



# CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive  
**PLEASE NOTE: CHANGE IN MEETING START TIME**

**Wednesday, March 11, 2020 - 7:00 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**

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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](mailto: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. **Minutes of February 12, 2020 Harbor Commission Regular Meeting**

[02-12-2020 Harbor Commission Draft Minutes](#)

6) **CURRENT BUSINESS**

1. **Review of Harbor and Beaches Master Plan Projects**

Staff will provide an overview of the 2020 Harbor and Beaches Master Plan Projects. The Harbor Commission is requested to review the plan and provide comments.

**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 – 2020 Harbor and Beaches Master Plan Projects](#)

2. **Harbor Code Enforcement Program Presentation**

The Harbor Department is responsible for the management of the City's mooring fields, the Marina Park guest slips and providing quality customer service to harbor-users and various stakeholder groups. Harbor Department staff are also tasked with maintaining the health, safety and charm of Newport Harbor through the enforcement of Newport Beach Municipal Code, Title 17- Harbor Code regulations and applicable State and Federal laws. This report will update the Harbor Commission on Harbor related code enforcement activities since July 2018.

**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](#)

3. **Proposed Maximum Time Limit Zones - 19th Street Public Dock**

Public docks have been provided by the City at various locations throughout the Harbor, for the purpose of loading and unloading passengers, supplies, boating gear, short-term mooring and similar purposes. It is the policy of the City to maintain such facilities in a manner that will permit the greatest public use and avoid continuous occupancy, congestion or blocking thereof. Where necessary to achieve this objective, the Harbormaster is authorized and directed to post dock markings or signs limiting the time during which a vessel may be tied up or secured.

To advance this objective, the Harbor Department is recommending reassignment of

various sections of dock, with the objective of improving overall utilization of the available dock space, consistent with the City's policy.

**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 staff recommendation to reassign the proposed maximum allowable time period for vessels to occupy sections of the 19th Street Public Dock as shown on Attachment A.

[Staff Report](#)

[Attachment A - 19th Street Dock - Proposed Time Zone Allocations](#)

**4. Harbor Commission Objectives 2020**

Each ad hoc committee studying their respective Functional Area within the Commission's 2020 Objectives, will provide a progress update. The 2020 Objectives were approved by the City Council 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.

[Staff Report](#)

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

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

**5. Harbormaster Update - February 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 February 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 February 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, April 8, 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, February 12, 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  
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

**3) PLEDGE OF ALLEGIANCE – Commissioner Beer**

**4) PUBLIC COMMENTS**

Hein Austin advocated for some tolerance of marine growth on boats so that there can be less frequent washing of boats and lower amounts of copper in Harbor waters.

Jim Mosher related that the Council adopted revisions to Title 17 and postponed action on the new policy for mooring extensions. He disagreed with a Council Member's characterization of public comment as disparaging of the Harbor Commission. The public has the right to review and comment upon Council business.

**5) APPROVAL OF MINUTES**

**1. Draft Minutes of January 8, 2020, Regular Meeting**

Chair Blank requested the minutes reflect Mr. Mosher's written revisions.

Commissioner Beer corrected paragraph 9 on page 5 to "Vice Chair Cunningham proposed striking the word park from the description of Objective 5."

Commissioner Yahn moved to approve the draft Minutes of the January 8, 2020 meeting as amended. 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:** Commissioner Beer  
**Absent:** None

**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; and
- 2) Receive and file current subcommittee reports.

Assistant City Manager Carol Jacobs advised that the 2020 Objectives will be presented to the Council on February 25.

Chair Blank requested the Objectives be placed on the Council's Consent Calendar if possible.

Vice Chair Cunningham noted Commissioner Scully and Vice Chair Cunningham should be assigned to Objective 5.1. Objective 3.4 should include coastal erosion with sea level rise. In reply to Commissioner Scully's question, Vice Chair Cunningham explained that Objective 3.2 is different from moving material from the Harbor to the big beaches along the shoreline.

