions to the MAP. Vice Chair Cunningham concurred.

Commissioner Kenney proposed the Harbor Commission limit cycleboat entities in general to no more than three boats per entity during the entity's first year of operation.

Assistant City Manager Carol Jacobs related that parking requirements will limit the number of boats each entity can operate. The Harbor Commission could discuss and develop a policy for the number of vessels allowed in the Harbor.

Commissioner Kenney moved to recommend the Harbormaster approve the requested Marine Activity Permit with conditions requiring a certified master captain onboard at all times; prohibiting the use of public docks except in emergency situations; restricting alcoholic beverages to bottles and cans of beer, wine, and other spirits containing 8 percent alcohol by volume or less; prohibiting the applicant from providing food and/or beverage service; and requiring the applicant to utilize different excursion routes. Vice Chair Cunningham seconded the motion. The motion carried by the following roll call vote:

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

2. Lower Bay Dredging Update

Public Works Manager Chris Miller will update the Harbor Commission on the latest planning efforts on the future Lower Bay dredging project.

Recommendation:

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

Public Works Administrative Manager Chris Miller reported the goal of the dredging project is to dredge the Harbor to its designed depth, including necessary navigation and improved tidal flushing. In 2012, the City in partnership with the Army Corps of Engineers dredged approximately 600,000 cubic yards of material in Phase I. Approximately twice that amount of material should be dredged in Phase II. Because of successful efforts to prevent material from traveling from the watershed to the Upper Bay, future dredging projects would likely be small. As an incentive for the Army Corps of Engineers to dredge the federal channels, the

City is handling all permitting, design, engineering, environmental analysis, and community outreach. In a best-case scenario, dredging could begin in early 2021. Sediment in 90 percent of the Harbor has been characterized as clean, and the majority of dredged material, approximately 850,000 cubic yards, will be deposited in LA3, which is located six miles from the entrance to Newport Harbor. Sediment characterized as beach quality, approximately 70,000 cubic yards, will be deposited in the near-shore zone, which is located just beyond the breaking waves. The Environmental Protection Agency (EPA) is the primary permitting agency for LA3. About 100,000 cubic yards of material is characterized as unsuitable. Generally, the Army Corps of Engineers is not responsible for finding a repository for unsuitable material. Staff spent a significant portion of 2019 negotiating reductions in the fields of unsuitable material. The options for disposing of unsuitable material are to do nothing, *i.e.*, leave it in place; to treat the material on the beach and truck it to a landfill; and to build a confined aquatic disposal (CAD) site measuring 450 feet by 450 feet by 47 feet deep. Regulatory agencies have expressed a preference for the CAD method of disposal. Staff proposes to construct a CAD site in the anchorage area between Lido Isle and Bay Island. Staff has geotechnical and sediment information for the area. Staff proposes dredging the site 5 feet deeper than required so that a future project to deepen the channel to Marina Park, for example, would have a disposal site. The benefit of the additional dredging exceeds the incremental cost. If the CAD site is constructed to accommodate 150,000 cubic yards of material, RGP 54 dredging material could be deposited into it. The proposed CAD location is also the area where sediment would be deposited during a 100-year rain event. The CEQA analysis covers dredging of unsuitable material. Dredging clean material is analyzed under the National Environmental Policy Act (NEPA). A public scoping meeting, which has been scheduled for December 4, is intended to notify the community of the eventual project and to obtain preliminary feedback during the Environmental Impact Report (EIR) process. Staff will incorporate the preliminary feedback into the Draft EIR (DEIR), publish the DEIR, accept public comment regarding the DEIR, and prepare a Final EIR (FEIR). In the spring of 2020, staff anticipates applying for permits. In nine to twelve months, the project could be ready for the Army Corps of Engineers to begin dredging.

In reply to inquiries from the Commission, Public Works Administrative Manager Miller indicated digging the CAD would require several months. If Coast Guard approval of the proposed West Anchorage has not been resolved, using the West Anchorage as a temporary anchorage during the dredging project would be considered an official trial project in establishing it as a permanent anchorage. Staff is proposing a ten-year timeframe for depositing material into the CAD. Once the Lower Bay dredging is complete, an interim cap would be installed. A permanent cap would be installed once the CAD is filled. When negotiating with the City, the EPA allowed staff to exceed the general nationwide standard for sediment disposal at LA3 in exchange for staff drafting a sediment management plan for Newport Harbor. The CAD would disrupt the anchorage for quite some time, but staff hopes to figure out a method to reduce the disruption time. The ten-year timeframe is a goal rather than a limit. The City has funded all work to date at a cost of around \$1.5 million. The City Council has budgeted \$4.3 million or \$4.4 million for construction. Staff is lobbying the federal government for full funding. The CAD would not be lined. The engineers will calculate the slope and size of the CAD so that sloughing is minimal. Mercury causes the dredged material to be characterized as unsuitable and is more likely to migrate into surrounding areas in its current state than in the CAD. The cap would be composed of dredged material. A CEQA analysis is not required for a staff report. When dredging is complete, the depth of the CAD should be 20-22 feet. The estimated amount of unsuitable material produced by the Lower Bay dredging project is 100,000 cubic yards. The engineers have calculated the size of the CAD to accommodate 150,000 cubic yards of material. The City could utilize the excess capacity of the CAD when dredging the Balboa Yacht Basin. Eel grass does not exist in the proposed location of the CAD, but staff will conduct a survey to confirm that. Possible mitigations for eel grass would be a component of the federal environmental analysis. Public Works Administrative Manager Miller did not anticipate a major dredging project in the future absent a major weather event. If the Harbor could be dredged to the authorized depth, maintenance dredging would be minimal because of the small amount of material that cycles through the Harbor. Staff has considered constructing CADs south of Via Lido Soud, a few blocks east of the H Mooring Field, and near the tip of Lido Isle just before the turning basin. The entirety of Newport Harbor Yacht Club's mooring field would be impacted by the CAD. The gray areas on the map are at design depth within a tolerance. Assistant City Manager Jacobs explained that all Commissioners may attend the public scoping meeting but may not speak during the meeting or discuss it among themselves.

Commissioner Kenney expressed concern that the east end of the anchorage could be unsafe for vessels if an anchor drifts from a 15-foot-deep shelf to a 30 or 40-foot-deep bottom. However, a longer trial of the West Anchorage would be beneficial.

Commissioner Beer suggested the engineers quantify the length of time required to fill the CAD completely. The slope of the CAD could be problematic for the anchorage.

John Fradkin opposed the proposed location for the CAD as it is his favorite part of the Harbor and used extensively for sailboat races. He preferred the location of the West Anchorage.

Tom Hartman, Newport Sea Base Executive Director, requested the Commission conduct robust outreach to the various user groups and operators in the Harbor. Newport Sea Base will need to dredge its marina in the next few years and would like to dispose of the material in the CAD.

3. Proposed Changes to Title 17 – Harbor Code

The City Council requested that the Harbor Commission review Title 17 (Harbor Code) of the Newport Beach Municipal Code in February 2018. The Harbor Commission created a subcommittee consisting of Commissioners Kenney, Blank, and Yahn to provide recommended changes based on the changed conditions within the Harbor. The proposed changes reflect all chapters of the Harbor Code with the exception of Chapter 17.10 – Marine Activity Permits which will be provided to the Harbor Commission at a future date.

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 and forward to the City Council for their consideration.

Chair Blank advised that he will recuse himself from discussion of the definition of live-aboard, mooring extensions, and conditions specific to the Yacht Club mooring field.

Commissioner Kenney reported the subcommittee held four public stakeholder meetings to gather input from mooring permittees, homeowners, and others who use and care about the Harbor. On June 12 and August 14, 2019, the Harbor Commission reviewed proposed changes to Title 17 and provided feedback. Revisions to Section 17.10, Marine Activity Permit, are ongoing and not a component of the current discussion. The subcommittee has held two stakeholder meetings regarding Section 17.10 and will likely hold additional public meetings.

Harbormaster Borsting advised that the Harbor Commission formed the subcommittee to review Title 17 and identify potential revisions. The subcommittee organized a series of meetings and created an independent section of the Harbor Department's webpage to encourage public participation and to promote transparency. Title 17 was divided into two portions, and each portion was presented to the public for review. Public comments were incorporated into the provisions of Title 17, and additional meetings were held to review the modified portions. Lastly, the subcommittee and the City Attorney's Office reviewed the final drafts. Attendance at the meetings varied between 25 and 50 people. Key topics identified for review included a public hearing process, the length of time dinghies may be tied to public docks, live-aboard boater issues and vessel requirements, mooring extension requests, recreational non-live-aboard boaters, an appeals process, water quality, public hearing requirements, sea lion deterrent measures, and public noticing requirements. While the discussion of allowed overnight stays for non-live-aboards was extensive, the subcommittee is not recommending any change to the existing maximum of three overnight stays per month. Harbormaster Borsting highlighted the subcommittee's recommendations.

Chair Blank recused himself and left the meeting.

Dan Gribble commented that dockmasters have long managed vessels in yacht club mooring fields by tradition. The proposed revision to Title 17 will require visitors to complete excessive paperwork and pay additional costs and will not make visitors feel welcome to Newport Harbor. He requested clarification of Section 17.60.040 related to yacht club-designated moorings.

Scott Carlin, Newport Mooring Association, read a resolution of the Newport Mooring Association Board of Directors in support of continuing the practice of yacht clubs managing their mooring fields. The Newport Mooring Association appreciates the many clarifications of Title 17.

Megan Delaney remarked regarding yacht club dockmasters juggling resources to support activities in the Harbor. Management of the yacht club mooring fields should remain with the dockmasters.

John Fradkin requested the City allow the dockmasters to continue managing the small number of moorings located in yacht club mooring fields.

Jim Parker questioned whether commercial marina operators attended the outreach meetings as he could not identify any public comments from commercial marina operators. The number of live-aboards within commercial marinas has declined during the years that the City has not regulated the percentage of allowed live-aboards in commercial marinas.

Chair Blank advised that outreach meetings were advertised to commercial marina operators, and several attended subcommittee meetings.

Jim Mosher did not believe the revised Title 17 is ready for Council adoption. In Section 17.05.030, the statement that any activity or action or use of Newport Harbor is prohibited unless specifically permitted by the provision of this Code or the Tidelands Trust is contrary to the usual interpretation of the Code. He was surprised by the revision for the Community Development Department to review construction in the Harbor. The appeals process does not make sense.

At Commissioner Yahn's request, Harbormaster Borsting explained that Section 17.60.040 allows yacht clubs to manage the moorings for which they hold permits. A small number of City-issued moorings are located within the Balboa Yacht Club mooring field, and the rules applicable to any City-owned mooring are applicable to the City-owned moorings located in yacht club mooring fields. Staff does not typically direct potential sub-permittees to the Balboa Yacht Club mooring field. The Code allows a sub-permittee to utilize a mooring for a maximum of 30 days without charge if the sub-permittee has a letter of permission.

Commissioner Kenney proposed allowing individual mooring permittees whose moorings are located in the Balboa Yacht Club mooring field to assign their moorings to Balboa Yacht Club for management and administration. This would comply with the Code requirements and resolve the issue. Assistant City Manager Jacobs explained that the City would need an agreement with Balboa Yacht Club indicating Balboa Yacht Club's willingness to accept management and liability for the individuals' moorings and to provide insurance coverage for the moorings. If the individuals assign their moorings to Balboa Yacht Club, the City would not receive documentation from the permittees. Commissioner Kenney suggested the permittee would assign management only and would continue to provide the City with documentation. Assistant City Manager Jacobs questioned the City's ability to protect itself should the yacht club loan a mooring to a mariner who does not have proper insurance. Commissioner Kenney responded that the yacht club would have to ensure that all vessels on individual permittees' moorings have property insurance. Assistant City Manager Jacobs reiterated that an agreement would be needed to ensure all parties understand their responsibilities. Staff is willing to discuss the issues with yacht club management. Commissioner Kenney remarked that one of the benefits of yacht club membership is receiving accommodations at yacht clubs around the world. The City and the Harbor Commission should protect that ability. Harbormaster Borsting stated the Code does not align with the longstanding practice. A permittee in Mooring Field A is prohibited from lending his mooring to a visiting mariner. The individual permittee's mooring is located in the yacht club mooring field, but he holds a City mooring permit and should be subject to the same rules as the permittee in Mooring Field A.

Vice Chair Cunningham asked if Commissioner Kenney meant an individual who is a member of a yacht club and who holds a mooring outside the yacht club field or within the jurisdiction of the yacht club field, could allow the yacht club to manage the mooring. Commissioner Kenney noted all moorings in the Newport Harbor Yacht Club mooring field are controlled by Newport Harbor Yacht Club. Only in the Balboa Yacht Club field, if the permittee is a member of the Balboa Yacht Club and assigns his mooring to the Balboa Yacht Club to administer, then the Balboa Yacht Club would accept responsibility for the mooring. Seventeen of Balboa Yacht Club's moorings are occupied by individuals holding City-issued mooring permits, and 15 of the 17 are members of Balboa Yacht Club. The individual permittee would continue to provide all required documentation to the City. The individual permittees would not be required to assign management to Balboa Yacht Club.

Commissioner Beer indicated Section 17.60.04.G states that only for those moorings assigned by the City within those established mooring areas or locations prior to May 11, 2017. He questioned the event that compelled the City to assign all but those 17 moorings to the Balboa Yacht Club.

Assistant City Manager Jacobs suggested a discussion with the Balboa Yacht Club could reveal requirements the City may want to strengthen with Balboa Yacht Club and Newport Harbor Yacht Club permits.

Commissioner Kenney concurred that moorings in any of the three yacht club fields should be held to the same standards and requirements as moorings in City mooring fields. Perhaps a subcommittee could work with Balboa Yacht Club to resolve the issue while the revisions to Title 17 continue toward approval.

Commissioner Beer noted the Code requires the yacht clubs to provide mooring records to the Harbormaster by February 1 each year. The records could provide the utilization of the moorings, which could justify a mutually agreeable resolution of the matter.

Commissioner Kenney reported the subcommittee held six public stakeholder meetings. Participants did not provide personal information, but he recognized a couple of commercial marina operators in the audience. Notices for the public meetings were published through a variety of methods.

Commissioner Yahn moved to (1) find this action 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; and (2) approve the recommended changes to Title 17 and request staff forward them to the City Council for consideration. Vice Chair Cunningham seconded the motion. The motion carried by the following roll call vote:

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

4. Proposed City Council Policy – Offshore Mooring Extensions

At the Harbor Commission meeting of June 12, 2019, the Harbor Commission reviewed proposed amendments regarding offshore mooring extension in conjunction with their 2018 Goals and Objectives to "Establish policies for modifications to mooring sizes." The Commission reviewed and approved a Harbor Department Policy based on this recommendation. After further review, it is recommended that the Harbor Commission recommend a new City Council Policy establishing how and when moorings may be extended.

Recommendation:

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15050(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.
- 2) Approve the proposed City Council Policy on mooring extensions and request staff to present to City Council for consideration.

Chair Blank recused himself from the item as he holds a mooring permit.

Assistant City Manager Jacobs reported the Harbor Commission formed a subcommittee to explore a process for managing the lengths of mooring fields. A number of mooring permittees have requested extensions, and staff has realized the Code does not provide a process for approval or denial of a mooring extension. A formal process is needed to ensure vessels can travel safely and efficiently. Attached to the Harbor Policy is a designation by mooring of the existing length and a maximum length for moorings. Staff can utilize the attachment to determine whether a requested extension can be approved. A formal process utilizing the designated maximum lengths will ensure the size of vessels do not impede fairways and vessels can maneuver safely.

Commissioner Kenney suggested modifying "with the mooring fields" to "within the mooring fields" in the second paragraph; "location" to "locations" in the first line of the fairway definition; and "built slips" to "built moorings" in the second line of the fairway definition. Perhaps Section 17.60.040.M.4.a and Section 17.60.040.M.4.b should be stated in the policy as well as the Code.

At Commissioner Yahn's request, Commissioner Beer explained that the average vessel length can be deceptive. The row width is calculated by adding 20 feet (10 feet for the stern and 10 feet for the bow) to the length overall (LOA) of a vessel to accommodate the mooring ball. For example, a 40-foot vessel needs a 60-foot-wide row to prevent the mooring ball from extending into the fairway. Based on that methodology, the subcommittee determined the maximum vessel length a row could accommodate. In some cases, vessels extend past the row, but the ends of many rows can accommodate the extra length. The language allows the Harbormaster to consider the total circumstances.

Jim Mosher understood the policy is not meant to apply to the single-point mooring fields. Row and maximum vessel length are the only defined terms used in the policy. The first procedure paragraph does not indicate where a Request for Mooring Extension form may be obtained. The third paragraph does not indicate whether the Harbormaster's decision may be appealed. He questioned the omission of an appeal of an approval, the intent of the exceptions, and the heading for the final column in the table of Maximum Vessel Lengths in City Mooring Fields.

Scott Carlin expressed concern regarding the length and size of moorings surrounding his mooring.

Commissioner Beer could agree to amend the language to reference the Harbormaster form in procedures, modify the chart title to Guidance for Maximum Vessel Length, add the requirement for the mooring to be occupied by the larger vessel within 12 months, and add the prohibition regarding transfer of a mooring within 12 months. The definitions were drafted for the policy and subsequently incorporated into Title 17.

