



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, February 12, 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

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 January 8, 2020, Harbor Commission Regular Minutes

[01-08-2020 Harbor Commission Draft Minutes](#)

[Additional Material Received Mr. Mosher Comments Draft Minutes of 01-08-2020](#)

6) **CURRENT BUSINESS**

1. **Harbor Commission 2019 and 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. In January the Commission approved draft Objectives for 2020. It is anticipated that the new Objectives will be provided to the City Council for their consideration on February 25, 2020.

Recommendation:

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

2) Receive and file current subcommittee reports.

[Staff Report](#)

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

[Attachment B – Harbor Commission 2020 Objectives](#)

2. **Harbormaster Update - January 2020 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 January 2020.

Recommendation:

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

2) Receive and file.

[Staff Report](#)

[Attachment A – Harbor Department Statistics, Fiscal Year through January 2020](#)

7) **COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**

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

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

10) **DATE AND TIME FOR NEXT MEETING: Wednesday, March 11, 2020 at 6:30 p.m.**

11) ADJOURNMENT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
Council Chambers – 100 Civic Center Drive, Newport Beach, CA
Wednesday, January 8, 2020
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, Secretary (excused absence)
William Kenney, Jr., Commissioner
Marie Marston, Commissioner
Steve Scully, Commissioner
Don Yahn, Commissioner

Staff Members: Carol Jacobs, Assistant City Manager
Kurt Borsting, Harbormaster
Chris Miller, Public Works Administrative Manager
John Kappeler, Senior Engineer
Jennifer Biddle, Administrative Support Specialist

3) PLEDGE OF ALLEGIANCE – Vice Chair Cunningham

4) PUBLIC COMMENTS

Hein Austin noted the movement to limit the amount of copper in paint to no more than 0.5 percent and wanted to know the amount of copper contained in Harbor waters. He suggested reducing the frequency that boats are washed to reduce the amount of copper in Harbor waters, if necessary, and the Harbor Commission reconsider the Municipal Code provision that prohibits marine growth on boats.

5) APPROVAL OF MINUTES

1. Draft Minutes of November 13, 2019, Regular Meeting

Chair Blank proposed incorporating Commissioner Beer's written modification to the Minutes.

Commissioner Marston noted a contradiction in Mr. Cirino's statements on page 2 in that he prefers customers not bring hard liquor onboard but hard liquor is not allowed onboard. On page 3, Mr. Cosylion provided the parking standard, which does not account for passengers that utilize alternate transportation. She questioned whether the number of passengers is specifically based on the amount of parking.

Chair Blank advised that the vessel itself sets the passenger limit in this instance. The intention was to explain that there is sufficient parking for the maximum number of passengers allowed on the vessel.

Commissioner Scully moved to approve the draft Minutes of the November 13, 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 Kenney, Commissioner Marston,
Commissioner Scully, Commissioner Yahn

Nays: None

Abstaining: None

Absent: Commissioner Beer

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.

Hoiyin Ip, Water Quality/Coastal Tidelands Committee, reported in 2017 the Water Board ordered all agencies to significantly reduce trash entering waterways through either trash capture or trash reduction. The City of Newport Beach has implemented trash capture measures and proposed bans on balloons, polystyrene foam, and plastics. The Harbor Commission should consider banning balloons and polystyrene foam in the Harbor as well.

Commissioner Kenney advised that he could support a ban on Styrofoam coolers and cups but not dock floats and mooring buoys.

Chair Blank indicated an ordinance and design standards require the encapsulation of polystyrene docks and floats.

Len Bose suggested a cruise from Newport Beach to San Diego to clean up Mylar balloons and using social media to promote clean-up efforts.

Pete Swift noted most encapsulated polystyrene floats are composed of bead Styrofoam, which is inexpensive and effective. A closed-cell Styrofoam that does not breakdown is available and could be included in the list of acceptable materials.

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.