Commissioner Kenney noted the 2019 Objective 4.1 regarding review and dialog with the Harbor charter fleet was not carried over to the 2020 Objectives. Vice Chair Cunningham believed that was covered in Objectives 4.1 and 4.2. The subcommittee felt the 2019 Objective 4.1 was too high level and needed some actions. Chair Blank remarked that the dialog with the charter fleet industry needs to be stated in the objective. Vice Chair Cunningham referred to the Functional Area 4 description which spells out commercial users. Chair Blank preferred an objective that is directed specifically toward the charter fleet. Commissioner Kenney concurred. Commissioner Yahn clarified that specifying solely the charter fleet precludes other classes of operators on the Bay. The subcommittee wanted to capture the 2019 Objective 4.1 but keep it broad enough to cover all operators. Commissioner Kenney recalled that the Council directed the Harbor Commission to study issues such as a size limit and a number limit on charter vessels and methodologies for taxing charter vessels. The direction was more than developing a plan to communicate and assist. Vice Chair Cunningham suggested the subcommittee associated it with Objective 1.2. The rules and regulations were placed under Functional Area 1, and Functional Area 4 pertained to the outreach program, communication, and execution of it. Chair Blank advised that Objective 1.2 is close to completion. Council Members asked the subcommittee to study in detail the charter fleet specifically, the overall numbers, sizes, and other unique characteristics of that particular stakeholder group. Vice Chair Cunningham asked if Chair Blank is expecting to change codes and policies because that would fall under Functional Area 1. Whether it is placed in Functional Area 1 or 4 is semantics. Commissioner Yahn noted Chapter 17 will be a living document with ongoing input and revision. In the future, other regulations can refer to Functional Area 1. Chair Blank understood the direction was for a study of the longer-term operations of the charter fleet industry. Eventually, Code adjustments may be needed to guide future changes to charter fleet operations. The effort and discussion at present are to devise the vision in conjunction with the charter fleet. At present, that falls under Functional Area 4 more so than Functional Area 1. Commissioner Kenney was more concerned about the specific objective being listed. The charter fleet interaction is unique with respect to all stakeholders in the Harbor. Chair Blank proposed changing "establish" to "continue" in the 2019 Objective 4.1 and placing it in Functional Area 4 as Objective 4.4. Commissioner Kenney concurred, volunteered to work on the new Objective 4.3, and requested two additional volunteers. Commissioners Yahn and Scully volunteered.

Commissioner Marston requested "park" be deleted from Objective 5.2. In answer to her query, Vice Chair Cunningham explained that only one Commissioner is assigned to Objectives 2.2, 3.1, and 3.3 because of the significant staff support provided to those objectives. Commissioner Yahn added that the Functional Area leader can provide assistance as needed.

Jim Mosher remarked that the agenda item refers to subcommittee reports only because the Harbor Commission approved the Objectives in January. The narrative for the Harbor Commission Objectives refers to supporting the mission of the Harbor Area Management Plan. The Harbor Area Management Plan should be easily accessible on the website. The City's mapping refers to Lower Castaways as a park, but the City may not have officially established it as a park. He suggested a draft copy of revisions to Title 17.10, Marine Activity Permit (MAP), be made available to the public.

Commissioner Kenney indicated no public hearings for revisions of Section 17.10 have been held, but they will be scheduled. Chair Blank clarified that the subcommittee has met with Marine Activity Permitholders, and another meeting will be scheduled now that the MAP forms have been drafted.

Vice Chair Cunningham moved to approve the Updated January 8, 2020 Harbor Commission Objectives with the following changes:

1. Objective 3.4 should read "... and could help combat coastal erosion and sea level rise."
2. Renumber Objective 4.3 to Objective 4.4; insert the 2019 Objective 4.1 with "continue" replacing "establish" as Objective 4.3; and assign Commissioners Kenney and Yahn to Objective 4.3.
3. Replace Commissioner Kenney with Vice Chair Cunningham and Commissioner Scully in Objective 5.1.
4. In Objective 5.2, delete the word park.

Commissioner Yahn 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 Scully, Commissioner Yahn  
**Nays:** None  
**Abstaining:** None  
**Absent:** None

Functional Area 1: Commissioner Kenney reported the second reading of the proposed Title 17 revisions, except for Section 17.10, was approved on the Council's Consent Calendar on February 11. Council Member Muldoon instructed staff to direct the Harbor Commission to review Section 17.60.60 regarding commercial marinas that encroach upon abutting upland residential properties. Council Member Dixon instructed staff to direct the Harbor Commission to review the limitation on the number of live-aboards allowed in commercial marinas. In response to Council Member Dixon's request, the subcommittee has scheduled a stakeholder meeting to discuss the live-aboard issues in commercial marinas.

Functional Area 2: Commissioner Beer anticipated the proposed guidelines for mooring extensions to return due to minor revisions to Policy H-3. He will review the changes with staff and hopefully resolve any issues quickly so that the guidelines can be approved. With respect to the West Anchorage, he and staff have met with the U.S. Coast Guard and spoke with them by conference call a few weeks ago. The Coast Guard provided good direction on certain things and some encouragement that the Coast Guard may approve a proposal.