Commissioner Kenney concurred with Mr. Mosher in that a decision of approval or denial should be appealable. Assistant City Manager Jacobs advised that she would delete "if denied."

Commissioner Kenney moved to approve the proposed City Council Policy on mooring extensions with the inclusion of Section 17.60.040.M.4.a and Section 17.60.040.M.4.b, revisions that the Harbormaster can provide the Request for Mooring Extension form, that the decision of the Harbormaster is appealable, the title of the chart is Guidance for Maximum Vessel Length; and request staff to present to City Council for consideration. Commissioner Beer seconded the motion. The motion carried by the following roll call vote:

Ayes: Vice Chair Cunningham, Commissioner Beer, Commissioner Kenney, Commissioner Marston, Commissioner Yahn
Nays: None
Recused: Chair Blank
Absent: Commissioner Scully

- 5. Create a Subcommittee to Work with the Parks, Beaches and Recreation Commission to Explore a Community Pool at Lower Castaways Park**

At the City Council meeting of November 5, 2019, the City Council directed the Parks, Beaches and Recreation Commission and the Harbor Commission to work together to explore the possibility of a community pool at Lower Castaways Park.

Recommendation:

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15050(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.
- 2) Appoint three members of the Harbor Commission to a subcommittee to work with the Parks, Beaches and Recreation Commission on a community pool at Lower Castaways Park.

Assistant City Manager Jacobs reported the Recreation and Senior Services Department presented a proposal for a community pool to the City Council. During the discussion, the location for the proposed pool was identified as Lower Castaways Park. The Council expressed interest in pursuing the proposal but is aware of the Harbor's needs. Therefore, the Council wanted three Harbor Commissioners to join an ad hoc committee composed of Parks, Beaches and Recreation Commissioners and staff to evaluate the property. Assistant City Manager Jacobs cautioned Commissioners that the project and the ad hoc committee could extend for three or four years.

Assistant City Manager Jacobs explained that the ad hoc committee will be subject to the Brown Act. Participation could require 30-40 hours of Commissioners' time over the next several years. The Council clearly indicated the project could be a joint use site and the two Commissions should work together to ensure all interests are accommodated. Other locations have been considered, but Lower Castaways Park seems to be the final viable location. The first meetings will review the work of both Commissions regarding the location.

Commissioner Marston recalled a prior proposal for a community center on the west side of Newport Beach and the Harbor Commission's presentation to the Parks, Beaches and Recreation Commission regarding a launch site for non-motorized craft at Castaways.

Commissioners Marston and Yahn volunteered to serve on the ad hoc committee.

Commissioner Kenney felt this could be an opportunity for the Harbor Commission to develop a joint use for the location and obtain funding for the project.

Jim Mosher recalled a prior joint project of the two Commissions that accomplished little. He understood the Council indicated the ad hoc committee could determine Lower Castaways is not the best location for a community pool and recommend other locations. Council Member Duffield has suggested Marina Park.

Chair Blank advised that former Commissioner Girling has agreed to share his knowledge of the site if Commissioners wish.

Tom Hartman, Newport Sea Base Executive Director, reported Newport Sea Base has been working with community partners to develop a rowing center to accommodate the growing demand. This could be an opportunity for a joint partnership among many organizations. The facility can accommodate more than a pool.

Chair Blank invited Mr. Hartman to attend and participate in meetings of the ad hoc committee.

Commissioner Kenney moved to (1) determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15050(c)(2) and 15060(c)(3) of the CEQA Guidelines; and (2) appoint Commissioners Marston (Chair) and Yahn and Chair Blank to a subcommittee to work with the Parks, Beaches and Recreation Commission on a community pool at Lower Castaways Park. Commissioner Beer seconded the motion. The motion carried by the following roll call vote:

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

Nays: None
Abstaining: None
Absent: Commissioner Scully

6. Harbor Commission 2020 Objectives and Subcommittee Reports for Progress of Current Objectives

The Harbor Commission has completed a number of Objectives since the last full update of the Objectives in 2018. At the October 9, 2019 meeting, the Harbor Commission created a subcommittee to review the current updated Objectives. They were tasked with adding to, deleting, and modifying the current Objectives for the City Council's consideration in January 2020. The subcommittee for Objective review will report their recommendations for consideration of the full Harbor Commission. Each subcommittee will also report their progress from the last month.

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 and approve updates to the Harbor Commission Objectives for 2020 and recommend that they be forwarded to the City Council for consideration.
- 3) Receive and file current subcommittee reports.

Vice Chair Cunningham reported Commissioner Yahn and he reviewed the proposals for Objectives and attempted to categorize them by Functional Area but felt the Functional Areas need some enhancements prior to modifying the Objectives. Functional Areas 1 and 5 could remain as is. Earlier in the year, the Harbor Commission combined Functional Areas 2 and 3, which combined Amenities, Harbor Operations and Management, and Strategic Assets. The subcommittee proposed reorganizing Functional Area 2 as Harbor Operations, Policies, and Regulations and creating Functional Area 3 for Harbor Strategic Assets and Amenities. Functional Area 4 can continue, but it needs better definition. Rather than forming a subcommittee of two or three Commissioners for each Functional Area, he proposed selecting a lead for each Functional Area and allowing one or two additional Commissioners to work on each Objective as needed. In other words, the Commissioners would not be assigned to Functional Areas, except for the lead, but could work on any or all Objectives as needed or desired, within Brown Act requirements. If the Commission agrees to the proposed Functional Areas and selecting a lead for each Functional Area, the subcommittee will seek input for the Objectives and work on those over the next month.

Commissioner Kenney could accept the restructuring of the Functional Areas. Preparing revisions for Section 17.10 would probably require another 9-12 months. Work is just beginning on the Objectives for the current Functional Area 4. Mixing Commissioners for the Objectives could be confusing. Vice Chair Cunningham clarified that the Functional Area lead will drive the Objectives. Commissioner Kenney asked if Vice Chair Cunningham is proposing an ad hoc committee for each of the three Objectives under Harbor Operations. Vice Chair Cunningham explained that a maximum of three Commissioners could work on each Objective, but Commissioners could work on Objectives in different Functional Areas.. Commissioner Yahn indicated the Commissioners who are not the lead for a particular Functional Area could serve on multiple ad hoc committees. This approach allows Commissioners to diversify their interests and share the workload.

Commissioner Beer suggested Objectives should be closely related within a Functional Area in order to provide consistency in the ad hoc committee.

Vice Chair Cunningham advised that the same Commissioners could work on multiple Objectives within a Functional Area. After Objectives are identified, Commissioners can be sorted based on expertise and preferences.

Commissioner Yahn indicated Title 17 correlates to Harbor Operations, Policies, and Regulations. The existing subcommittee could choose to continue working on Title 17.

Chair Blank supported selecting a Commissioner as a lead for each Functional Area and allowing Commissioners to work on different Objectives. For example, he would have to recuse himself from the subcommittee working with the yacht clubs on mooring permits, but a Commissioner from another Functional Area could take his place.

Vice Chair Cunningham volunteered to lead Functional Area 1 for dredging. Chair Blank should continue as lead for Functional Area 5.

Commissioner Yahn agreed to lead Functional Area 2, Harbor Operations, Policies, and Regulations, which includes Title 17 review.

Commissioner Beer accepted the lead for Functional Area 3, Harbor Strategic Assets and Amenities.

Commissioner Kenney wanted to continue as lead for Title 17 in Functional Area 2.

Vice Chair Cunningham clarified that Functional Area 2 contains Objectives in addition to Title 17.

Chair Blank assigned Commissioner Scully to lead Functional Area 4.

Vice Chair Cunningham requested the Functional Area leads list Objectives for each Functional Area and send the lists to Assistant City Manager Jacobs, who will provide them to the subcommittee.

Commissioner Kenney requested an updated list of Functional Areas.

Jim Mosher commented that the subcommittees assigned to Functional Areas appear to be standing committees, and as standing committees they are required to meet publicly.

Chair Blank suggested only one Commissioner would be assigned to a Functional Area, and a standing committee cannot be composed of one member.

7) Harbormaster Update – October 2019

The Harbormaster is responsible for the 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 October 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 Public Works Administrative Manager Miller, Commissioner Beer, and he visited U.S. Coast Guard representatives at the LA/LB Sector Base to obtain clarification and direction regarding the proposed West Anchorage. The representatives suggested the City reduce the size of the proposed West Anchorage and develop a public outreach plan. Staff is following up on the suggestions. The Harbor Department website has been enhanced with marketing features. The Harbor Department sent an email to all mooring permittees regarding expected high-wind conditions. Assistant City Manager Jacobs, Chair Blank, and he co-presented an overview of the Harbor Department to the Leadership Tomorrow group on October 17. The City and the Sheriff's Department hosted an abandoned vessel auction on October 30. The City offered 23 vessels for sale, and 12 of the smaller vessels were sold. Once the unsold 11 vessels are disposed, three vessels will remain in impound. In October, 84 new Code

Enforcement cases were opened, and 69 cases were resolved. The top three violations for October were provisions of Title 13, outdated registration and insurance documents, and sea lion deterrence. On October 16, Code Enforcement and Fire Department personnel inspected all commercial docks and observed ten violations. Follow-up inspections will occur in the next few weeks. Also in October, Code Enforcement Supervisor Cosyion and Lead staff conducted pre-dawn patrols to gather information about potential unauthorized live-aboard activity. Additional investigation is underway in 18 new cases.

In answer to queries, Harbormaster Borsting advised that paddleboard/kayak is defined as assisting or educating paddleboarders or kayakers. The large decrease in the category probably resulted from the change in seasons.

7) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEM)

Chair Blank reported the City Council adopted Policy H-1 without comment. The Christmas Boat Parade is scheduled for December 18-22.

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

Assistant City Manager Jacobs indicated she had no new information regarding the *Wild Wave*. The next court date is in January 2020. Chair Blank recalled that a bench trial was scheduled for January with a decision rendered by March.

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

Chair Blank advised that a follow-up discussion of Objectives will be placed on an agenda and requested an update regarding the water wheel project from the Public Works Department. In reply to Assistant City Manager Jacobs' inquiry, Chair Blank suggested Ms. Ip could present her proposal for polystyrenes.

Chair Blank suggested the December meeting may be canceled.

10) DATE AND TIME FOR NEXT MEETING: Wednesday, December 11, 2019

11) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 10:16 p.m.

Biddle, Jennifer

Subject: FW: Review of Minutes on Agenda for next NBHC Meeting scheduled 01/08/2020

From: Beer, Ira <IBeer@newportbeachca.gov>
Sent: Tuesday, January 7, 2020 1:04 PM
To: Blank, Paul <pblank@newportbeachca.gov>
Cc: Jacobs, Carol <cjacobs@newportbeachca.gov>; Borsting, Kurt <KBorsting@newportbeachca.gov>; Kenney, William, Jr. <wkenney@newportbeachca.gov>
Subject: Review of Minutes on Agenda for next NBHC Meeting scheduled 01/08/2020

Chair Blank,

As I will not be present for the meeting tomorrow, please note my comments below as it relates to the above referenced minutes.

The first four words of the paragraph below found at the bottom of Item 4. on page 8 of the Minutes should perhaps be changed from: "*Commissioner Beer could agree*" to: *Commissioner Beer agreed...*

Commissioner Beer could agree to amend the language to reference the Harbormaster form in procedures, modify the chart title to Guidance for Maximum Vessel Length, add the requirement for the mooring to be occupied by the larger vessel within 12 months, and add the prohibition regarding transfer of a mooring within 12 months. The definitions were drafted for the policy and subsequently incorporated into Title 17.

Additionally, if I recall correctly, the Harbor Policy presented at the meeting had a section (containing the language above) that was accidentally omitted (a clerical error) from what had been previously approved by the Harbor Commission at a prior meeting. I made reference to that, which Carol concurred, and it was agreed that adding that language back was necessary and I believe the minutes may need to make reference to that unless it is spelled out elsewhere that I missed or is simply not necessary so long as the correct/approved language is incorporated to the Title 17 proposed changes.

Best regards,

Ira Beer
Harbor Commissioner
City of Newport Beach



NEWPORT BEACH

Harbor Commission Staff Report

January 8, 2020
Agenda Item No. 6.1

TO: HARBOR COMMISSION

FROM: Carol Jacobs, Assistant City Manager - 949-644-3313,
cjacobs@newportbeachca.gov

TITLE: Presentation on Draft Disposable Food Service Ware Ordinance

ABSTRACT:

The Water Quality/Coastal Tidelands Committee (WQCTC) has been reviewing the City's Municipal Code since September of 2019 to determine if the Code could be modified to provide additional regulations to improve the environment and water quality. This presentation will provide the Harbor Commission with an update of the work in progress.

RECOMMENDATION:

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

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The Water Quality/Coastal Tidelands Committee (WQCTC) has been reviewing Newport Beach Municipal Code Title 6.05, "Use of Expanded Polystyrene Disposable Food Service Ware". Committee Member Fred Galluccio and resident Hoiyin Ip have made several presentations to the WQCTC on possible changes to the Code. Ms. Ip will provide her presentation to the Harbor Commission.

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 – PowerPoint Presentation

Attachment B – Santa Monica Food Service Ware Guidelines

Attachment C – Manhattan Beach Balloon Ban

TRASH AND TOXICS REDUCTION

Only If We Could Treat Fish Like Our Dogs



HOIYIN IP

JAN. 8, 2020



STRAWS



UTENTILS TO-GO



STIRRERS



LID PLUGS



TO-GO BAGS



CONDIMENTS TO-GO

BRING YOUR OWN



CUPS



TO-GO CONTAINERS

Art by California Coastal Commission

#TrashFreeNewport

2017 Laguna Beach's
Est. Costs for Trash Provisions Compliance

Track 1 (trash capture)	\$8,900,000
Track 2 (trash reduction)	\$940,000

6th Cycle of RHNA Housing Allocation


Posted by SCAG on 11/7/2019

Newport Beach	4,832
Irvine	22,803
Lake Forest	3,163
Costa Mesa	11,734
Tustin	6,853
Santa Ana	3,087

NBMC	PROPOSED BAN
<p>6.26 SALE, DISTRIBUTION AND USE OF BALLOONS (FOIL, LATEX)</p>	<p><u>BEACHES, PIERS, PARKS</u> USE/DISTRIBUTE FOIL BALLOONS USE/DISTRIBUTE/SELL LATEX BALLOONS</p>
	<p><u>CITYWIDE</u> SALE OF FOIL BALLOONS RELEASING LATEX BALLOONS</p>
	<p>BALLOONS ON CITY PROPERTIES</p>
<p>11.04.080 PARKS, PARK FACILITIES, AND BEACHES</p>	<p>POLYSTYRENE FOAM</p> <p>USE/DISTRIBUTE/SELL FOIL AND LATEX BALLOONS</p>
<p>11.08.055 CONDUCT ON BEACHES AND PIERS</p>	
<p>6.05 DISPOSABLE FOOD SERVICE WARE</p>	<p><u>PLASTICS, INCLUDING POLYSTYRENE FOAM</u> BAN SERVE ON REQUEST FEE</p>
<p>6.27 CARRYOUT BAGS</p>	<p>10 ¢ FOR ALL ESTABLISHMENTS</p>

Environmental Services

Polystyrene Foam and Single Use Plastics Ordinance

 [San Diego's Polystyrene Foam and Single Use Plastics Ordinance](https://www.sandiego.gov/sites/default/files/san_diego_single_use_plastic_reduction_ordinance.pdf)

([//www.sandiego.gov/sites/default/files/san diego single use plastic reduction ordinance.pdf](https://www.sandiego.gov/sites/default/files/san_diego_single_use_plastic_reduction_ordinance.pdf)) takes effect February 23, 2019. The ordinance regulates products made from polystyrene foam, sometimes referred to by the brand name "Styrofoam®," and the distribution of certain single-use straws and utensils. [Frequently asked questions. \(https://www.sandiego.gov/environmental-services/recycling/pf-ban-faqs\)](https://www.sandiego.gov/environmental-services/recycling/pf-ban-faqs)

Effective February 23, 2019:

- A food vendor may only distribute plastic straws upon request of the customer (sit down or takeout)
 - Plastic straws may be offered to customers or provided at self-service stations.
- A food vendor may only distribute plastic utensils upon request of the customer (takeout only)
 - Plastic utensils may be offered to customers or provided at self-service stations.
- The following shall not be distributed if made in whole or part from polystyrene foam unless encased within another material:
 - coolers, ice chests, or similar containers;
 - pool or beach toys; and
 - dock floats, mooring buoys, or anchor or navigation markers.
- All polystyrene food service ware, food trays, egg cartons, coolers, ice chests, and pool or beach toys are prohibited from City facilities (including special events) at parks, recreation centers, beaches, lakes, offices and other City owned or leased facilities.

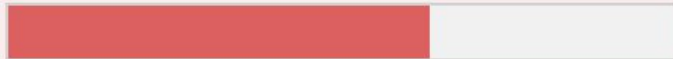
Effective May 24, 2019:

- No person may distribute egg cartons, food trays, or food service ware made in whole or in part from polystyrene foam.
- Food service ware includes: bowls, plates, trays, cups, lids, and other similar items designed for one-time use for 24 prepared foods, including containers for eating in, takeout food, or leftovers.