Senior Engineer John Kappeler reported the City installs approximately 435 screens on catch basins during dry months; inspects and cleans about 450 screens inside catch basins and 40 continuous deflative separation (CDS) units, cleans drainage channels and catch basins annually; removes debris from the Upper Bay; has installed six trash skimmers in the Harbor; and coordinates clean-up events. Newport

Beach, Costa Mesa, Santa Ana, Orange County Flood Control, and Orange County Public Works have collaboratively constructed the Santa Ana-Delhi trash diversion project. Senior Engineer Kappeler shared a video regarding a water wheel. Staff proposes to locate a water wheel in San Diego Creek. The Ocean Protection Council awarded the City a \$1.7 million grant to build a waterwheel. Social media and educational programs can be used to promote both the water wheel and water quality. Staff has completed preliminary engineering, environmental review, and a grant agreement. Staff hopes to present a consultant contract for detailed design to the Council on February 11 and to obtain permits in a year such that construction could begin in 2021. The total cost for a water wheel will be approximately \$2 million, and the estimate for annual operations and maintenance costs is \$25,000 to \$50,000. Staff has contacted upstream cities about a cooperative agreement to fund a water wheel and received positive feedback.

In reply to Commissioner Yahn's queries, Senior Engineer Kappeler indicated grant funds will be applied to the \$2 million project cost. The City has agreements with all Newport Bay watershed partners, and hopefully the cost of the water wheel can be added to the agreements.

Vice Chair Cunningham suggested during the upcoming eelgrass survey the contractor mark large trash items in the Harbor, and either City staff or a contractor remove the items.

Chair Blank concurred with the proposal of relocating the underwater clean-up event from Balboa Bay Club to Marina Park. In response to his question, Senior Engineer Kappeler advised that the water wheels in Baltimore are stationary.

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 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 provision in Council Policy H-1.

Public Works Administrative Manager Chris Miller reported the dock at 117 North Bay Front is landward of the bulkhead line. Normally, Council Policy H-1 deals with piers and floats bayward of the bulkhead line or the pierhead line. In addition, Council Policy H-1 does not allow staff to approve dock projects when the proposed reconstruction is not like-for-like. On Balboa Island, the size of a proposed dock cannot exceed the size of the existing dock. The existing dock's size is 410 square feet with a 20-foot gangway. Current standards require a 24-foot gangway. The City approved the existing dock. The proposed dock size is 410 square feet with a 24-foot gangway; however, the proposed dock is shifted to the south of the existing dock. The proposed float will not extend past the existing dock. The proposed dock does not adversely affect neighbors or the channel. In order to approve the project, the Harbor Commission must make certain findings. Notice of the project has been sent to all properties located within a 300-foot radius of the project.

In response to Commissioner Kenney's question, Public Works Administrative Manager Miller advised that staff has not received any public comment regarding the project.

Vice Chair Cunningham indicated he has viewed the site, and the proposed project appears feasible. His only concern is a large boat at the dock will block the channel.

Chair Blank explained that the prolongation of the property line will limit the size of the boat on the proposed dock; therefore, he was not concerned about a large boat obstructing the channel. A 42-foot boat, if it is narrow, may fit on the proposed dock.

Commissioner Scully remarked that the gangway was submerged during his visit to the site and asked if the proposed gangway would be higher. Public Works Administrative Manager Miller presumed the proposed gangway would be the same height as the existing gangway because the height of the proposed pier would be the same as the bulkhead cap.

Vice Chair Cunningham suggested the property owner will have to dredge the site.

Pete Swift of Swift Slip Dock and Pier Builders, Inc. and the applicant's agent, reported the plan is to place a boat on the east side of the dock adjacent to the neighbor's large boat. On that side of the proposed dock, the distance is 19 feet to the property line. The height of the gangway will be increased.

In answer to an unidentified speaker's question, Mr. Swift advised that the property owner plans to use the dock for a boat with a 14-foot beam.

Jim Mosher noted Policy H-1 concerns piers that extend beyond the pierhead line, but that is not the case for the project. The final paragraph of Policy H-1 indicates the circumstances under which staff may not approve a project but does not indicate the body that can approve a project.

Commissioner Kenney moved to approve the project at 117 North Bay Front based on staff's recommended findings for the project and CEQA compliance. Vice Chair Cunningham seconded the motion. The motion carried by the following roll call vote:

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

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 the 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 15050(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 15374) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in a 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.