Functional Area 3: Vice Chair Cunningham indicated staff has received some feedback from the California Coastal Commission, U.S. Army Corps of Engineers, and Water Board regarding RGP 54. Next week, Public Works Administrative Manager Chris Miller, Harbormaster Borsting, and he will meet with the Coastal Commission and Water Board to review their comments. None of the feedback has been alarming. Vice Chair Cunningham shared photos and videos of the new hydraulic dredger at work. If the dredger operates more than two consecutive days, the Water Board requires an onsite monitor of the turbidity of the water at a cost of \$1,200 per day. Because the new dredger does not cause turbidity, negotiations of the RGP 54 will include waiving the requirement for an onsite monitor if this type of equipment is used for dredging. The City was not awarded any federal funding for dredging in the fiscal year 2020 work plan. \$2 million remains of the fiscal year 2019 funding. The Corps of Engineers has been quoted a cost of \$1

million to mobilize equipment to the mouth of the Harbor for dredging. The City wants the Corps of Engineers to delay the project until the City receives additional funding, but that may not happen.

In reply to inquiries, Vice Chair Cunningham explained that if the City moves to permanent infrastructure, building along the Harbor bottom is an option. The equipment is more controllable in the existing environment. The suction hose is 50 feet long. The maximum distance on the output of the motor is 1,000 feet. Increasing the hose length decreases the motor distance and vice versa. The City requested \$23 million in the 2020 work plan. The City has \$4.5 million in funding for dredging projects. With clean material, 40 cubic yards an hour can be dredged. The dredged material settles better on the beach when it can be dropped at high tide. At low tide, material runs down the beach much faster. At Beacon Bay, they're going to experiment with straw wattles to see if it will slow the speed of the material running down the slope. The contractor charges \$1,500 in addition to the permit fees for an average job. The total cost for permits is less than \$5,000. Hydraulic dredgers are best for material that can be reused in the Harbor. If material has to go to LA3, the contractor does not own a scow or hopper barge to handle the material. They are looking at options.

Functional Area 4: Commissioner Scully advised that he and Harbormaster Borsting have compiled lists of companies that may need MAPs. Staff is educating and working with companies about MAPs. Work on the Harbor Attendance Study is just beginning.

Functional Area 5: Chair Blank related that a dialog has been opened with the Balboa Island Improvement Association or Balboa Island Residents Association to conduct a stakeholder data collection meeting. Commissioner Marston stated she will contact the Parks, Beaches, and Recreation Commission again to see if a meeting has been scheduled.

Vice Chair Cunningham suggested Commissioner Marston meet with the National Marine Fisheries to learn about its marine protected area and any flexibility or mitigation it can offer.

Hein Austin hoped the new dredger would dredge around the public docks to increase the hours the docks are usable.

Jim Mosher reported the Parks, Beaches, and Recreation Commission meeting the prior week was canceled. He inquired regarding the Harbor Attendance Study.

Chair Blank explained that it is the total number of visitors to the Harbor. Commissioner Yahn clarified that it is the utilization rate of the Harbor by both tourists and local residents.

## **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; and
- 2) Receive and file.

Harbormaster Kurt Borsting reported the U.S. Coast Guard is interested in good public outreach when developing concepts for a West Anchorage and maintaining the main channel for commercial and recreational use. The Coast Guard's concern seems to be location rather than reconfiguration. Staff received good feedback and will develop a formal proposal and public outreach plan. A Department Assistant was hired in January. Eight candidates for Harbor Service Worker Lead have been interviewed, and second interviews will be scheduled with a goal of hiring one or two people by the end of the month.

The Bay Foundation provided staff with summary data from its 2019 quarterly tests of City pumpout stations. Four of the five stations received good annual scores. Signage and infographics at pumpout stations are undergoing improvements. The Harbor Commission subcommittee and staff are preparing a list of stakeholders to contact about customer and Harbor user counts. The count may be separated into on-water users and on-land users. Based on data from 14 stakeholder groups, the attendance estimate is 1.8 million Harbor users and 1.1 million Harbor visitors. The Harbor Department has requested an intern to assist with this data collection.

In answer to queries, Harbormaster Borsting indicated the Coast Guard will allow short-term use permits for large vessels, and staff is working to obtain a short-term use permit for a 150-foot vessel to moor for a few weeks in June. These short-term use permits will provide data that can be used to develop a large-vessel area in the West Anchorage proposal. Recently, two macerators have been damaged by boaters pumping out their bilges. Staff could use more training to detect when bilges are being pumped out. Assistant City Manager Jacobs added that if staff can prove someone damaged a pumpout station, the City can file a claim for damages with the person's insurance company. Harbormaster Borsting reported the City has funded a project to establish a bilge pumpout station. A few pumpout stations are located on private property but available for the public's use. When a private entity accepts grant funding for a pumpout station, the pumpout station has to be made available for public use. The City is responsible for regulating only its own pumpout stations. Most owners do a good job of maintaining and repairing their pumpout stations. The Harbor Department's full-time equivalent (FTE) is 8.39 for the fiscal year. He will explore the history, use, and possibility of removing the poles in the water near the Fun Zone.