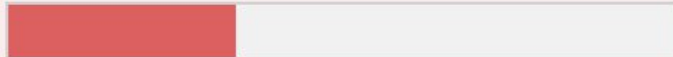


Should the city ban distribution of single-use plastic items?

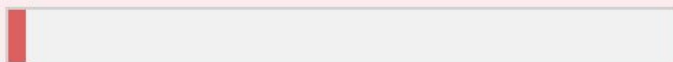
Yes, including a balloon ban 63.16%



No, not at all 34.21%



Yes, but without a balloon ban 2.63%



Like 40 Share

Tweet

[Return To Poll](#) [Create Your Own Poll](#)

PLEASE CONSIDER

Harbor Ban:

- polystyrene foam
- foil and latex balloons

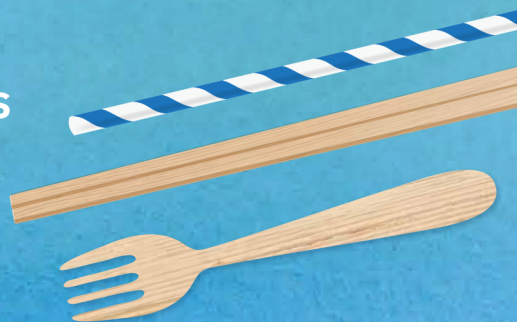
Support letter to city council for Water Quality Committee's proposed ordinance.

Disposable Food Service Ware Guidelines

Effective January 1, 2019

Natural Fiber Straws & Utensils Upon Request Only

Plastic Straws Allowed Upon Request
for People with Disabilities Only



Natural Fibers – Okay

Plates, bowls, trays,
containers, stirrers.



Cup & Cup Lids Exempt until Jan 1, 2020



Banned

Plastic, bio-plastic,
aluminum.



WHAT GOES UP MUST COME DOWN

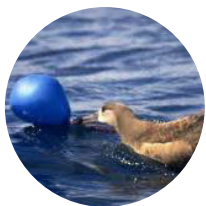
Balloons are meant to be a symbol of joy and of celebration, but pose dangers to wildlife long after celebrations have passed.

The City of Manhattan Beach is committed to reducing marine debris that harms ocean life. Manhattan Beach City Council passed ordinance 19-0003 which reduces the impacts of balloons in the environment. The regulations on balloons became effective in 2019. Under MBMC 5.80 Environmental Regulations, the ordinance:

- Prohibits the release of balloons anywhere in the City
- Restricts the use of Mylar/foil balloons in outdoor spaces like beaches and parks
- Prohibits the sale and distribution of Mylar/foil balloons in the City

BALLOON IMPACTS

- Birds, turtles and other animals often mistake balloons for food
- When ingested, a balloon can block the digestive track of the animal, often resulting in death by starvation
- Ocean and beach wildlife often get entangled in balloon ribbons
- Sea turtles are the most at-risk, as balloons floating in the sea look like their favorite food: Jellyfish!
- During International Coastal Cleanup Day, nearly 100,000 balloons were picked up on beaches around the world



HELP PROTECT OCEAN WILDLIFE

- Never release a balloon into the air
- Celebrate without balloons, choose edible or plantable items, which are less likely to end up in the trash
- If for any reason you end up with a balloon, when done with it, please make sure to pop it and dispose of it properly (cut the string/ribbon off, cut it up and put it into a trash container)
- Pick up any balloons or ribbons you find and dispose of them properly

DON'T LET GO

- Light and buoyant, balloons can travel many miles in the water and air
- Mylar/foil balloons do not break down, and rubber balloons can take up to 4 years to degrade
- Free-flying balloons can travel as far as 1,300 miles away
- Mylar/foil balloons cause hundreds of power outages in L.A. alone every year



NEWPORT BEACH

Harbor Commission Staff Report

January 8, 2020
Agenda Item No. 6.2

TO: HARBOR COMMISSION

FROM: Carol Jacobs, Assistant City Manager - 949-644-3313,
cjacobs@newportbeachca.gov

TITLE: Update on the Water Wheel

ABSTRACT:

The City has a robust water quality program that is overseen by the Public Works Department and the Water Quality/Coastal Tidelands Committee. In June of 2019, the City entered into an agreement with the State of California Natural Resources Agency for the Newport Bay Water Wheel Project. Public Works staff will provide a presentation on this project.

RECOMMENDATION:

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

FUNDING REQUIREMENTS:

The City received a \$1,680,000 grant from the State of California Natural Resources Agency. The total cost of the project is estimated at \$1,688,000.

DISCUSSION:

Staff will present a report on this capital improvement project to the Harbor Commission.

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).

Newport Bay Water Wheel Trash Removal Project

City of Newport Beach
Harbor Commission

John Kappeler
Public Works Department
January 8, 2020



Trash and Debris Projects

Capture and Collection Devices

- Install 435 Screens on Catch Basins in the Dry Season.
- Installed 450 Screens inside Catch Basins
- Approximately 40 Continuous Deflective Separation (CDS) Units Installed Citywide. *(public and private)*
- Annually Clean 3.2 Miles of Drainage Channels and 3,400 Catch Basins.
- Street Sweeping over 36,000 Curb Miles.





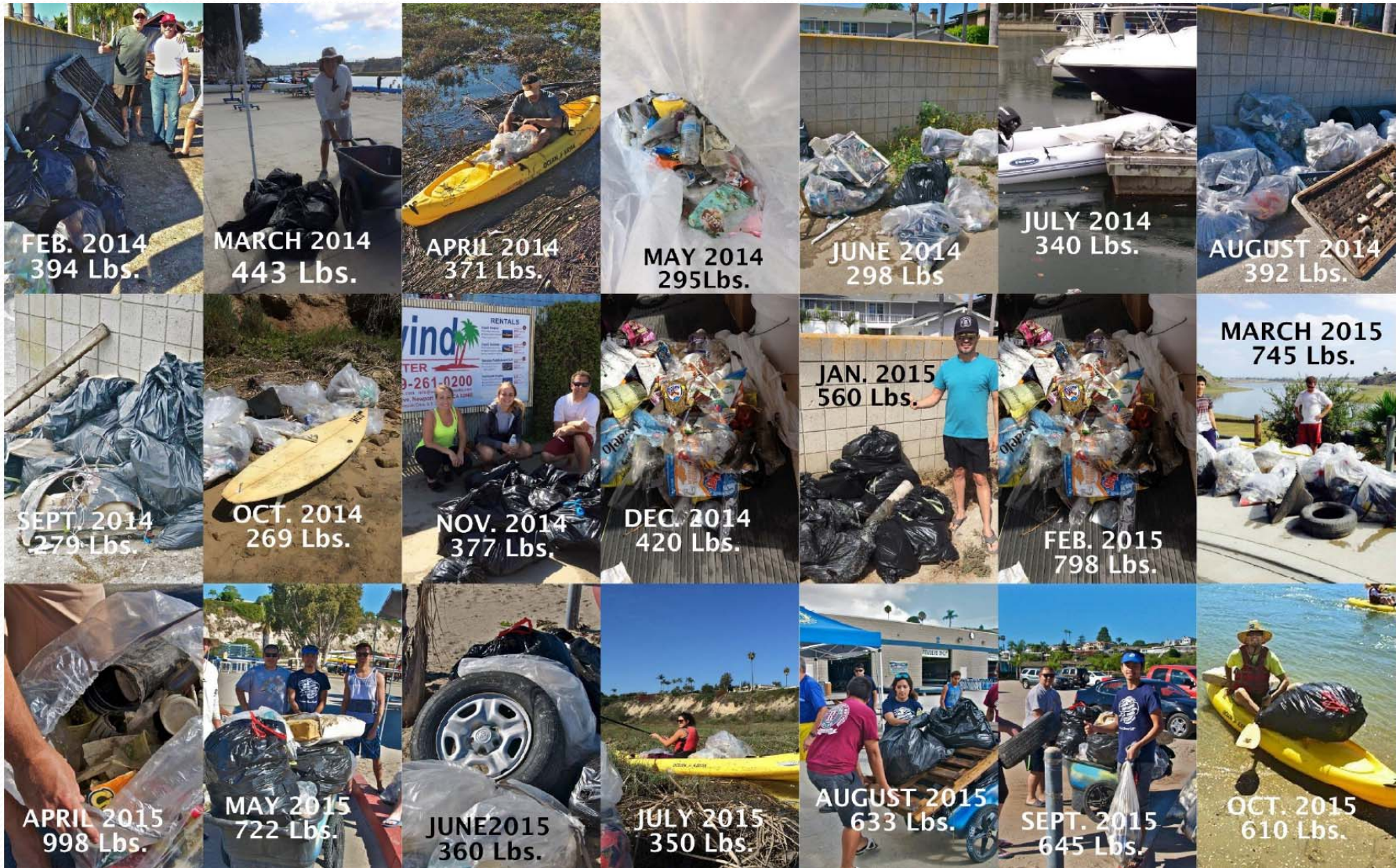
Trash and Debris Projects

Capture and Collection Devices

- City Maintained Upper Bay Log Boom
(More than 75 Tons of Debris Removed this Storm Season)
- City Installed and Maintains 6 Trash Skimmers
- City Coordinates/Participates in Various Clean-Up Events



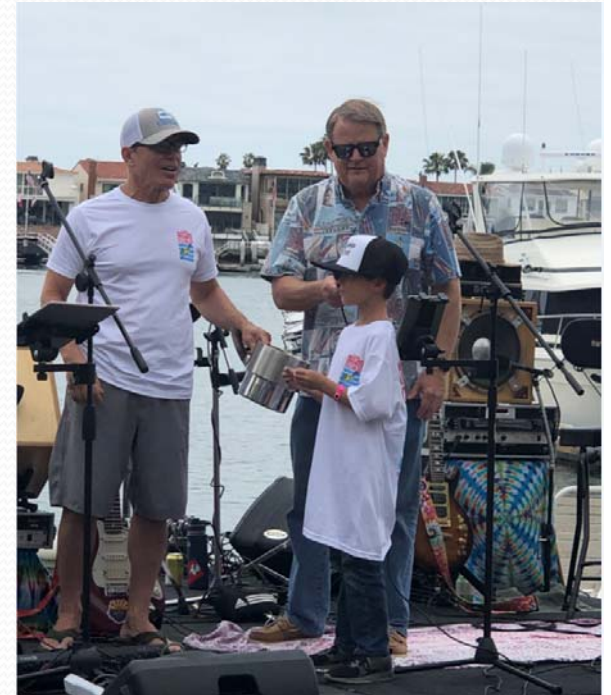
Newport Bay Over The Years



2nd Annual Newport Harbor Underwater Cleanup

EVENT TOTALS:

- 223 Volunteers
- 15 Duffy Boats
- Estimated 4,100 pounds of trash
- 18 Environmental Exhibitors





Santa Ana - Delhi Channel Trash Diversion Project



\$9 Million Multi-Jurisdictional Collaboration



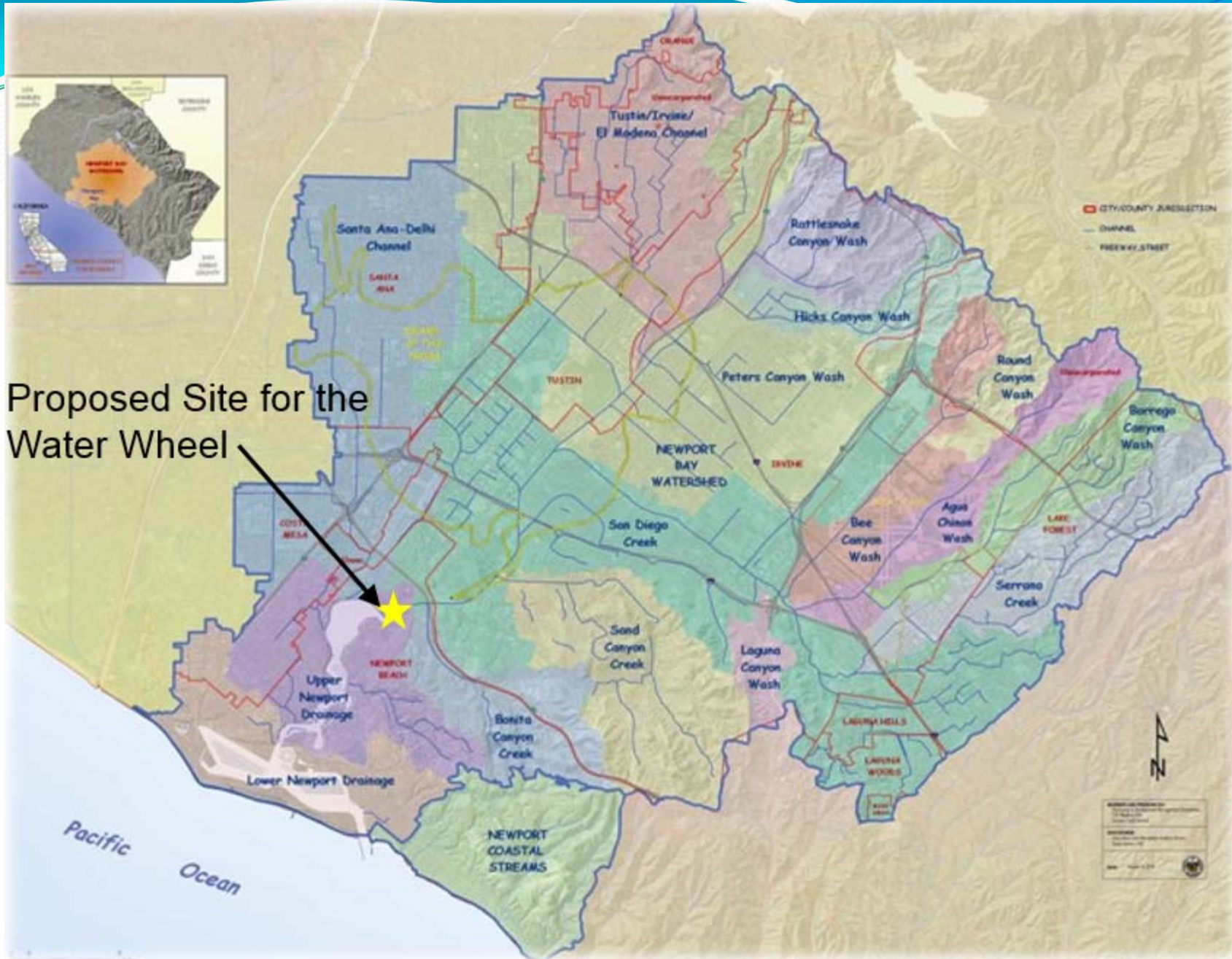
Protects the bay and ocean while capturing water for additional resources

Diverts up to 2 million gallons per day prior to entering the Upper Newport Bay for treatment and reuse by OCSD and OCWD