Vice Chair Cunningham proposed "Current Objectives Dated January 8, 2020" as the title because the Objectives may extend into 2021. In late 2019, the Harbor Commission supported rewriting the Functional Areas and using broader descriptions. Proposed Functional Areas are Harbor Operations, Harbor Viability, Harbor Infrastructure, Harbor Stakeholders, and Harbor Vision. The subcommittee proposed expanding the description of Harbor Operations and Harbor Infrastructure.

Chair Blank noted Commissioners Marston and Yahn have been omitted from Functional Area assignments and offered to assign Harbor Vision or Harbor Viability to either of them.

Commissioner Yahn advised that Commissioners could work on Objectives in which they are interested even though they are not assigned to the Objectives. Vice Chair Cunningham added that Commissioners have not been assigned to some Objectives due to the high level of staff support for the Objectives. The Functional Area Chair will work with staff on those Objectives.

Vice Chair Cunningham reviewed the Objectives of Functional Area 1.

Chair Blank indicated the Chair of each Functional Area will support the committees working on the Objectives as needed, even though the Chair is not assigned to any of the Objectives.

Vice Chair reviewed the Objectives of Functional Area 2.

In response to Assistant City Manager Carol Jacobs' query, Chair Blank stated he was originally assigned to Objective 5. Assistant City Manager Jacobs suggested any action on the Objectives include the assignment of Commissioners to committees.

Chair Blank proposed moving Objective 5 from Functional Area 2 to Functional Area 5.

Commissioner Marston questioned whether Lower Castaways has been designated a park. Vice Chair Beer proposed striking the word park from the description of Objective 5.

In reply to Commissioner Marston's question, Vice Chair Cunningham advised that Objectives overlap Functional Areas.

Commissioners agreed to moving Objective 2.5 to Functional Area 5.

Vice Chair Cunningham reviewed the Objectives of Functional Areas 3, 4 and 5. He explained the rationale for assigning Commissioner Kenney to Objective 5.1.

Commissioner Kenney proposed assigning Commissioner Scully to Objective 5.1 as well.

Vice Chair Cunningham shared the need for Commissioners to work with City departments and bodies and to be aware of topics that City bodies are considering. Commissioner Kenney added that some topics under discussion at other City bodies may not fall into a specific Objective, in which case the Harbor Commission Chair should address the topics with the bodies. Chair Blank suggested Commissioners build rapport with Planning Commissioner Rosene, who is a Harbor user.

In reply to Commissioner Kenney's questions, Chair Blank reported the Functional Area Chairs will not necessarily be the leads for the Objectives. The Functional Area Chairs will manage the Functional Area, support the committees for each Objective as needed, and address general questions and comments about the Functional Area.

Assistant City Manager Jacobs noted Chair Blank has worked on Title 17 revisions for the past year but is assigned to Objectives 1.1 and 1.2. Chair Blank concurred that he should be assigned to Objective 1.1. Commissioner Scully agreed to Chair Blank replacing him on Objective 1.2.

Commissioner Kenney advised that proposed Title 17 revisions are scheduled for Council action on January 28. Hopefully, proposed Marine Activity Permit (MAP) revisions will follow soon afterwards. Therefore, the assignments for Objectives 1.1 and 1.2 could remain as proposed.

Chair Blank related that, if the Council adopts the proposed Title 17 revisions, they will not become effective until perhaps the end of March.

Vice Chair Cunningham clarified that Chair Blank will be assigned to Objective 1.1 and will replace Commissioner Scully on Objective 1.2.

Mr. Pringle suggested stakeholders may need help in meeting the requirements of the MAP rather than completing the MAP with respect to Objective 4.1. Objective 4.1 could include strategic statements.

Jim Mosher recommended general questions for Functional Area Chairs occur during Harbor Commission meetings to prevent any violation of the Brown Act. The Water Quality Committee's only function is to improve the quality of water in the Bay.

Chair Blank clarified his comments regarding the Functional Area Chairs as they will address questions and comments from people and entities not affiliated with the Harbor Commission.