Commissioner Kenney related that the definition of a large vessel needs to be codified. The location of the hose can indicate whether a boater is pumping out a bilge or a holding tank. If there is no fine for pumping out a bilge, the Harbor Commission should recommend the Council establish one. The pile may be a private improvement and part of the commercial marina. The Balboa Pavilion owns the dock to the left.

#### **7) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEM)**

Chair Blank reported Sally Cooper will retire from the Orange County Sheriff's Harbor Patrol after more than 20 years of service. Ms. Cooper has always been friendly and helpful. The Championship of Champions will be held in Newport Harbor October 8-11. He attended the Council's Planning Session, where he received great feedback about the Harbor and learned that more resources may be provided to the Harbor Department.

Vice Chair Cunningham recommended the book *Newport Bay: A Pioneer History* and shared three copies with Commissioners. He gave a copy of *Between Two Harbors: Reflections of a Catalina Island Harbormaster* to Harbormaster Borsting.

Commissioner Yahn expressed condolences to Chair Blank for the passing of his mother.

Commissioner Kenney announced a stakeholder meeting has been scheduled for March 2 at 6:00 p.m. to discuss live-aboards in commercial marinas. Bayfront homeowners should be invited to the meeting.

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

In response to Commissioner Kenney's questions, Assistant City Manager Jacobs suggested the subcommittee meet with the City Attorney to discuss Council Member Muldoon's concern with Title 17. The subcommittee can make recommendations to the Harbor Commission, which will be a public meeting. Harbormaster Borsting will attend the court hearing for the *Wild Wave* on February 13. Harbormaster Borsting advised that the owner of *Dire Straits* likely will not utilize the vessel turn-in program. Staff has provided notice, and the first period of time for the owner to repair or remove the vessel has begun. Staff has observed the owner working on the vessel.

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

Commissioner Beer requested staff present a summary of outreach regarding the West Anchorage.

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

Chair Blank moved to reschedule the March 11, 2020 meeting from 6:30 p.m. to 7:00 p.m. Commissioner Kenney seconded the motion. The motion carried by the following roll call vote:

**Ayes:** Chair Blank, Commissioner Beer, Commissioner Kenney, Commissioner Marston,  
Commissioner Scully, Commissioner Yahn

**Nays:** Vice Chair Cunningham

**Abstaining:** None

**Absent:** None

11) **ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:15 p.m.

DRAFT



# NEWPORT BEACH

## Harbor Commission Staff Report

March 11, 2020  
Agenda Item No. 6.1

**TO:** HARBOR COMMISSION

**FROM:** Kurt Bosting, Harbormaster – 949-270-8158,  
[kborsting@newportbeachca.gov](mailto:kborsting@newportbeachca.gov)

**PREPARED BY:** Chris Miller, Administrative Manger – 949-644-3043,  
[cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)

**TITLE:** Review of Harbor and Beaches Master Plan Projects

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### **ABSTRACT:**

Staff will provide an overview of the 2020 Harbor and Beaches Master Plan Projects. The Harbor Commission is requested to review the plan and provide comments.

### **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.

### **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 – 2020 Harbor and Beaches Master Plan Projects

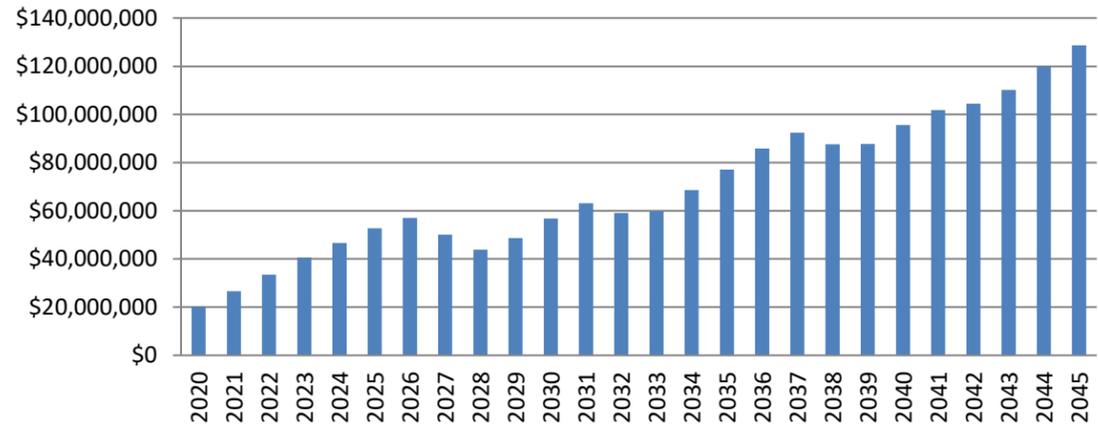
# HARBOR & BEACHES MASTER PLAN DASHBOARD