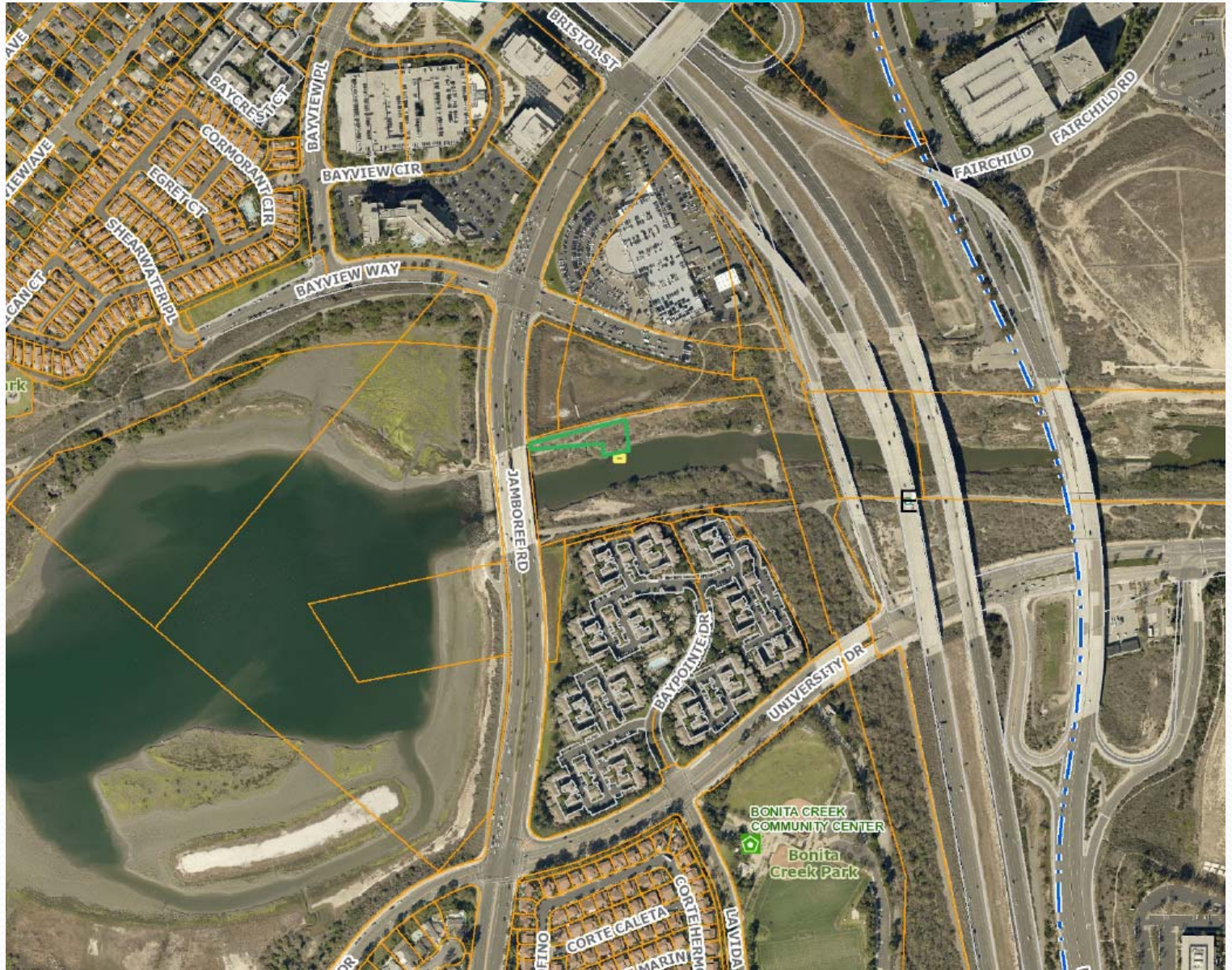


The Water Wheel Project





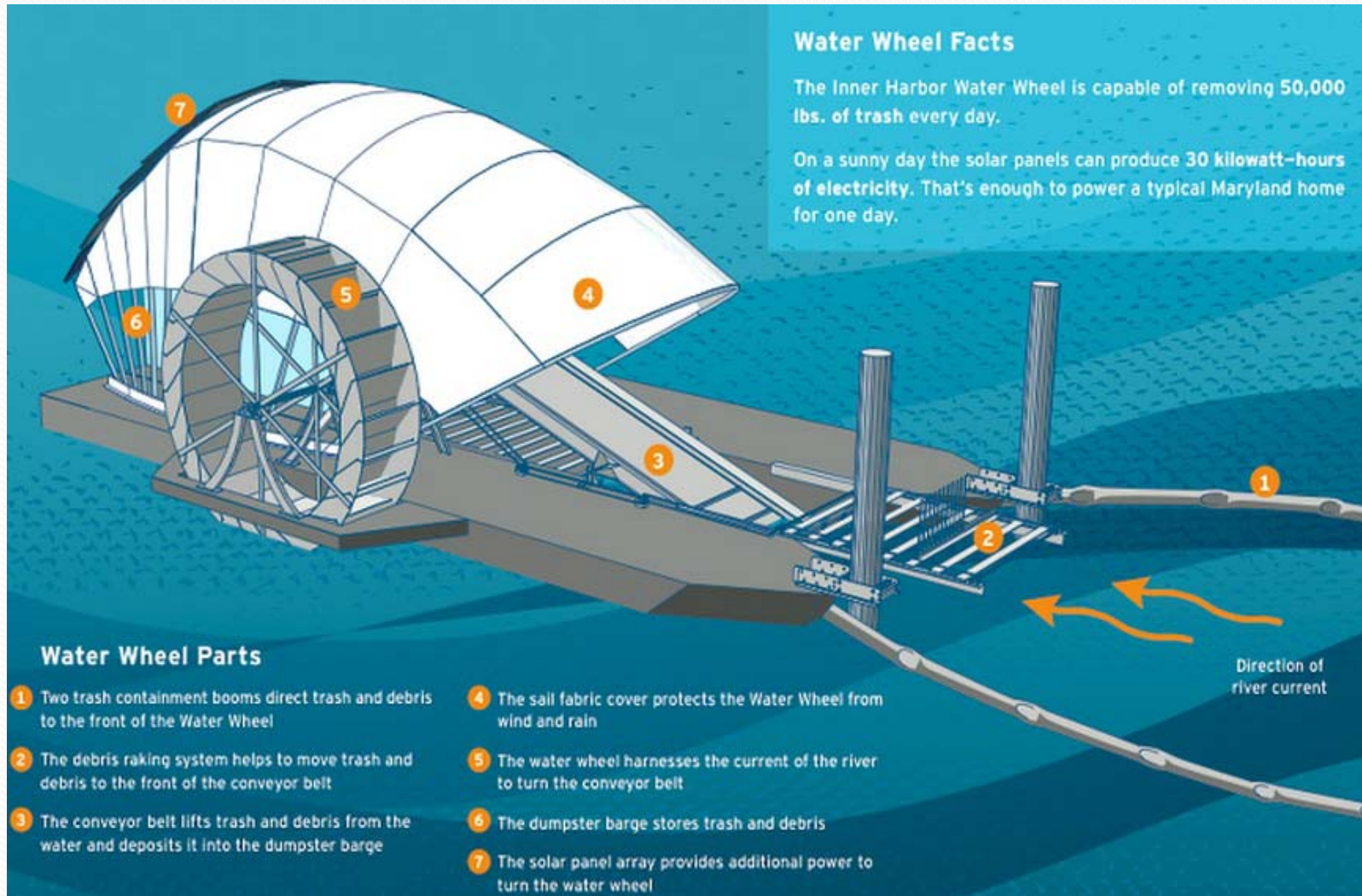
Proposed Location

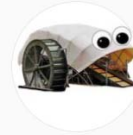


PROPOSED LOCATION



\$1.7M Grant Awarded to the City





mrtrashwheel [Follow](#)

622 posts 8,762 followers 316 following

Mr. Trash Wheel
Official voice of the Water Wheel cleaning Baltimore's Inner Harbor. Likes tires but not broccoli. Part of the Healthy Harbor Initiative.
mrtrashwheel.com

Public Education Concepts

- Build a public viewing platform with educational signage
- Expand/mimic the City's Tidepool Ranger Program
- Create a Website, IG , Twitter, Youtube and/or Facebook pages
- Fund a program to measure and quantify trash
- Webcam and/or other real-time social media live feed
- Creative design concept for the trash wheel

www.Flickr.com/healthyharbor




Tweets 3,754 Following 1,491 Followers 17.5K Likes 3,419 Lists 1

[Follow](#)

facebook

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Mr. Trash Wheel
@mrtrashwheel

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Project Schedule

Project Schedule	Date
Preliminary Engineering	Complete
Environmental Review (CEQA)	Complete
OPC Grant Agreement	Complete
Consultant Contract Award	February 11, 2020 City Council Mtg
Detail Design / Permitting	2020
Construction	2021

Project Budget

Task	Estimate
Design/Engineering/Permitting	\$550,000
Water Wheel	\$750,000
Construction	\$700,000
Total	\$2,000,000
O&M	\$25,000 - \$50,000/Annually

Questions & Comments



Your Public Works Department
A Well-Engineered Machine

Protecting and Providing Quality
Public Improvements and Services



NEWPORT BEACH

Harbor Commission Staff Report

January 8, 2020
Agenda Item No. 7.1

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: Residential Dock Reconfiguration at 117 North Bay Front

ABSTRACT:

The applicant at 117 North Bay Front is proposing to reconfigure the residential dock in essentially the same orientation by shifting the structure to the south. The proposed float will not extend bayward any further than the existing float, and this dock is in an area where the harbor lines (bulkhead, pierhead and project) are not clearly defined. Because the applicant is proposing a different configuration within an area where the harbor lines are not defined, staff is unable to approve the project. Therefore, Council Policy H-1 directs the Harbor Commission to hold a public hearing for the proposed project. The applicant requests the Harbor Commission to approve the proposed dock configuration (Project).

RECOMMENDATION:

- 1) Conduct a public hearing; and
- 2) Find the Project exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and
- 3) Approve the Project at 117 North Bay Front by making specific findings to allow the dock to be reconfigured pursuant to the provisions in Council Policy H-1.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

Council Policy H-1 (Attachment A) states that staff may consider approving pier and float projects if the project is in an area where pierhead lines do not exist or in areas not otherwise clearly defined by the Policy. However, for staff to approve such projects, the reconstruction must be like-for-like and previously approved.

The applicant’s dock is located at 117 North Bay Front which is within the narrow channel between the northwest side of Balboa Island and the southeast side of Collins Isle. As depicted on the aerials (Attachment B), the docks in this channel are actually “landward” of the harbor lines

(bulkhead/pierhead/project), and would then fall under the category of “not otherwise clearly defined” per Council Policy H-1. Therefore, staff is unable to approve the project, and it must be brought to the Harbor Commission for consideration.

Council Policy H-1 provides that the Harbor Commission shall consider for approval, conditional approval or denial of the application based on certain requirements. A public hearing is required, and staff shall include a recommendation with supporting materials for the Harbor Commission.

When considering the application for approval, the Harbor Commission must make specific factual findings in each category of exceptions listed below. However, since this dock is in an undefined area of the harbor in relation to harbor lines, findings one through four are not applicable to the Project.

Council Policy H-1 Findings

- 1) The existing pier or float is currently encroaching bayward beyond the pierhead line;
- 2) The existing pier or float was previously permitted to encroach bayward beyond the pierhead line;
- 3) The pier or float will not encroach any further bayward beyond the pierhead line than the existing encroachment beyond the pierhead line;
- 4) Any vessel utilizing the pier or float will not extend bayward beyond the project line or line at which the vessel would currently be allowed, whichever is greater; and
- 5) The pier or float will:
 - a) Preserve the diverse uses of the harbor and the waterfront that contribute to the charm and character of Newport Harbor;
 - b) Maintain or enhance public access to the harbor waterways and waterfront areas;
 - c) Preserve or enhance the visual character of the harbor; and
 - d) Not negatively impact adjacent property owners, navigation and future harbor dredging.

EXISTING DOCK CONFIGURATION

Newport Beach Municipal Code (NBMC) Section 17.35.060(A) and (B) addresses piers on Balboa Island.

“...Any revision of an existing pier or float shall be in strict conformance with the section and shall not be approved if the addition or revision would, in comparison to the existing structure, further restrict or impair the public’s use of the bay or beach in the vicinity of the pier or floats.

Revision to the existing structures shall be limited to the following:

- 1) The overall square footage of the revised structure shall be equal to or less than the square footage of the permitted structure;
- 2) The revised structure does not extend beyond the City permit line (the U.S. pierhead line or such other bayward extension of the permit area that is permitted by this section or the Council policy); and
- 3) The revised structure is wholly within the original permitted area as specified in the existing permit on file with the City.”

Attachment C shows the existing approved plans from February 2016 with a 410 square foot dock. The proposed float is also wholly within the original permitted area as specified in the existing permit on file with the City.

PROPOSED PROJECT

The Project (Attachment D) conforms to the Harbor Design Criteria and also includes a longer gangway from 20’ to 24’ as required. The proposed dock system is 410 square feet which is the same as the existing dock system therefore satisfying the requirements of 17.35.060.

STAFF RECOMMENDATION AND FINDINGS

Staff recommends approval of the Project. Council Policy H-1 allows the Harbor Commission to approve a permit for a pier or float if specific factual findings are made. Staff recommends the Harbor Commission make the following findings in support of their approval, though the Harbor Commission may make additional findings as necessary.

Finding No. 1: Section 17.50.040(A) and (B)(1). The Project conforms to the provisions of the NBMC, Harbor Design Criteria, and applicable standards and policies in conjunction with plan reviews by the Public Works Department.

Facts in Support of Findings: The Project conforms to the provisions of the NBMC, applicable policies and the City of Newport Beach Waterfront Project Guidelines and Standards Harbor Design Criteria Commercial and Residential Facilities.

Finding No. 2: Council Policy H-1. The existing pier or float is in an area where pierhead lines do not exist or in an area not otherwise clearly defined by the criteria within the Policy.

Facts in Support of Findings: The existing dock system is landward of the bulkhead line, and therefore is not defined by any harbor lines.

Finding No. 3: Council Policy H-1. The proposed project is not like-for-like reconstruction.

Facts in Support of Findings: The proposed dock configuration is different from the existing configuration. The entire dock system is shifted to the south and the float dimensions are different.

Finding No. 4: Council Policy H-1. The existing pier and float configuration was previously permitted.

Facts in Support of Findings: The existing dock system was permitted by the City in February 2016 as evidenced by the attached stamped drawing.

Finding No. 5: Council Policy H-1 (5)(a). The pier or float will preserve the diverse uses of the harbor and the waterfront that contribute to the charm and character of Newport Harbor.

Facts in Support of Findings: The Project is substantially the same configuration as the existing dock, and the float can accommodate the same number of vessels.

Finding No. 6: Council Policy H-1 (5)(b). The pier or float will maintain or enhance public access to the harbor waterways and waterfront areas.

Facts in Support of Findings: Public access will be maintained because the proposed float extends channelward the same distance as the existing float.

Finding No. 7: Council Policy H-1 (5)(c). The pier or float will preserve or enhance the visual character of the harbor.

Facts in Support of Findings: The Project conforms to the provisions of the NBMC, applicable policies and the City of Newport Beach Waterfront Project Guidelines and Standards Harbor Design Criteria Commercial and Residential Facilities.

Finding No. 8: Council Policy H-1 (5)(d). The pier or float will not negatively impact adjacent property owners, navigation and future harbor dredging.

Facts in Support of Findings: The Project conforms to the provisions of the NBMC, applicable policies and the City of Newport Beach Waterfront Project Guidelines and Standards Harbor Design Criteria Commercial and Residential Facilities. The Project is wholly within the prolongation of the property lines of 117 North Bay Front, and maintains the required setbacks. Navigation will not be negatively impacted, and maintenance dredging of the adjacent federal channel will not be affected.

Finding No. 9: NBMC Section 17.50.040(B)(3). The Project conforms to the policies and regulations of the certified Local Coastal Program.

Facts in Support of Findings: The Project will not obstruct public access and will have minimal impacts to public coastal views and coastal resources. As indicated above, public access will not be obstructed because the proposed float extends channelward the same distance as the existing float. Public coastal views and coastal resources will not be obstructed because the dock system is substantially the same size, purpose and capacity as the dock system it replaces.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this Project exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. CEQA Guidelines Section 15301 (Class 1) applies to the "operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." Section 15302 (Class 2) applies to the "replacement or reconstruction of existing structures and facilities where the new structures will be located on the

same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced[.]” The replacement residential dock system is in the same location and is substantially the same size, purpose and capacity as the dock system it replaces. The overwater coverage of the new dock system remains the same as the existing dock system at 410 square feet.

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). This public hearing was noticed to all residents within a 300’ radius per NBMC 21.62.020(B)(2)(c). The notice was also published in the newspaper on Saturday, December 14, 2019 (Attachment E).

ATTACHMENTS:

- Attachment A - Council Policy H-1
- Attachment B - Aerial Photos
- Attachment C - Existing Approved Plans and Configuration
- Attachment D - Proposed Configuration
- Attachment E - Public Outreach

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 bayward beyond the pierhead line if it is determined that all of the following conditions are met:

1. The existing pier or float is currently encroaching bayward beyond the pierhead line;
2. The existing pier or float was previously permitted to encroach bayward beyond the pierhead line;
3. The pier or float will not encroach any further bayward beyond the pierhead line than the existing encroachment beyond the pierhead line;

4. Any vessel utilizing the pier or float will not extend bayward beyond the project line or line at which the vessel would currently be allowed, whichever is greater; and
5. The pier or float will:
 - a. Preserve the diverse uses of the harbor and the waterfront that contribute to the charm and character of Newport Harbor;
 - b. Maintain or enhance public access to the harbor waterways and waterfront areas;
 - c. Preserve or enhance the visual character of the harbor; and
 - d. Not negatively impact adjacent property owners, navigation and future harbor dredging.

Any permit issued by the City of Newport Beach before June 26, 2019, which allows an existing pier or float to extend bayward 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.

For those piers and floats in areas where pierhead lines do not exist or in areas not otherwise clearly defined by the criteria within this Policy, staff may consider approving those pier and float projects if the reconstruction is like-for-like, including any upgrades required to meet current code and building standards, and if the existing pier or float configuration was previously permitted.