Commissioner Kenney suggested revising Objective 4.1 to state "... to complete and meet the newly defined Marine Activity Permit program."

Chair Blank recommended the Objective 4.1 committee create a strategic Objective for the MAP in the future.

Commissioner Yahn moved to approve the Harbor Commission Objectives Dated January 8, 2020, as modified during the meeting and recommend that they be forwarded to the City Council for consideration. Commissioner Scully seconded the motion. The motion carried by the following roll call vote:

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

In reply to Chair Blank's query, Assistant City Manager Jacobs reported she would attempt to place the Objectives on the Council's January 28 agenda. The item could be placed on the Council's consent calendar. Vice Chair Cunningham preferred an action item and offered to seek the Mayor's opinion during their meeting the following week.

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.

Harbormaster Kurt Borsting reported the Harbor Department conducted a pre-event route inspection, scheduled additional staff resources, and participated in the Christmas Boat Parade. Marina Park guest slips were filled throughout the week of the Boat Parade, and additional bookings were accommodated on

offshore moorings. Marina Park hosted the grand marshal vessel during the Boat Parade and a VIP event the first night of the Boat Parade. On land, the Harbor Department hosted a kids' craft table. An after-action report has been created and contains recommendations for future events. The California Division of Boating and Waterways awarded a grant of \$175,000 to the Harbor Department for the removal of derelict vessels and the Vessel Turn-In Program. Upon Council approval, the grant will be executed, and the funds will be available to the Harbor Department. The prior grant provided \$125,000 for the removal of derelict vessels. Following the December 26 storm, staff provided public assistance and recovered drifting vessels.

Chair Blank was pleased with the Harbor Department statistics.

In response to Commissioners' questions, Harbormaster Borsting advised that portable pumps were used to dewater vessels. Under a contract with the City, Sea Tow can provide assistance if needed. Staff conducted an assessment of bilge water during dewatering to ensure pollutants were not discharged into the Harbor. The new vessels are performing well, and staff appreciated the cabins during the storms. The vessels appear to be utilizing more fuel than the older boats; therefore, there may be additional operating expenses. During the 2018 Boat Parade, guest moorings caused some congestion, but the matter was resolved prior to the 2019 Boat Parade. The 2019 staffing model did not allow staff to participate in the Sheriff's Department's nightly meetings. Those meetings are important for staff, and hopefully staff can participate in them in 2020. Recommendations for recreation partners include the addition of food trucks and seating.

Chair Blank recommended Harbormaster Borsting caution staff to ensure vessels are sound before boarding to dewater them.

9) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEM)

Vice Chair Cunningham announced Mayor Pro Tem Avery, Council Member Duffield, and he would travel to Washington, D.C. the week of January 20 to discuss funding of deep-water dredging projects. The new hydraulic dredger is currently pumping sand to Little China Cove and will pump sand to Pirate's Cove Beach next.

In reply to Commissioner Kenney's questions, Vice Chair Cunningham advised that a private contractor is handling the pumping. The contractor will dredge private docks.

Commissioner Kenney reiterated that the Council will consider proposed revisions to Title 17, except for Section 17.10, on January 28.

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

In response to Commissioner Kenney's inquiries, Assistant City Manager Jacobs reported the *Wild Wave* case has been continued to February 13. The trial may be held on that date. Harbormaster Borsting advised that Code Enforcement Officer Cosylion and he are working with the owner of *Dire Straits*, which may be a candidate for the Vessel Turn-In Program. The vessel is located in the A Field.

Chair Blank indicated most of the superstructure and the swim step have been removed from *Dire Straits*. Without the swim step, the vessel has no means of propulsion.

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

Vice Chair Cunningham reported the Harbor attendance study may be ready for review at the February meeting.

Chair Blank requested updates from Objectives committees.

12) DATE AND TIME FOR NEXT MEETING: Wednesday, February 12, 2020 at 6:30 p.m.

11) **ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:24 p.m.

Comments on Feb. 12, 2020, Harbor Commission Agenda

These comments on the Newport Beach Harbor Commission agenda are submitted by: Jim Mosher
jimmosher@yahoo.com , 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item 5)1. Draft Minutes of January 8, 2020, Harbor Commission Regular Minutes

Suggested corrections to the passages shown in *italics* are indicated in **strikeout underline** format.