With external contributions (grants) as indicated on project list

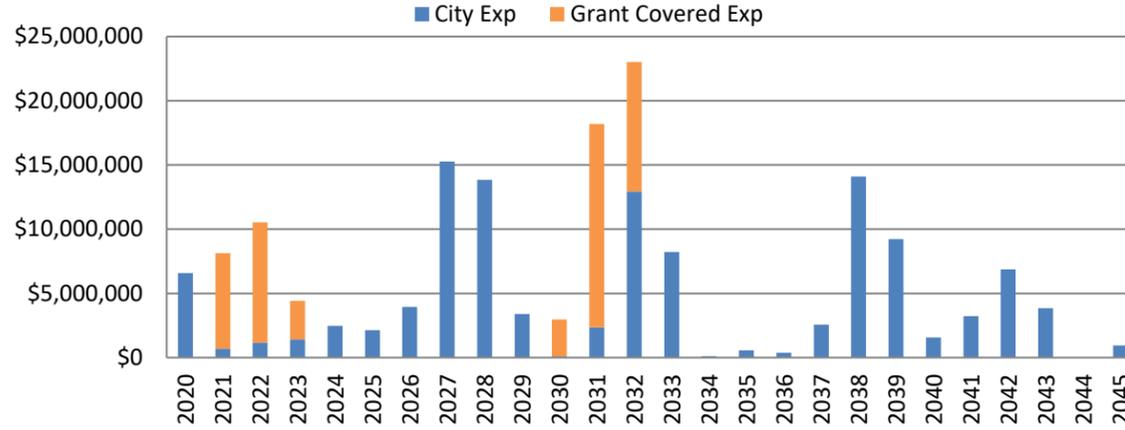
TRUE

Updated: 2/28/2020

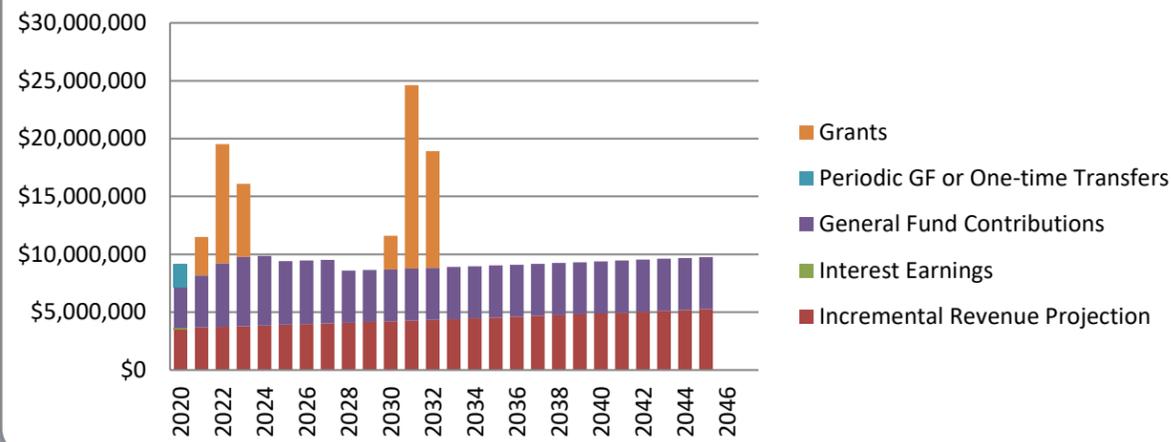
### Harbor and Beaches Master Plan Funding Balance