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
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Reaffirmed H-1 - 1-24-1994
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Amended H-1 - 6-26-1995
Amended H-1 - 3-25-1996
Amended H-1 - 06-8, 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
Amended H-1 - 11-5-2019

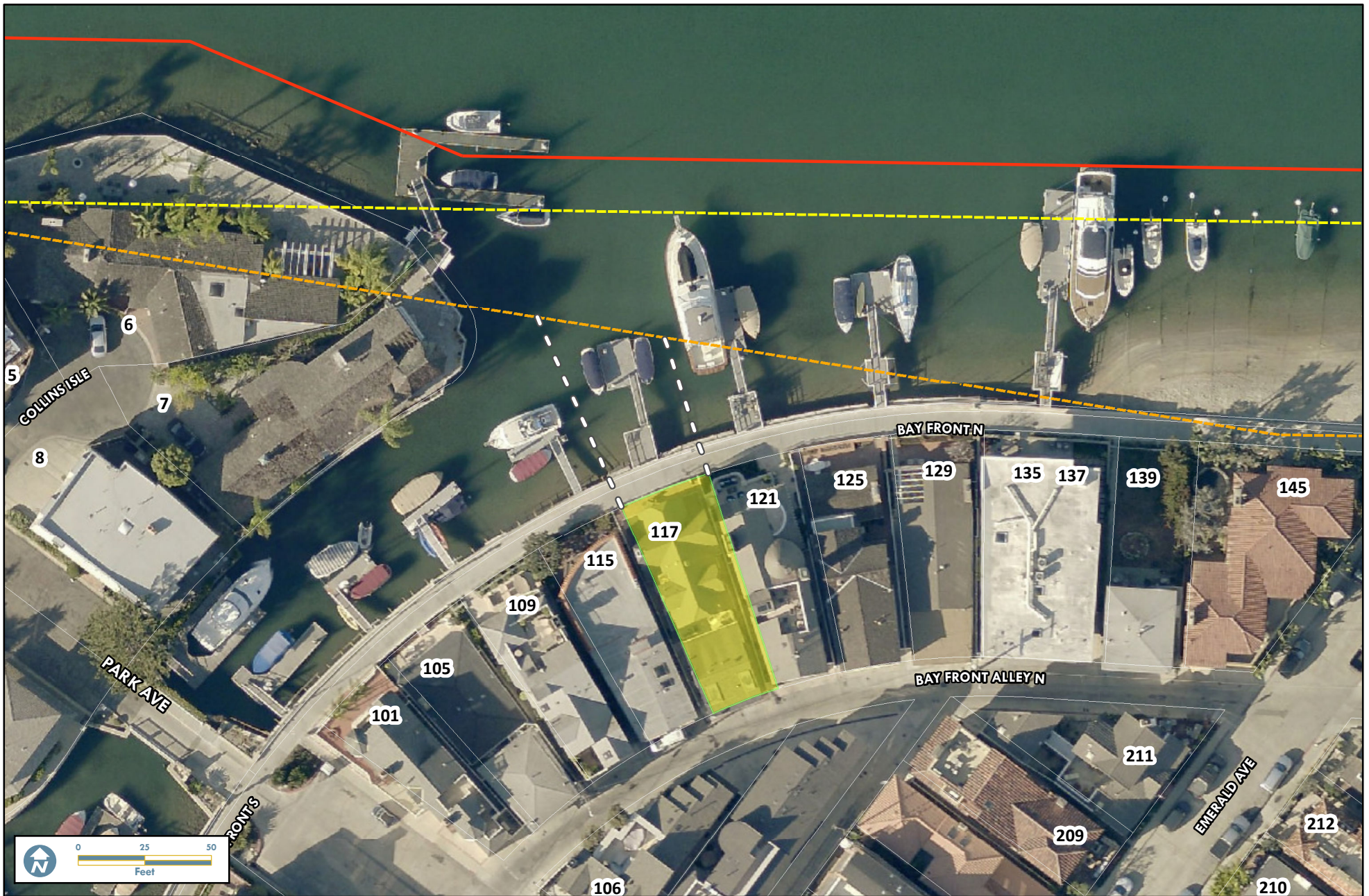


117 Bay Front N

- Mooring Fields
- Bulkhead Line
- 117 Bay Front N
- Pierhead Line
- Project Line



City of Newport Beach
GIS Division
December 16, 2019



117 Bay Front N

- Project Line
- Bulkhead Line
- Property Line Extension
- Pierhead Line



City of Newport Beach
GIS Division
December 16, 2019

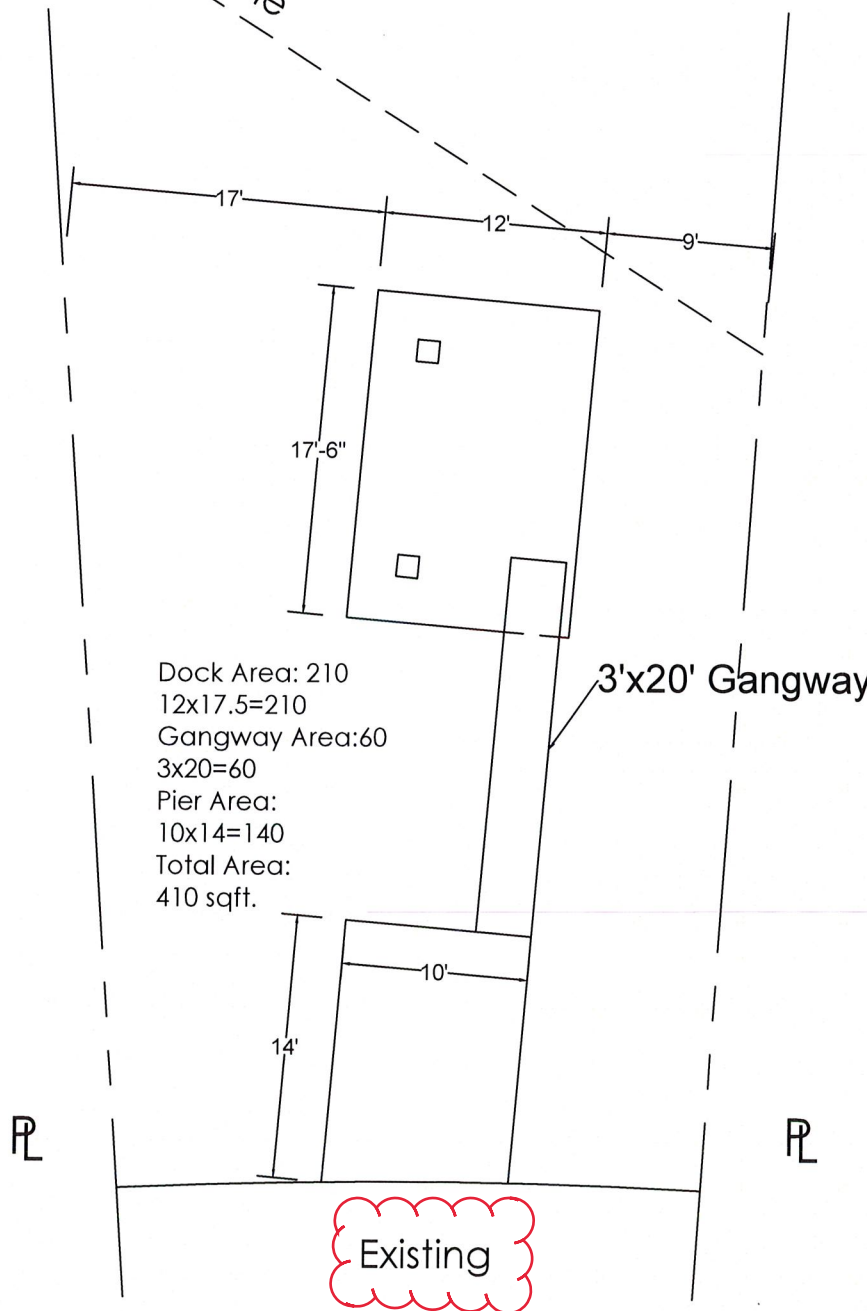


SWIFT SLIP DOCK & PIER BUILDERS, INC

6351 Industry Way, Westminster 92683
Phone: (949) 631-3121
Fax: (714) 509-0618

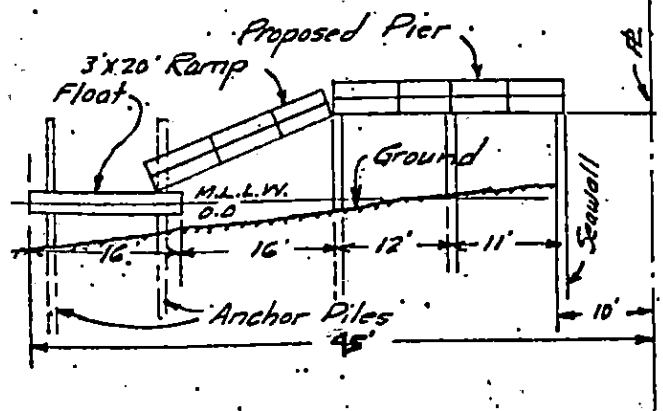
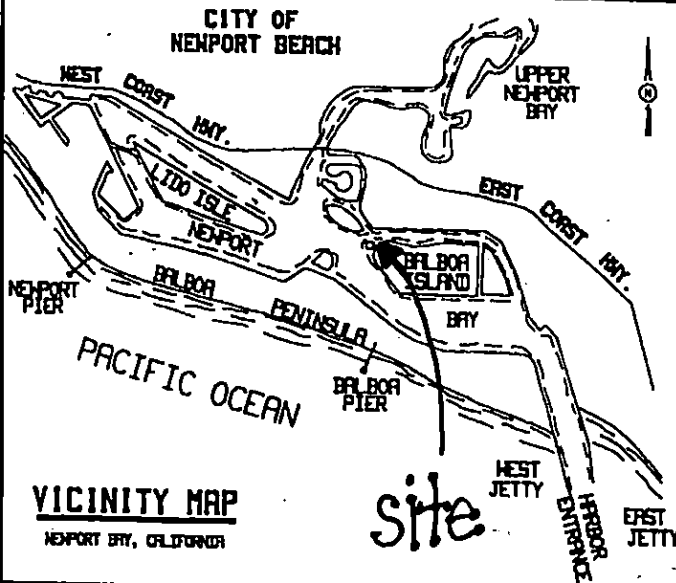
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SITE: 117 N. Bayfront NB, Ca. Existing					REV:	DESCRIPTION:	BY:	DATE:
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Bulkhead Line

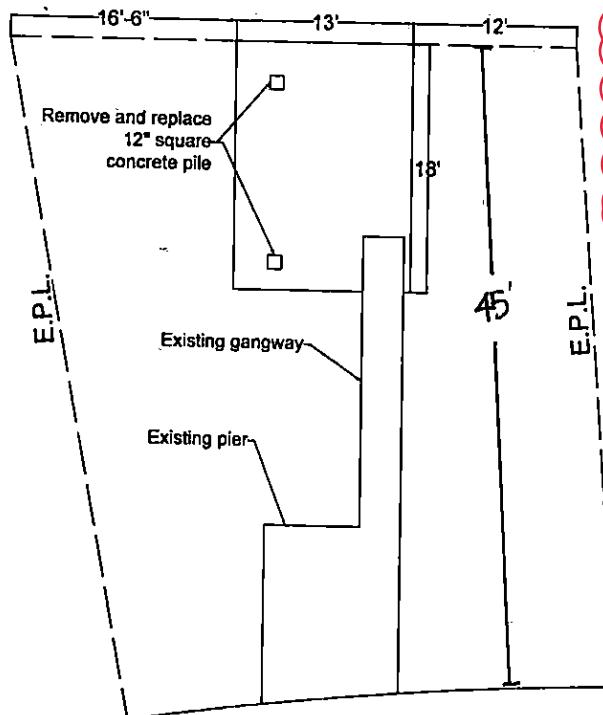


Dock Area: 210
 $12 \times 17.5 = 210$
 Gangway Area: 60
 $3 \times 20 = 60$
 Pier Area:
 $10 \times 14 = 140$
 Total Area:
 410 sqft.

CITY OF NEWPORT BEACH



SOUNDINGS ARE EXPRESSED IN FEET AND DENOTE ELEVATIONS BASED ON MEAN LOWER LOW WATER.



HARBOR RESOURCES DIV.
CITY OF NEWPORT BEACH

Joe Walter 2/4/16

SCOPE OF WORK:
Remove and replace (2) existing 12" square concrete marina guide pile - LIKE FOR LIKE.



Swift Slip Dock & Pier Builders, Inc.

642 Baker St.
Costa Mesa, California 92626

Phone: (949) 631-3121
Fax: (714) 509-0618

APPLICANT'S NAME **JOE WALTER**

JOB ADDRESS **117 N. Bay Front**

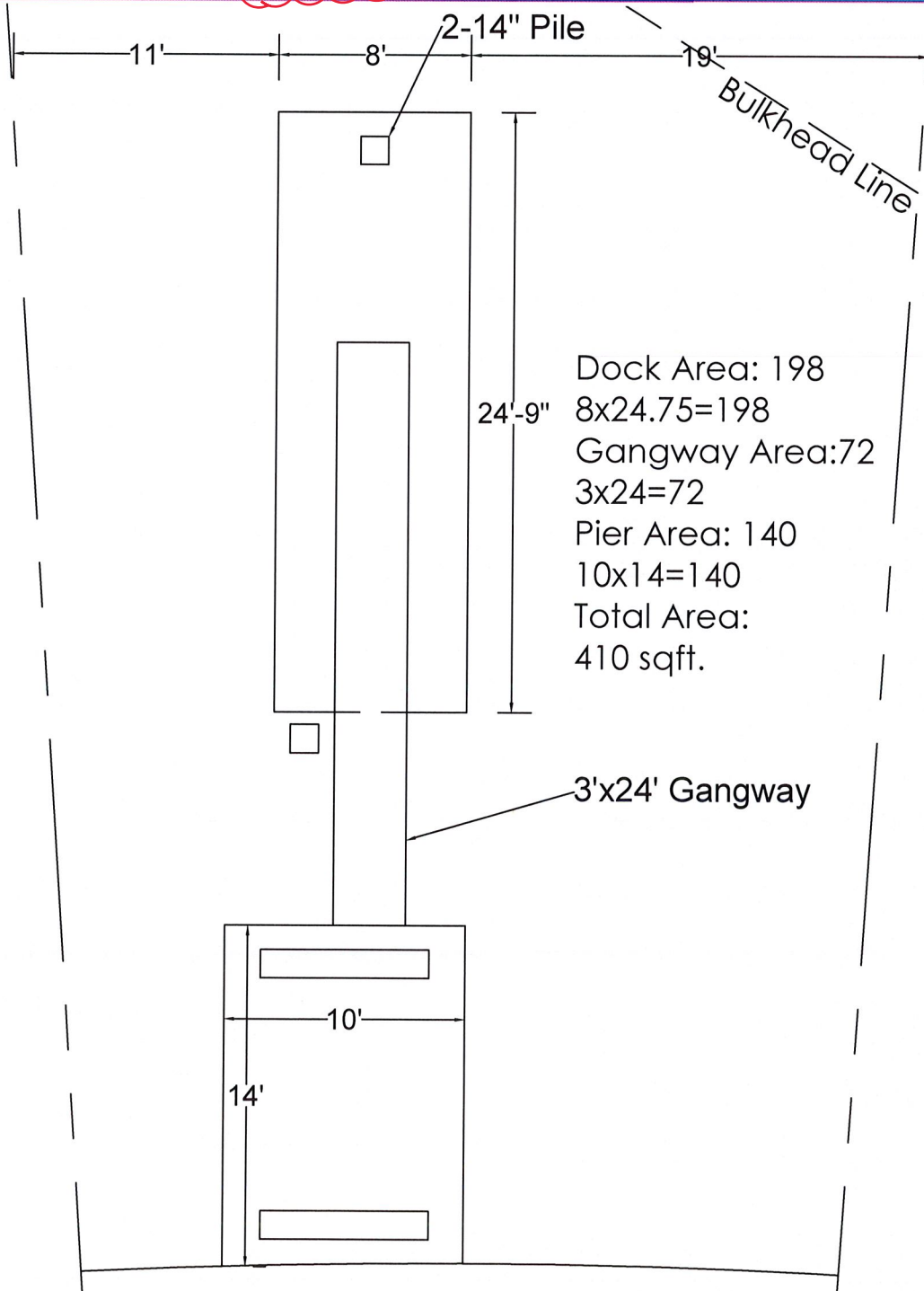
DATE **11.9.2015**



SWIFT SLIP DOCK & PIER BUILDERS, INC

6351 Industry Way, Westminster 92683
Phone: (949) 631-3121
Fax: (714) 509-0618

CLIENT: Caparelli, Ed	IO DRAWN:	-- Checked	1.0 REVISION	10/18/19 DATE:	AMENDMENTS:			
SITE: 117 N. Bayfront NB, CA Proposed					REV:	DESCRIPTION:	BY:	DATE:
					-	----	-	-
					-	----	-	-



Dock Area: 198
 $8 \times 24.75 = 198$
 Gangway Area: 72
 $3 \times 24 = 72$
 Pier Area: 140
 $10 \times 14 = 140$
 Total Area:
 410 sqft.