Page 5 (page 8 of [agenda packet](#)), paragraph 6: “Vice Chair **Cunningham** reviewed the Objectives of Functional Area 2.”

Page 5, last paragraph: “Assistant City Manager Jacobs noted Chair Blank has worked on Title 17 revisions for the past year but is **not** assigned to Objectives 1.1 and 1.2.”

Page 6, paragraph 1, sentence 2: “Hopefully, proposed Marine **Activity Activities** Permit (MAP) revisions will follow soon afterwards.”

Page 6, paragraph 7: “Commissioner Kenney suggested revising Objective 4.1 to state “... to complete and meet the newly defined Marine **Activity Activities** Permit program.””

[Note: NBMC [Chapter 17.10](#) is currently titled “Activities” (plural) rather “Activity” (singular) and the plural spelling is used throughout it. I don’t know if the subcommittee is recommending a change, but I notice the 2020 Objectives approved at the January 8 meeting for submission to the City Council use the new singular spelling in two places (pages 18 and 19 of the present agenda packet).]

Page 7, Item 11: “Harbor attendance study”

[This term appears in the new 2020 Objectives (page 19 of the present agenda packet). I don’t know what it refers to and it does not seem to be mentioned in the minutes where those new objectives were discussed.]



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

February 12, 2020
Agenda Item No. 6.1

TO: HARBOR COMMISSION

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

TITLE: Harbor Commission 2019 and 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. In January the Commission approved draft Objectives for 2020. It is anticipated that the new Objectives will be provided to the City Council for their consideration on February 25, 2020.

RECOMMENDATION:

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

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 Commission approved new Objectives at their January 8, 2020 meeting. Council will consider these new Objectives on February 25, 2020

Subcommittees will report on their progress for the month.

ENVIRONMENTAL REVIEW:

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

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

ATTACHMENTS:

Attachment A – Harbor Commission 2018 Objectives, Revised July, 2019

Attachment B – Harbor Commission 2020 Objectives



City of Newport Beach

Harbor Commission Purpose & Charter

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

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

Harbor Commission - 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.

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 - 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

2020 Objectives	Functional Area
<ol style="list-style-type: none"> 1. Complete current version of Title 17 while maintaining suggestions for future revisions. (Yahn, Blank) 2. Study and make recommendations for changes on Marine Activity Permits. Identify all Stakeholders within the Harbor who will require a Marine Activity Permit. (Blank, 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) 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 and meet 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>2. Evaluate and make recommendations for Lower Castaways Park. (Marston, Yahn)</p>	<p>5. Harbor Vision (Blank)</p> <p><i>Matters pertaining to Community Outreach and the General Plan update</i></p>



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

February 12, 2020
Agenda Item No. 6.2

TO: HARBOR COMMISSION

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

TITLE: Harbormaster Update – January 2020 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 January 2020.

RECOMMENDATION:

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

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

Staff Recruitment Efforts

Part-time Harbor Department staff recruitment efforts took place during January 2020 for two employee classifications, the Department Assistant as well two Harbor Service Worker Lead positions. The Department Assistant recruitment resulted in a successful hire, with the selected candidate scheduled to start work with the Harbor Department on Monday, February 17. The Harbor Service Worker Lead recruitment process remains on-going. Following the primary screening of applications, eight (8) candidates were advanced by Human Resources staff for first-round panel interviews, which took place on Thursday, January 27. Second round interviews will be scheduled soon, with the goal of completing the hiring process by the end of February.

2019 Pumpout Monitoring Data / Instructional Infographics

The Bay Foundation provided the Harbor Department with summary data from their 2019 monitoring/testing efforts of public pumpout equipment owned and maintained by the City of Newport Beach. This independent organization is contracted through the Division of Boating and Waterways to conduct quarterly on-site inspections of the City's marine waste pumpout stations.