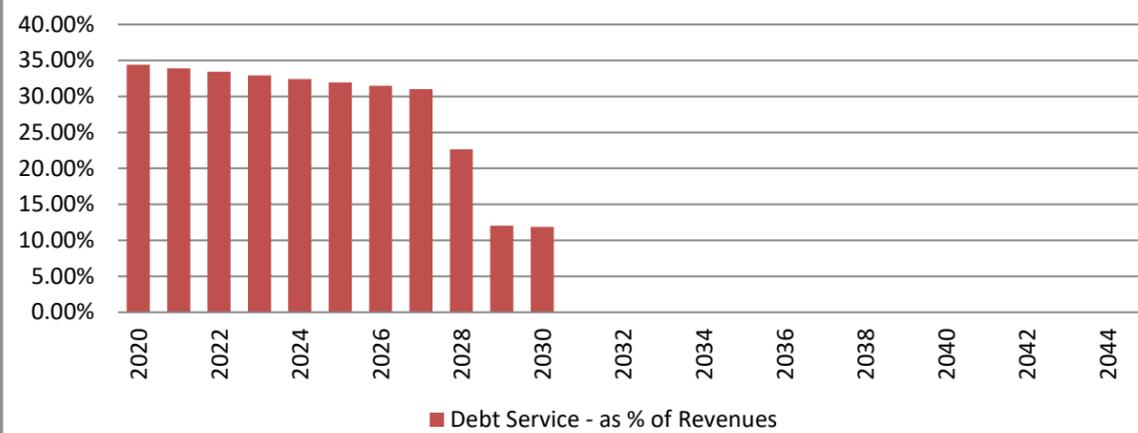
### Project Expenditures



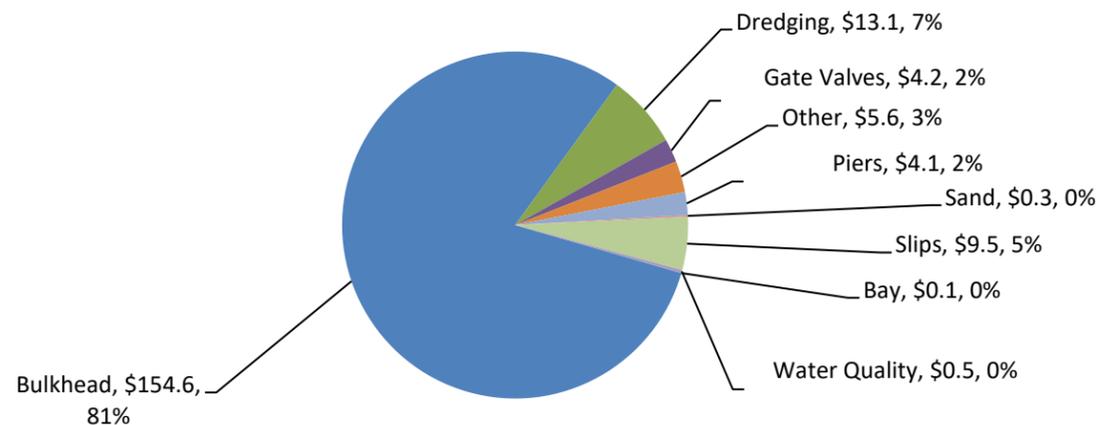
### All Estimated Revenue Sources



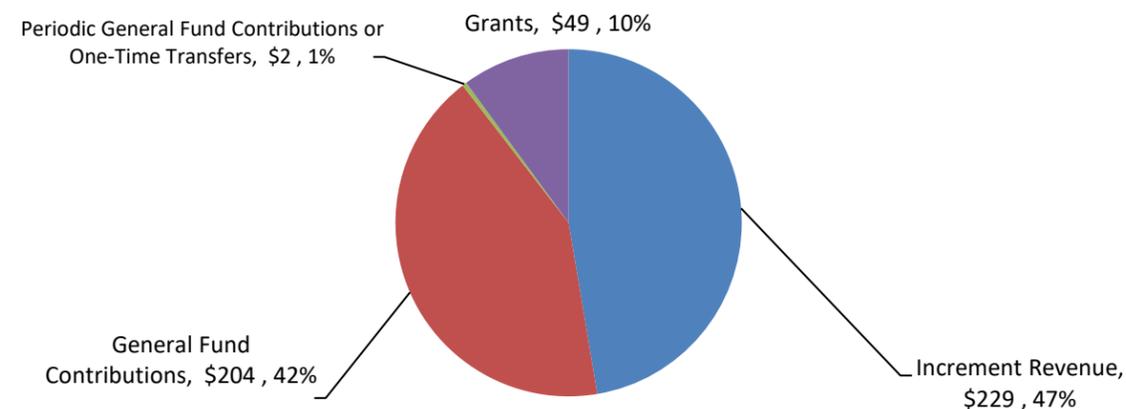
### Debt Service as % of Dedicated Revenues