SWIFT SLIP DOCK & PIER BUILDERS, INC

6351 Industry Way, Westminster 92683
 Phone: (949) 631-3121
 Fax: (714) 509-0618

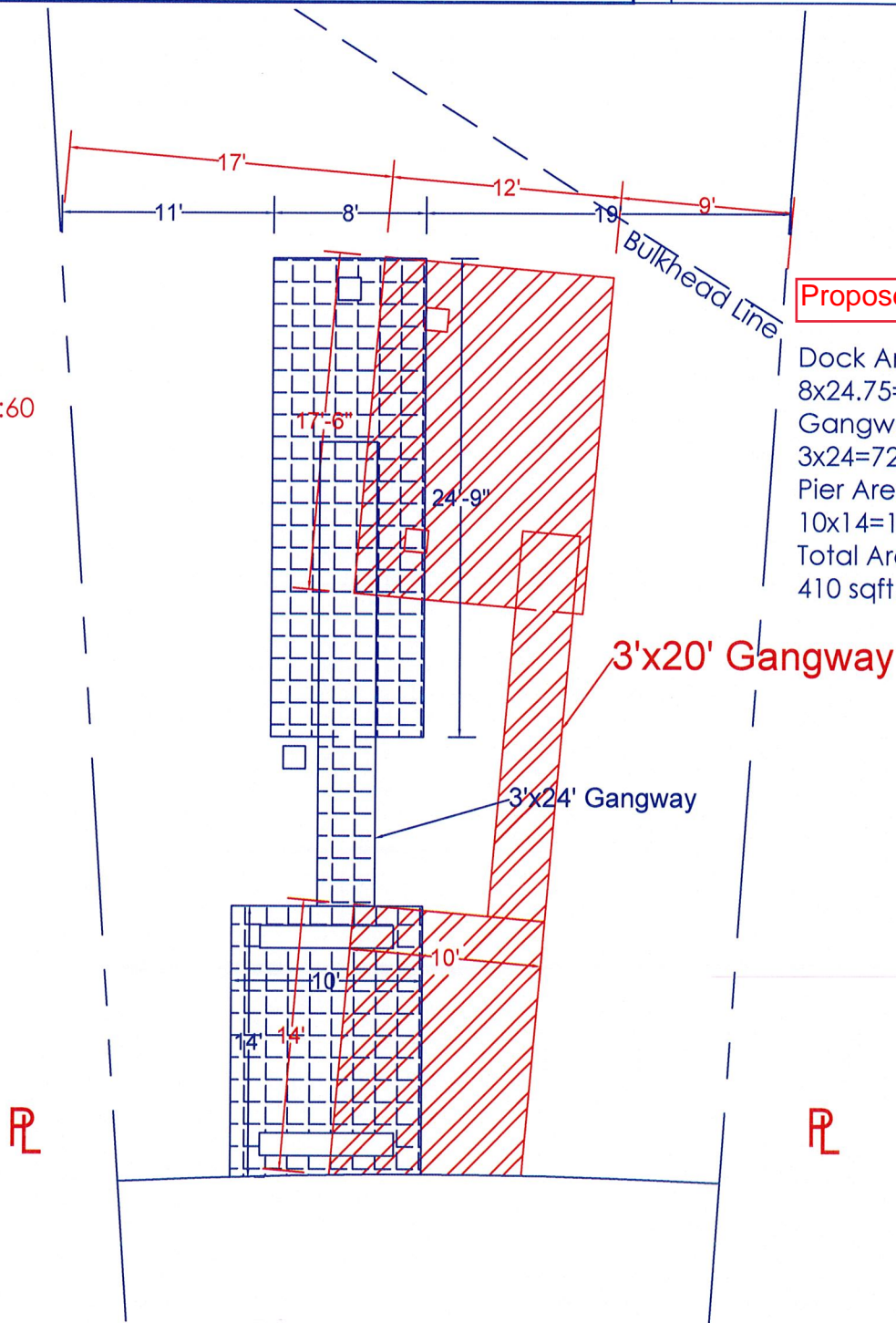
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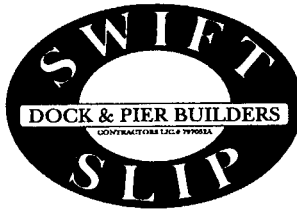
Existing (red)

Dock Area: 210
 $12 \times 17.5 = 210$
 Gangway Area: 60
 $3 \times 20 = 60$
 Pier Area:
 $10 \times 14 = 140$
 Total Area:
 410 sqft.

Proposed (blue)

Dock Area: 198
 $8 \times 24.75 = 198$
 Gangway Area: 72
 $3 \times 24 = 72$
 Pier Area:
 $10 \times 14 = 140$
 Total Area:
 410 sqft.





Swift Slip Dock and Pier Builders, Inc.

Contractor's License 797052 A

www.swiftslipdocks.com

6351 Industry Way – Westminster, CA 92683
Telephone (949) 631-3121 - Fax (714) 509-0618

Ed Capparelli
117 North Bay Front
Newport Beach, CA 92662
Cell: 714-746-3659
Email: ecapparelli@standarddrywall.com

ESTIMATE

Remove and Replace floating dock, gangway and pier to match drawing dated 10/18/19.

Floating Dock

- 1) Super float pontoons filled with Styrofoam.
- 2) 4 x 8 framing with 5 x 7 angel clips and 1/2" bolting throughout.
- 3) 2 x 6 diagonals let into framing for strength.
- 4) 1 x 6 IPE hardwood attached with stainless steel screws.
- 5) 2- 14" square prestressed concrete guide pile.
- 6) Steel pile guides with 4 polyurethane prestressed.

Pier

- 1) 14" thick concrete "T" pile.
- 2) 2 x 10 joists on 14" centers.
- 3) IPE hardwood decking.
- 4) 3 x 4 posts painted 2 coats with polyurethane paint.
- 5) 3- stainless steel cable mid rails.
- 6) Milled handrails of mahogany (3 1/2" wide) with 2 coats varnish or equal.

Gangway

- 1) 3' x 24' dimension.
- 2) Railing and decking to match pier.
- 3) 1" half rounds for tracting.
- 4) Heavy duty hinge and axle wheel combination.



CITY OF NEWPORT BEACH **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on **Wednesday, January 08, 2020**, at **6:30 p.m.** or soon thereafter as the matter shall be heard, a public hearing will be conducted in the Council Chambers at 100 Civic Center Drive, Newport Beach. The Harbor Commission of the City of Newport Beach will consider approval of the following application:

Residential Dock Reconfiguration located at 117 North Bay Front

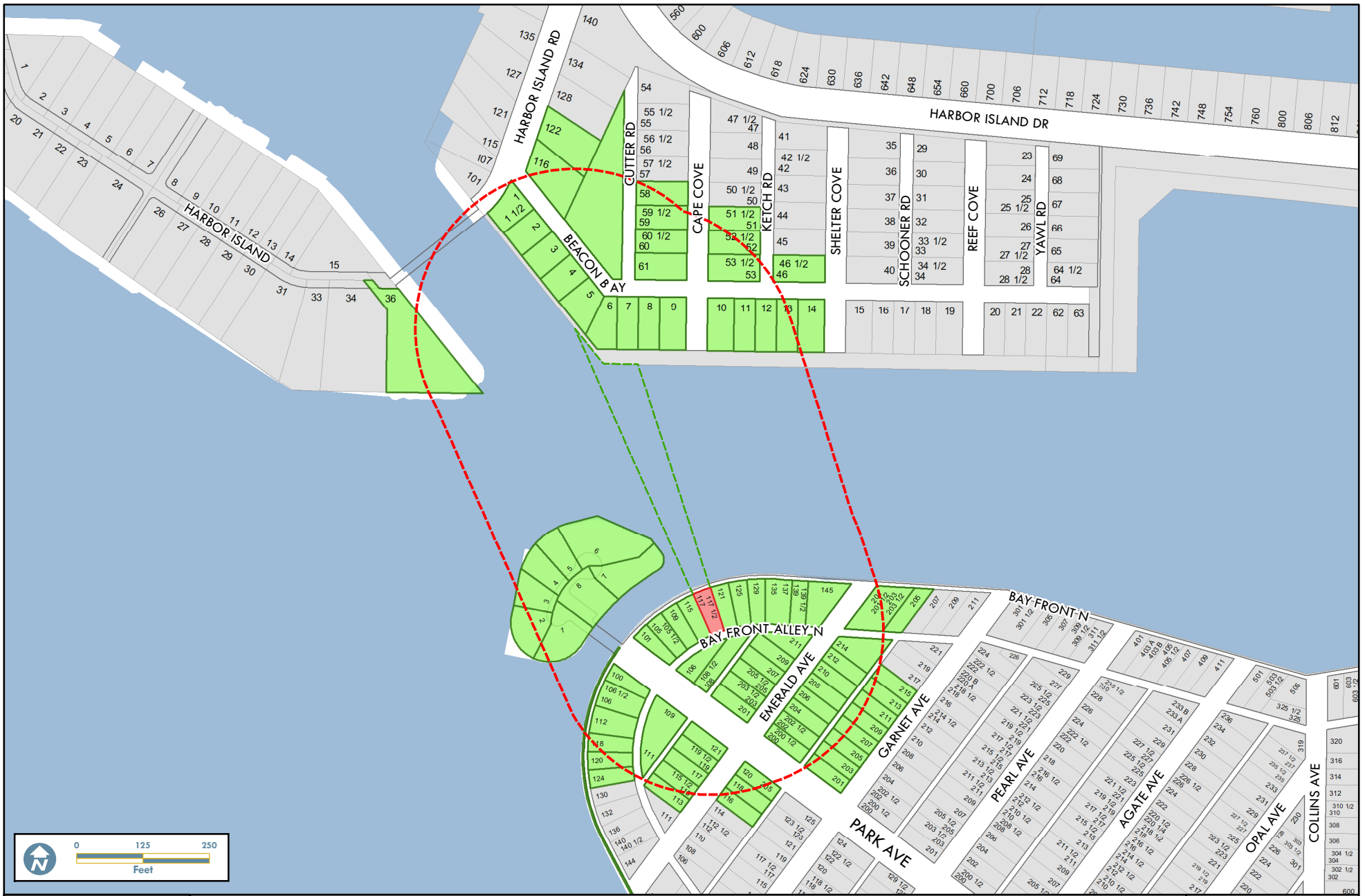
The project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment. The project will be located on the same site and location as the structure it replaced and will have substantially the same purpose, capacity and size as the structure replaced.

All interested parties may appear and present testimony in regard to this proposal. If you challenge this project in court, you may be limited to raising only those issues you raised at the public hearing or in written correspondence delivered to the City at, or prior to, the public hearing. Administrative procedures for appeals are provided in the Newport Beach Municipal Code Chapter 17.65. The application may be continued to a specific future meeting date, and if such an action occurs, additional public notice of the continuance will not be provided.

The agenda, staff report, and corresponding documents will be available by end of business day on the Friday preceding the public hearing, and may be reviewed at the City Manager's Office (Bay E-2nd Floor), at 100 Civic Center Drive, Newport Beach, California, CA 92660 or at the City of Newport Beach website at www.newportbeachca.gov Individuals not able to attend the meeting may contact the Public Works Department or access the City's website after the meeting to review the action on this application. All mail or written communications (including email) from the public, residents, or applicants regarding an agenda item must be submitted by 5 p.m. on the business day immediately prior to the meeting. This allows time for the Harbor Commission to adequately consider the submitted correspondence.

For questions regarding this public hearing item please contact Chris Miller, Administrative Manager, at cmiller@newportbeachca.gov .

Project File No.: 2278-2019



117_BayFront_N_300ft.mxd

117 Bay Front N

- Prolongation of Lot Lines
- Buffer 300'
- 117 Bay Front N
- Notified Properties

NBGiS
NEWPORT BEACH

City of Newport Beach
GIS Division
December 12, 2019

Residential Dock Reconfiguration at 117 North Bay Front

Harbor Commission
January 8, 2020

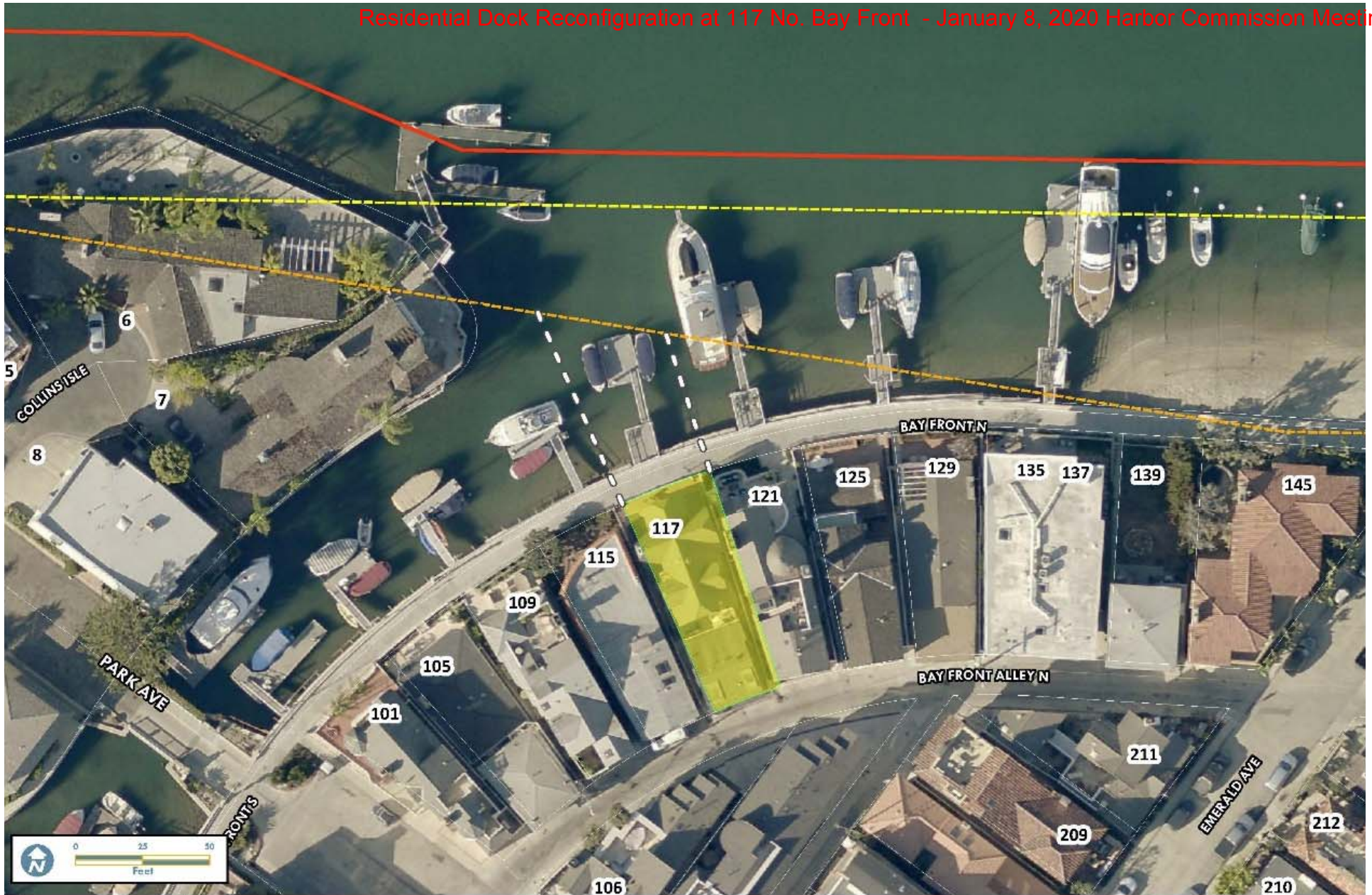


117 Bay Front N

- Mooring Fields
- Bulkhead Line
- 117 Bay Front N
- Pierhead Line
- Project Line