City equipment was deemed operable in nineteen out of twenty cases, as part of these quarterly inspections (during the November 2019 inspection one of the two systems at the 15th Street location was out of service). In nineteen out of twenty cases, condition of hoses were assessed as "looking new", and in sixteen out of twenty cases condition of nozzles were reported as "looking new". In the nine months between the February 2019 and November 2019 inspections, more than 237 hours of pumpout activity was collectively metered on the City's equipment.

Efforts are currently underway to improve the signage and instructional infographics located at the various City owned pumpout stations. These infographics are aimed assisting users in use of these systems as well as encouraging prompt reporting of broken or otherwise inoperable equipment.

West Anchorage Proposal Update

On January 16, 2020 a follow up teleconference call was held between the US Coast Guard's LA/LB Sector Base staff and representatives of the City of Newport Beach (Commissioner Beer and staff members K. Borsting and C. Miller). The meeting focused on potential configurations of potential future anchorage area, proposed west of Lido Island. Next steps in pursuing this proposal include updating previously developed navigational studies associated with this area of the Harbor as well as conducting public outreach efforts, after which the City can resubmit the anchorage proposal for the USCG's consideration.

Annual Harbor Attendance

During January 2020, Harbor Department staff and several Harbor Commissioners began preliminary outreach efforts to stakeholder groups, requesting available customer and harbor user counts associated with their respective activities. Examples of these counts include: passenger counts from commercial vessels; participant counts from collegiate programs; and attendance counts from scheduled harbor activities and special events. Outreach and data collection efforts are expected to continue for the next few months, with the goal of establishing a well-founded annualized attendance estimate of the number of people who visit and make use of Newport Harbor each year.

Code Enforcement Activity

During January 2020, Code Enforcement staff opened 118 new cases and successfully resolved/closed 69 files. Staff primarily focused on permittees with significantly delinquent mooring overhauls. These overhauls were largely past due from three to six months. Eighty-two warning notices, forty-three verbal warnings and three administrative citations were issued during the month.

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 – Harbor Department Statistics, Fiscal Year through January 2020

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	6						119
Assisting Vessels Over 20'	4	5	4	1	-	3	2						19
Assisting Vessels under 20'	24	19	5	3	8	50	4						113
Bridge Jumpers	6	68	6	2	1	1	-						84
Daily Anchorage Check	141	257	140	112	109	39	41						839
Discharge/Pollution	3	9	6	3	-	2	1						24
Dock/Pier/Bridge Issue	14	16	12	10	7	6	-						65
Emergency	-	1		-	-	-	-						1
General Assist	35	41	15	11	19	7	7						135
Hazards/Debris	22	58	8	10	15	32	11						156
Impound	15	16	4	4	5	5	10						59
Incident	10	4	13	7	4	4	3						45
Mooring Assist	30	13	10	6	13	88	5						165
Mooring Check	229	581	220	171	211	123	198						1,733
Noise	3	-	6	-	-	-	-						9
Paddleboard/Kayak	247	179	8	1	3	-	32						470
Public Contact	147	156	89	36	33	13							474
Public Dock Enforcement	345	371	294	522	562	183	438						2,715
Pump Out	13	21	11	7	7	6	19						84
Registration & Insurance		242	199	46	119	28	162						796
Sea Lions	36	88	122	49	21	5	15						336
Speeding	87	58	41	5	9	9	13						222
Swim Line	1	3	4	1	1	1	1						12
Trash	247	283	278	176	238	391	140						1,753
Rentals - Marina Park Slips	143	147	107	99	43	54	33						626
# of nights	370	399	295	297	132	238	116						1,847
Rentals - MP Sand Lines	9	9	7	10	6	10	1						52
# of nights	43	32	28	59	34	41	11						248
Mooring Sub-permittee	61	54	48	28	38	31	14						274
# of nights	404	392	350	219	303	268	85						2,021
Code Enforcement													
New Cases	116	130	150	84	64	28	118						690
Closed Cases	117	165	152	69	90	39	69						701
Verbal Warning	14	37	59	35	21	4	43						213
Warning Notices	122	118	163	100	58	14	82						657
Admin Cites	5	6	4	10	23	3	3						54
MAPS Issued				3	9	7	3						22

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