### Expenditures by Type (millions)



### Revenues by Type (millions)



1

2

3

4

5

6

**HARBOR & BEACHES MASTER PLAN PROJECTS**

Last Updated: 2/28/2020

2020

Ref #	ProjGL	Project	Category	YR Built	Last Refurb.	Units Measurement	Total Units	Today's Unit			Project Estimate	FY Design Start Year	FY Const Start Year	FV Cost Est @2.5% Growth	External		
								Cost	Current Age:	Useful Life					Years to Start	Contributions	Net Proposed Cost
1		Arches Drain: Dry Weather Diversion	Drain	2017	0	LS	1	\$860,000	3	80	1	\$860,000	2017	2019	\$881,500	\$820,000	\$61,500
2	16H12	Grand Canal Dredging	Dredging	0	2019	CY	1	\$1,500,000	**	20	19	\$1,500,000	2037	2039	\$2,397,975		\$2,397,975
3	18H12	Bilge Pumpout Dock/Oil Collection Center	Water Quality	0	0	LS	2	\$100,000	**	15	1	\$200,000	2018	2020	\$205,000		\$205,000
4		Navigation Markers: Convert Federal Stationary Markers to Floats	Other	0	0	LS	1	\$60,000	**	0	1	\$60,000	2018	2020	\$61,500	\$61,500	\$0
5	19H11	Public Swim Float (10th St)	Other	0	0	EA	1	\$30,000	**	20	1	\$30,000	2018	2020	\$30,750		\$30,750
6	19H11	Public Swim Float (Ruby Ave. N Bay Font)	Other	0		EA	1	\$30,000	**	20	1	\$30,000	2018	2020	\$30,750		\$30,750
7	18H12	Bilge Pumpout Dock/Oil Collection Center	Water Quality	0	0	EA	1	20,000	0		1	\$20,000	2018	2020	\$20,500		\$20,500
8	16H11	Bulkhead (American Legion): Repair	Bulkhead	1957	0	LF	1	\$1,500,000	63	40	1	\$1,500,000	2019	2021	\$1,537,500		\$1,537,500
9	18H07	Dredging: Lower Bay (Channels - Ongoing Maintenance)	Dredging	0	0	CY	1,200,000	\$19	**	30	1	\$22,800,000	2019	2021	\$23,370,000	\$18,000,000	\$5,370,000
10		Entrance Jetty: Maintenance (Federal)	Other	1936	0	LF	700	\$1,300	84	50	1	\$910,000	2019	2020	\$932,750	\$932,750	\$0
11	19H02	Public Pier (15th St): Float only	Piers	0	0	EA	1	\$50,000	**	20	1	\$50,000	2020	2021	\$51,250		\$51,250
12	19H02	Public Pier (19th St): Gangway & Float	Piers	0	0	EA	1	\$75,000	**	20	1	\$75,000	2020	2021	\$76,875		\$76,875
13	19H02	Public Pier (Coral Ave): Gangway & Float	Piers	1985	1985	EA	1	\$75,000	35	20	1	\$75,000	2020	2021	\$76,875		\$76,875
14	19H02	Public Pier (Fernando St): Gangway & Float	Piers	0	0	EA	1	\$75,000	**	20	2	\$75,000	2020	2022	\$78,797		\$78,797
15	19H02	Public Pier (M St): Gangway & Float	Piers	0	0	EA	1	\$100,000	**	20	1	\$100,000	2020	2021	\$102,500		\$102,500
16	19H02	Public Pier (Opal Ave): Gangway & Float	Piers	0	0	EA	1	\$75,000	**	20	1	\$75,000	2020	2021	\$76,875		\$76,875
17	19H02	Public Pier (Park Ave): Gangway & Float	Piers	0	0	EA	1	\$75,000	**	20	1	\$75,000	2020	2021	\$76,875		\$76,875
18	19H02	Public Pier (Washington St): Gangway & Float	Piers	0	0	EA	1	\$75,000	**	20	1	\$75,000	2020	2021	\$76,875		\$76,875
19		Tide Gate Valves (Balboa Island): Replace	Gate Valves	0	0	EA	34	\$50,000	**	25	5	\$1,700,000	2020	2025	\$1,923,394		\$1,923,394
20		Water Quality: TMDL Compliance:	Water Quality	0	0	LS	1	\$200,000	**	Ongoing	8	\$200,000	2019	2028	\$243,681		\$243,681
21	20H12	Balboa Yacht Basin Major Dock Maintenance	Slips	1985	0	EA	1	150,000	35	40	1	\$150,000	2020	2021	\$153,750		\$153,750
22		Central Peninsula Sand Nourishment (Ocean Beach)	Sand	2017		CY	1,000,000		3	20	10	\$0	2020	2030	\$0		\$0