City of Newport Beach
 GIS Division
 December 16, 2019




117 Bay Front N

- Project Line
- Bulkhead Line
- Property Line Extension
- Pierhead Line



City of Newport Beach
 GIS Division
 December 16, 2019

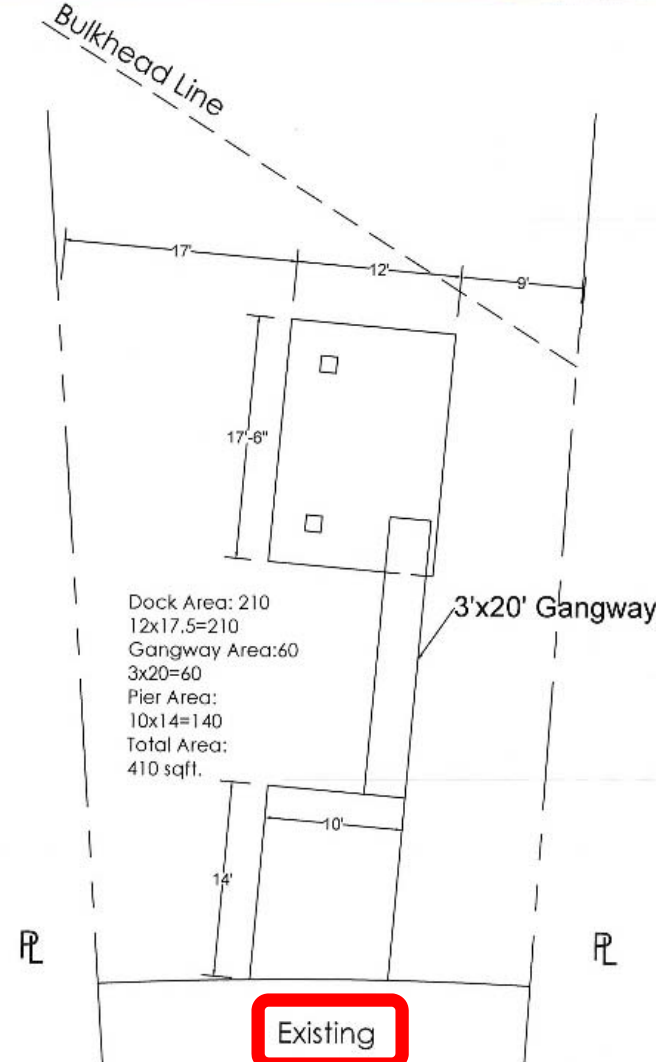


SWIFT SLIP DOCK & PIER BUILDERS, INC


6351 Industry Way, Westminster 92683
 Phone: (949) 631-3121
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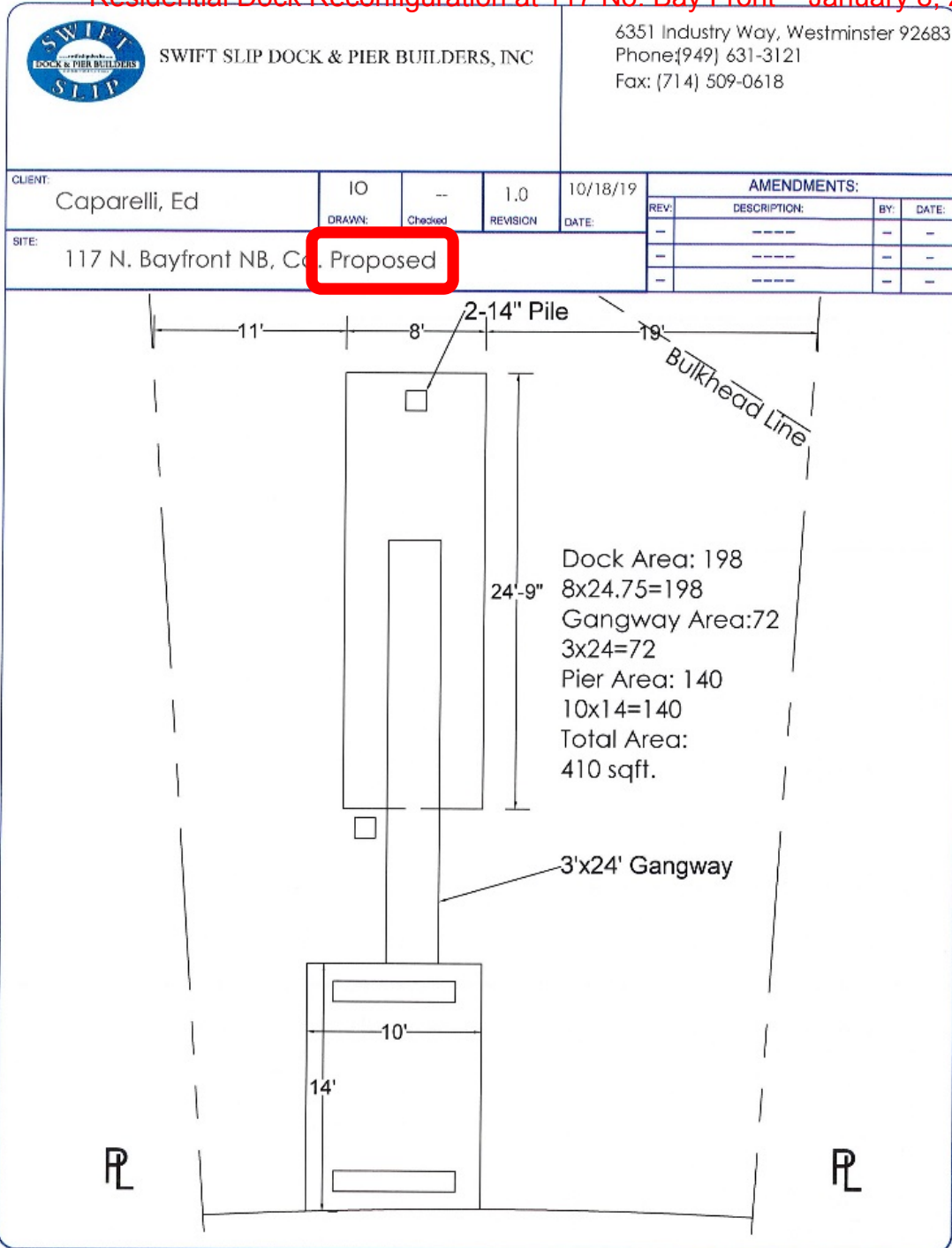
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SITE: 117 N. Bayfront NB, Ca					Existing																

Bulkhead Line



Existing

<p>CITY OF NEWPORT BEACH</p> <p>VICINITY MAP NEWPORT BAY, CALIFORNIA</p>	<p>Existing Approved</p> <p>SOUNDINGS ARE EXPRESSED IN FEET AND DENOTE ELEVATIONS BASED ON MEAN LOWER LOW WATER.</p>
	<p>HARBOR RESOURCES DIV. CITY OF NEWPORT BEACH <i>Walter 1/4/15</i></p> <p>SCOPE OF WORK: Remove and replace (2) existing 12" square concrete marina guide pile - LIKE FOR LIKE.</p>
<p>  Swift Slip Dock & Pier Builders, Inc. 642 Baker St. Costa Mesa, California 92626 Phone: (949) 631-3121 Fax: (714) 509-0618 </p> <p> APPLICANT'S NAME JOE WALTER JOB ADDRESS 117 N. BAY FRONT DATE 11.9.2015 </p>	

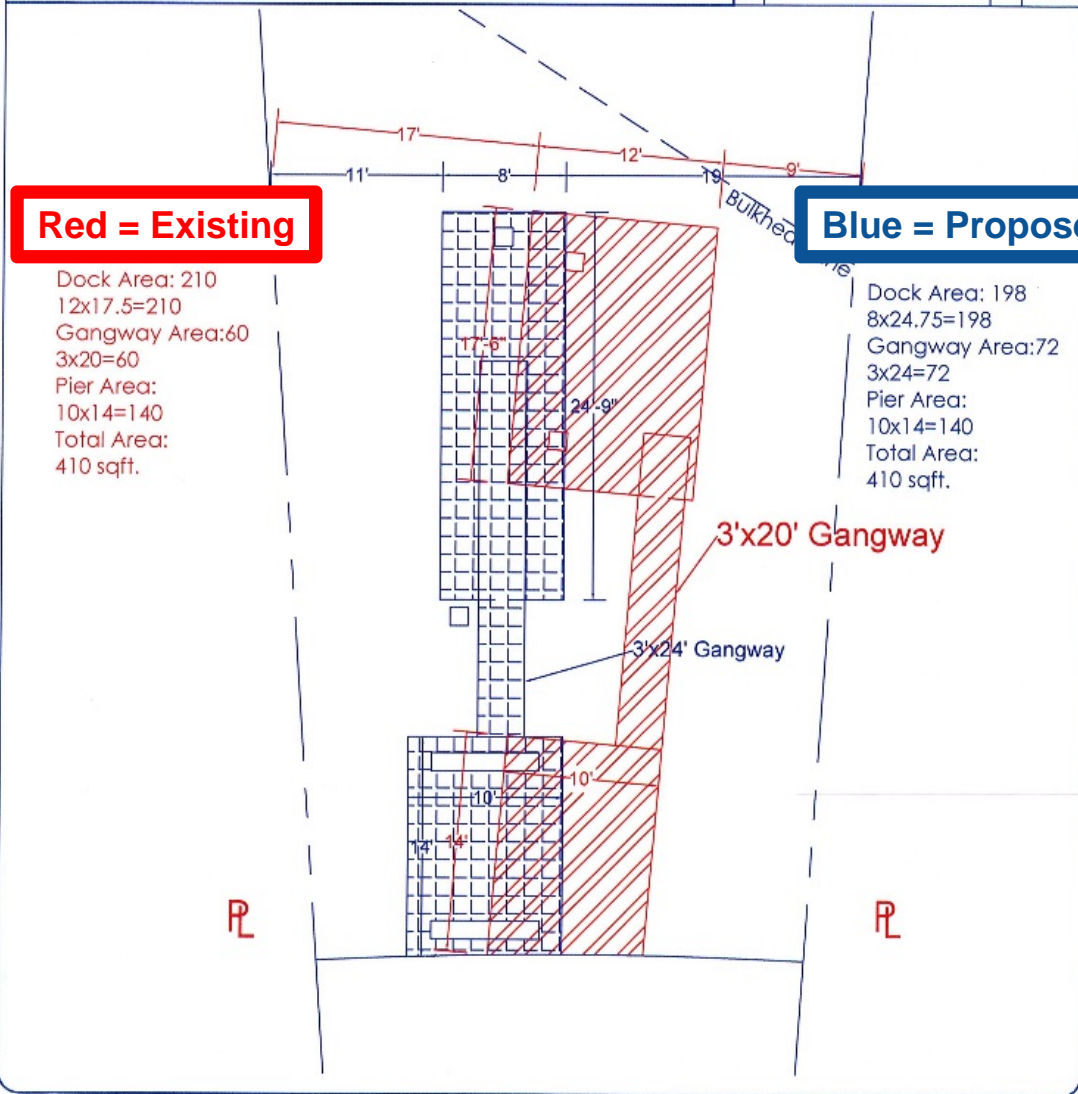




SWIFT SLIP DOCK & PIER BUILDERS, INC

6351 Industry Way, Westminster 92683
 Phone: (949) 631-3121
 Fax: (714) 509-0618

CLIENT: Caparelli, Ed	IO DRAWN:	-- Checked	1.0 REVISION	10/18/19 DATE:	AMENDMENTS:																
SITE: 117 N. Bayfront NB, Ca. Overlay					<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV:</th> <th>DESCRIPTION:</th> <th>BY:</th> <th>DATE:</th> </tr> </thead> <tbody> <tr> <td>---</td> <td>---</td> <td>---</td> <td>---</td> </tr> <tr> <td>---</td> <td>---</td> <td>---</td> <td>---</td> </tr> <tr> <td>---</td> <td>---</td> <td>---</td> <td>---</td> </tr> </tbody> </table>	REV:	DESCRIPTION:	BY:	DATE:	---	---	---	---	---	---	---	---	---	---	---	---
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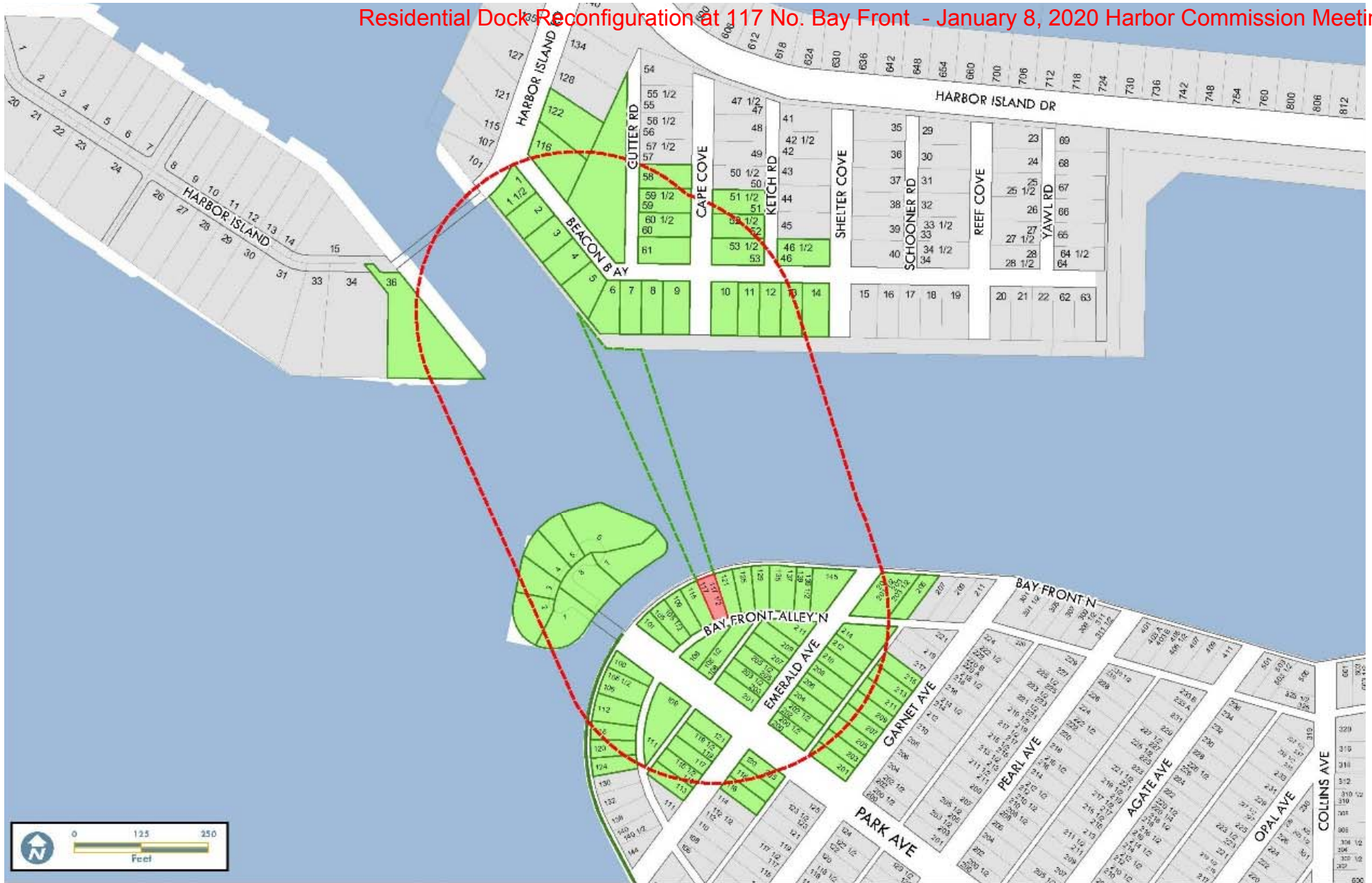


Red = Existing

Dock Area: 210
 12x17.5=210
 Gangway Area: 60
 3x20=60
 Pier Area:
 10x14=140
 Total Area:
 410 sqft.

Blue = Proposed

Dock Area: 198
 8x24.75=198
 Gangway Area: 72
 3x24=72
 Pier Area:
 10x14=140
 Total Area:
 410 sqft.



117 Bay Front N

- Prolongation of Lot Lines
- Buffer 300'
- 117 Bay Front N
- Notified Properties



City of Newport Beach
 GIS Division
 December 12, 2019

Comments/Questions



Your **Public Works Department**

Protecting and Providing Quality
Public Improvements and Services



== CITY OF ==
NEWPORT BEACH
Harbor Commission Staff Report

January 8, 2020
Agenda Item No. 8.1

TO: HARBOR COMMISSION

FROM: Carol Jacobs, Assistant City Manager, 949-644-3313
cjacobs@newportbeachca.gov

TITLE: Harbor Commission 2020 Objectives

ABSTRACT:

The Harbor Commission has completed a number of Objectives since the last full update of the Objectives in 2018. At the October 9, 2019 meeting the Harbor Commission created a subcommittee to review the current updated Objectives. They were tasked with adding to, deleting and modifying the current Objectives for Council Consideration in January 2020. The subcommittee for Objective Review will report their recommendations for consideration of 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; and
- 2) Review and approve updates to the Harbor Commission Objectives for 2020, and recommend that it be forwarded to the City Council for consideration.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION

The Harbor Commission has established objectives, which have been presented to the City Council on an annual basis for a number of years. The purpose of the Objectives is to systematically review the operations of the harbor and work to improve the harbor for all stakeholders. The last full update of the Objectives was completed in February of 2018 and the Harbor Commission recently revised and updated the objectives in July of 2019.

A subcommittee was created at the October 9, 2019 Harbor Commission meeting to develop the 2020 objectives and then bring those forward to the full Harbor Commission for consideration. The subcommittee will present their recommendations to the full Harbor Commission for consideration. The approved objectives would then be presented to the City Council as soon as practical.

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 – Harbor Commission 2018 Objectives, Revised July, 2019



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 - 2019 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 2019 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 10, 2019

2019 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>, Marston)</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>*Functional Areas 2 and 3 (combined 7/10/19)</p> <p>2.1 Evaluate current enforcement of applicable City codes throughout the harbor. Report back to Commission by July.</p> <p>2.2 Evaluate potential enhancements to city amenities provided to mooring permittees, residents and visitors.</p> <p>2.3 Establish policies for modifications to mooring size.</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. C. Complete evaluation for establishing day moorings off Big Corona beach. D. Evaluate options to consolidate and reduce the footprint of current mooring fields. 	<p>2.0 Harbor Operations, Management, Amenities, and Capital Improvements (<i>Beer</i>, Yahn, Scully)</p> <ul style="list-style-type: none"> ○ <i>Matters pertaining to use, control, operation, promotion, regulation of all vessels and watercraft.</i> ○ <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>3.1 Review and update City Municipal Codes, Title 17, Harbor Policies 1-5 and Marine Activities Permits.</p>	<p>3.0 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
2019 Objectives
 Updated July 10, 2019

2019 Objectives	Functional Area
<p>4.1 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>4.0 Commercial, Recreational and Educational Activities (Scully, Kenney, Marston)</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>5.1 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>5.0 Long Term Vision for Harbor (Harbor Strategic Planning) (Blank, Cunningham, Scully)</p> <ul style="list-style-type: none"> ○ <i>Advise the City Council on the City General Plan.</i>

*Numbering of Objectives was changed to reflect the combining of Objectives 2 and 3 at the Harbor Commission Meeting of July 10, 2019.

Memorandum



Date: January 7, 2020
To: Harbor Commission
From: Carol Jacobs, Assistant City Manager
Subject: Additional Materials for the Harbor Commission Meeting of January 8, 2020

Attached you will find additional information for the staff reports to be presented to the Harbor Commission on January 8, 2020.

Harbor Commission 2020 Objectives

The Harbor Commission created a subcommittee to review and recommend proposed Goals and Objectives for 2020. The attached is a draft of the proposal by the subcommittee.

Harbormaster Update – December 2019 Activities

Attached is the year to date activities of the Harbor Department.

City of Newport Beach

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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
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Harbor Commission - 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 updated 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
Objectives Updated January 08, 2020 (Draft)**

2020 Objectives	Functional Area
<ol style="list-style-type: none"> 1. Complete current version of Title 17 while maintaining suggestions for future revisions. (Yahn) 2. Study and make recommendations for changes on Marine Activity Permits. Identify all Stakeholders within the Harbor who will require a Marine Activity Permit. (Scully, Yahn) 3. Help identify derelict vessels in the harbor including recommendations for limiting the inflow of derelict vessels into the harbor. (Yahn, Beer) 4. Study and provide recommendations for shore moorings including transfer permit policy. (Beer, Cunningham) 	<p>1. Harbor Operations (Kenney)</p> <p><i>Matters pertaining to the Management, Policies, Codes, Regulations, and Enforcement.</i></p>
<ol style="list-style-type: none"> 1. Evaluate potential enhancements to City amenities provided to mooring permittees, residents, and visitors. (Scully) 2. Support Staff with permanent anchorage at the west end of Lido Island. 3. Evaluate options to consolidate and reduce the footprint of the mooring fields. (Yahn) 4. Continue pursuit of a second public launch ramp. (Kenney) 5. Evaluate and make recommendations for Lower Castaways Park. (Marston, Yahn) 6. Complete evaluation for establishing day moorings off Big Corona beach. (Yahn) 	<p>2. Harbor Viability (Beer)</p> <p><i>Matters pertaining to Assets, Amenities, and Access.</i></p>
<ol style="list-style-type: none"> 1. Secure timely closure of RGP54 permit renewal with emphasis on a more streamlined process. 2. Establish a sustainable program that consistently re-nourishes our harbor beaches. (Marston) 3. Support Staff to obtain funding and approval to dredge the federal navigational channels to its authorized design depth. 4. Study various dredging methodologies that provides consistent maintenance dredging and could help combat sea level rise. (Marston) 	<p>3. Harbor Infrastructure (Cunningham)</p> <p><i>Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches.</i></p>

2020 Objectives	Functional Area
<p>1. Develop a plan to communicate and assist Stakeholders required to complete the newly defined Marine Activity Permit program. (Marston, Kenney)</p> <p>2. Assist Staff in developing a communication outreach to the Stakeholders similar to the program in place with the Mooring Association. (Marston, Kenney)</p> <p>3. Support Staff in the Harbor Attendance Study. (Yahn, Cunningham)</p>	<p>4. Harbor Stakeholders (Scully)</p> <p><i>Matters pertaining to Residential, Recreational, and Commercial Users.</i></p>
<p>1. Draft a Harbor Plan that can be used independently or in conjunction with an update to the General Plan. Special attention should be made to preservation of marine related activities and businesses in Newport Harbor. (Kenney)</p>	<p>5. Harbor Vision (Blank)</p> <p><i>Matters pertaining to Community Outreach and the General Plan update</i></p>

Harbor Department Statistics												
Fiscal Year 2019-20												

	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	April	May	June	YTD
Anchorage	45	26	7	9	13	13							113
Assisting Vessels Over 20'	4	5	4	1	-	3							17
Assisting Vessels under 20'	24	19	5	3	8	50							109
Bridge Jumpers	6	68	6	2	1	1							84
Daily Anchorage Check	141	257	140	112	109	39							798
Discharge/Pollution	3	9	6	3	-	2							23
Dock/Pier/Bridge Issue	14	16	12	10	7	6							65
Emergency	-	1		-	-	-							1
General Assist	35	41	15	11	19	7							128
Hazards/Debris	22	58	8	10	15	32							145
Impound	15	16	4	4	5	5							49
Incident	10	4	13	7	4	4							42
Mooring Assist	30	13	10	6	13	88							160
Mooring Check	229	581	220	171	211	123							1,535
Noise	3	-	6	-	-	-							9
Paddleboard/Kayak	247	179	8	1	3	-							438
Public Contact	147	156	89	36	33	13							474
Public Dock Enforcement	345	371	294	522	562	183							2,277
Pump Out	13	21	11	7	7	6							65
Registration & Insurance		242	199	46	119	28							634
Sea Lions	36	88	122	49	21	5							321
Speeding	87	58	41	5	9	9							209
Swim Line	1	3	4	1	1	1							11
Trash	247	283	278	176	238	391							1,613
Rentals - Marina Park Slips	143	147	107	99	43	54							593
# of nights	370	399	295	297	132	238							1,731
Rentals - MP Sand Lines	9	9	7	10	6	10							51
# of nights	43	32	28	59	34	41							237
Mooring Sub-permittee	61	54	48	28	38	31							260
# of nights	404	392	350	219	303	268							1,936
Code Enforcement													
New Cases	116	130	150	84	64	28							572
Closed Cases	117	165	152	69	90	39							632
Verbal Warning	14	37	59	35	21	4							170
Warning Notices	122	118	163	100	58	14							575
Admin Cites	5	6	4	10	23	3							51
MAPS Issued				3	9	7							19

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
Daily Anchorage Check	Count of boats in anchorage each day
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
Incident	Progressed Incident but not level of Emergency
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)
Registration and Insurance	Follow up with Permittees on Expired Documents
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



NEWPORT BEACH

Harbor Commission Staff Report

January 8, 2020
Agenda Item No. 8.2

TO: HARBOR COMMISSION

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

TITLE: Harbormaster Update – December 2019 Activities

ABSTRACT:

The Harbormaster is responsible for the management of the City’s mooring fields, the Marina Park Guest Marina and Harbor on-water code enforcement activities. This report will update the Commission on the Harbor Department’s activities for December 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; and
- 2) Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

New Patrol Vessels Delivered

On December 4 the Harbor Department’s two new patrol vessels were received, inspected and launched into Newport Harbor, following their delivery from Chislett’s Boating of New Hampshire. The 20’ 9” center console design vessels have since gone through their break-in period and initial engine services. Harbor Department staffers have undergone introductory training sessions with the new equipment. The boats are now in active daily use. Preliminary reports from staff about their experiences in the field, related to vessel handling, performance and features, have been very encouraging. Two catamaran style vessels, previously used by the department, under a rental agreement with a local non-profit organization, have since been returned.

111th Newport Beach Christmas Boat Parade

Boating activity was heavy in Newport Harbor, December 18 through 22 due to the annual Newport Beach Christmas Parade festivities. The Harbor Department scheduled additional resources throughout the five nights of the program. This support included land-side staffing at the Marina Park facilities and on-water patrols of the harbor. In an expanded role vs. prior years, one of the Harbor Department vessels (and crew) was utilized as one of the parade's marshal vessels throughout the program. Marina Park facilities were well used during the parade week with 23 guest slips near full capacity throughout the parade-week along with 16 parade-related bookings of off-shore moorings. Harbor Department services were well utilized, and the parade activities were largely free of incident.

Award Notice – 2019/20 Surrendered and Abandoned Vessel Exchange (SAVE) Grant

On December 20 the Harbor Department received notice from the State of California's Division of Boating and Waterways (DBW), that the City of Newport Beach has been selected to receive a \$175,000 grant award to aid in the removal of derelict boats from the harbor. Once the grant is fully executed, following its official acceptance by the City Council, these funds will be available to reimburse the City for the removal and disposal of both abandoned and surrendered vessels from Newport Harbor. Following the grant's execution, use of these awarded funds will be available immediately and through September 30, 2021. This \$175,000 award represents the full amount requested by the City and a 40% increase over what was received by the City during the grant program's prior funding cycle.

Harbor Department Response following December 26 Rain Storms

A powerful rain storm came through the Southern California area on December 26, and left it's mark on several vessels within Newport Harbor. In the two days following those rains, Harbor Department staff assisted owners of small vessels by dewatering a total of 45 craft throughout the harbor (both on shore and off shore mooring fields), making contact with owners as needed. Several other small craft were also recovered by staff, after having been found adrift. A number of off-shore mooring permittees were also contacted, with staff having observed their moored vessels listing or otherwise needing attention following the rains.

Lights atop Various Buoys in Newport Harbor

For the past several years some members of the local boating community have expressed their interest in the City installing lit markers at select locations within Newport Harbor, to serve as after dark boater safety enhancements. Harbor Department staff are now researching commercially available equipment which meets US Coast Guard requirements and specifications for such an application. Following this research, community outreach efforts will take place with members of the local boating community and harbor adjacent residents to determine if such equipment will in-fact aid boater safety while also not detracting from the enjoyment of harbor adjacent private homes. Should the results of this community outreach warrant pursuing this concept further, the City will request approval from the USCG to permit the installation of such lighting equipment.

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).

Memorandum



Date: January 7, 2020
To: Harbor Commission
From: Carol Jacobs, Assistant City Manager
Subject: Additional Materials for the Harbor Commission Meeting of January 8, 2020

Attached you will find additional information for the staff reports to be presented to the Harbor Commission on January 8, 2020.

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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
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 - Harbor amenities such as mooring support service areas and public docks

Harbor Commission - 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 updated 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
Objectives Updated January 08, 2020 (Draft)**

2020 Objectives	Functional Area
<ol style="list-style-type: none"> 1. Complete current version of Title 17 while maintaining suggestions for future revisions. (Yahn) 2. Study and make recommendations for changes on Marine Activity Permits. Identify all Stakeholders within the Harbor who will require a Marine Activity Permit. (Scully, Yahn) 3. Help identify derelict vessels in the harbor including recommendations for limiting the inflow of derelict vessels into the harbor. (Yahn, Beer) 4. Study and provide recommendations for shore moorings including transfer permit policy. (Beer, Cunningham) 	<p>1. Harbor Operations (Kenney)</p> <p><i>Matters pertaining to the Management, Policies, Codes, Regulations, and Enforcement.</i></p>
<ol style="list-style-type: none"> 1. Evaluate potential enhancements to City amenities provided to mooring permittees, residents, and visitors. (Scully) 2. Support Staff with permanent anchorage at the west end of Lido Island. 3. Evaluate options to consolidate and reduce the footprint of the mooring fields. (Yahn) 4. Continue pursuit of a second public launch ramp. (Kenney) 5. Evaluate and make recommendations for Lower Castaways Park. (Marston, Yahn) 6. Complete evaluation for establishing day moorings off Big Corona beach. (Yahn) 	<p>2. Harbor Viability (Beer)</p> <p><i>Matters pertaining to Assets, Amenities, and Access.</i></p>
<ol style="list-style-type: none"> 1. Secure timely closure of RGP54 permit renewal with emphasis on a more streamlined process. 2. Establish a sustainable program that consistently re-nourishes our harbor beaches. (Marston) 3. Support Staff to obtain funding and approval to dredge the federal navigational channels to its authorized design depth. 4. Study various dredging methodologies that provides consistent maintenance dredging and could help combat sea level rise. (Marston) 	<p>3. Harbor Infrastructure (Cunningham)</p> <p><i>Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches.</i></p>

2020 Objectives	Functional Area
<p>1. Develop a plan to communicate and assist Stakeholders required to complete the newly defined Marine Activity Permit program. (Marston, Kenney)</p> <p>2. Assist Staff in developing a communication outreach to the Stakeholders similar to the program in place with the Mooring Association. (Marston, Kenney)</p> <p>3. Support Staff in the Harbor Attendance Study. (Yahn, Cunningham)</p>	<p>4. Harbor Stakeholders (Scully)</p> <p><i>Matters pertaining to Residential, Recreational, and Commercial Users.</i></p>
<p>1. Draft a Harbor Plan that can be used independently or in conjunction with an update to the General Plan. Special attention should be made to preservation of marine related activities and businesses in Newport Harbor. (Kenney)</p>	<p>5. Harbor Vision (Blank)</p> <p><i>Matters pertaining to Community Outreach and the General Plan update</i></p>

<h2 style="margin: 0;">Harbor Department Statistics</h2> <h3 style="margin: 0;">Fiscal Year 2019-20</h3>												
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	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	April	May	June	YTD
Anchorage	45	26	7	9	13	13							113
Assisting Vessels Over 20'	4	5	4	1	-	3							17
Assisting Vessels under 20'	24	19	5	3	8	50							109
Bridge Jumpers	6	68	6	2	1	1							84
Daily Anchorage Check	141	257	140	112	109	39							798
Discharge/Pollution	3	9	6	3	-	2							23
Dock/Pier/Bridge Issue	14	16	12	10	7	6							65
Emergency	-	1		-	-	-							1
General Assist	35	41	15	11	19	7							128
Hazards/Debris	22	58	8	10	15	32							145
Impound	15	16	4	4	5	5							49
Incident	10	4	13	7	4	4							42
Mooring Assist	30	13	10	6	13	88							160
Mooring Check	229	581	220	171	211	123							1,535
Noise	3	-	6	-	-	-							9
Paddleboard/Kayak	247	179	8	1	3	-							438
Public Contact	147	156	89	36	33	13							474
Public Dock Enforcement	345	371	294	522	562	183							2,277
Pump Out	13	21	11	7	7	6							65
Registration & Insurance		242	199	46	119	28							634
Sea Lions	36	88	122	49	21	5							321
Speeding	87	58	41	5	9	9							209
Swim Line	1	3	4	1	1	1							11
Trash	247	283	278	176	238	391							1,613
Rentals - Marina Park Slips	143	147	107	99	43	54							593
# of nights	370	399	295	297	132	238							1,731
Rentals - MP Sand Lines	9	9	7	10	6	10							51
# of nights	43	32	28	59	34	41							237
Mooring Sub-permittee	61	54	48	28	38	31							260
# of nights	404	392	350	219	303	268							1,936
Code Enforcement													
New Cases	116	130	150	84	64	28							572
Closed Cases	117	165	152	69	90	39							632
Verbal Warning	14	37	59	35	21	4							170
Warning Notices	122	118	163	100	58	14							575
Admin Cites	5	6	4	10	23	3							51
MAPS Issued				3	9	7							19

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
Daily Anchorage Check	Count of boats in anchorage each day
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
Incident	Progressed Incident but not level of Emergency
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)
Registration and Insurance	Follow up with Permittees on Expired Documents
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



City Harbormaster Report December 2019 Activities

Presentation to Harbor Commission

January 8, 2020

Kurt Borsting, City Harbormaster

Harbor Department – City of Newport Beach

Support to Annual Christmas Boat Parade

- Harbor activity was heavy throughout the 111th Newport Beach Christmas Parade festivities (December 18 – 22).
- Pre-parade route inspection was conducted by Harbor Department and Lifeguard staff with parade organizers.
- Removal of select swim lines to avoid spectators fouling props during parade nights.



*Harbor Department team photo
after prepping patrol boat for
Christmas Parade duties.*



Support to Annual Christmas Boat Parade

- Additional staff resources were scheduled throughout the program, both on the land-side at Marina Park and with on-water patrols.
- Marina Park guest slips were at capacity throughout the parade week, and an additional 16 parade related bookings were accommodated on off-shore moorings.
- Use of Marina Park facilities for Grand Marshal vessel during first night of parade, and parade's lead vessel throughout the five evening event.



"Burning Daylight", which served as the parade's lead vessel, berthed at Marina Park's long dock throughout the five night program.



Support to Annual Christmas Boat Parade

- Harbor Department expanded its participation in this year's program – with a patrol boat and crew serving as parade marshals.
- Harbor Dept. staff hosted a kid's craft experience (where children decorated harbor related holiday ornaments) as part of the parade's kick-off event held at Marina Park
- An after-action report has been developed documenting 2019 experiences and recommendations for 2020.



Harbor Department Lead, Chris Whiteside, serving as parade marshal, supporting the program and showcasing the department's new equipment.

Harbor Dept. Staffer, Natalya Lytwynec, helping local kids make harbor themed ornaments at the Christmas Parade's kick off event at Marina Park.



Award Notice – 2019/20 SAVE Grant

- On December 20, the Harbor Department received notice that it had been selected to receive a \$175,000 grant from the CA Division of Boating and Waterways, to aid in removal of derelict boats from the harbor.
- Once the grant is fully executed, following official acceptance by City Council, funds will be available to reimburse the City for removal and disposal of both abandoned and surrendered vessels.
- The award represents the full amount requested by the City and a 40% funding increase over our prior award.



Vessel Turn-In Program (VTIP) applications will be accepted as part of the City's grant award.



Harbor Department Rain Storm Response

- A powerful storm came through Newport Harbor on December 26
- In the two days following those rains, Harbor Department staff assisted vessel owners, dewatering 45 boats, recovering several vessels found adrift in the harbor, and contacting mooring permittees about vessels that appeared to need attention following the rains (vessel listing, riding low, etc.).



Harbor Department staffer, Jackson Halphide, recovers two dinghies found adrift following late December rain storm.





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