23		Coastal Commission/Public Works Plan	Other	0	0	LS	1	\$500,000	**	50	6	\$500,000	2025	2026	\$579,847		\$579,847
24		Dredging Equipment (needs further review)	Dredging	0	0	EA	-	\$0	**	0	6	\$0	2025	2026	\$0		\$0
25		Dredging: Newport Island Area (Channels)	Dredging	0	0	CY	20,000	\$150	**	50	3	\$3,000,000	2020	2023	\$3,230,672		\$3,230,672
26		Land Acquisition for Potential Launch Ramp	Other	0		EA	1	\$0	**	80	4	\$0	2021	2024	\$0		\$0
27		Mooring Field Enhancements	Moorings	0	0	EA	1	-	0	0	4	\$0	2020	2024	\$0		\$0
28	16H14; 17H03	Ocean Piers Maintenance (Balboa and Newport)	Piers	0	2017	EA	1	500,000	**	0	1	\$500,000	2020	2021	\$512,500		\$512,500
29	19H02	Public Pier (29th St): Gangway & Float	Piers	0	0	EA	1	\$100,000	**	20	2	\$100,000	2020	2022	\$105,063		\$105,063
30	19H02	Public Pier (Emerald Ave): Gangway & Float	Piers	1986	1986	EA	1	\$75,000	34	20	2	\$75,000	2020	2022	\$78,797		\$78,797
31	19H02	Public Pier (Sapphire Ave): Gangway & Float	Piers	0	0	EA	1	\$75,000	**	20	2	\$75,000	2020	2022	\$78,797		\$78,797
32		Tide Gate Valves (Peninsula): Replace	Gate Valves	0	0	EA	39	\$50,000	**	25	6	\$1,950,000	2020	2026	\$2,261,402		\$2,261,402
33	20H13	Vessel Sewage Pumpouts Replacements	Water Quality	0	0	EA	5	\$21,255	**	10	1	\$106,275	2017	2020	\$108,932	\$79,706	\$29,226
34		Entrance Jetty - Navigation Aid Replace	Other	0	0	EA	1	400,000	0	30	3	\$400,000	2021	2023	\$430,756		\$430,756
35		Ferry Landing - Agate Avenue	Bulkhead	1930	0	EA	1	-	90	60	3	\$0	2021	2023	\$0		\$0
36		Ferry Landing - Palm Street	Bulkhead	1930	0	EA	1	-	90	60	3	\$0	2021	2023	\$0		\$0
37		Public Beaches (Lido Isle Bridge) Potential Handrail	Other	0	0	EA	1	50,000	**		3	\$50,000	2021	2023	\$53,845		\$53,845
38		Public Beaches (Lido Isle Bridge): Install Walkway to Beach	Bay	0	0	EA	1	\$75,000	**	40	3	\$75,000	2021	2023	\$80,767		\$80,767
39		Lower Castaways: Bulkhead Only	Bulkhead	0	0	LF	265	\$3,800	**	80	4	\$1,007,000	2022	2024	\$1,111,540		\$1,111,540
40		Water Quality: Circulation (Newport Island Area):	Water Quality	0	0	EA	-		**	0	5	\$0	2022	2025	\$0		\$0
41		Balboa Island, N, S, E & GC: Boardwalk & Perimeter Drainage System only (Little Island not include ~42k SF)	Other	0	0	SF	92,000	\$25	**	80	6	\$2,300,000	2024	2026	\$2,667,295		\$2,667,295
42		Balboa Yacht Basin Marina (Slips): Replace	Slips	1985	0	Slips	172	\$35,000	35	40	7	\$6,020,000	2024	2027	\$7,155,888		\$7,155,888
43		Dredging (Balboa Yacht Basin):	Dredging	1985	0	CY	25,600	\$70	35	40	7	\$1,792,000	2024	2027	\$2,130,125		\$2,130,125
44		Surfside/Sunset Beach Sand Nourishment Stage 14	Sand	2017		LS	1	\$300,000	3	7	2	\$300,000	2021	2022	\$315,188		\$315,188
45		Balboa Island, N, S, E & GC: Replace Seawall EBF	Bulkhead	1930		LF	4,386	\$3,800	90	81	11	\$16,667,666	2026	2031	\$21,869,423		\$21,869,423
46		Balboa Island, N, S, E & GC: Replace Seawall GC and EBF	Bulkhead	1930		LF	4,386	\$3,800	90	80	6	\$16,667,666	2026	2026	\$19,329,383		\$19,329,383
47		Balboa Island, N, S, E & GC: Replace Seawall NBF	Bulkhead	1930		LF	4,386	\$3,800	90	82	17	\$16,667,666	2026	2037	\$25,361,826		\$25,361,826
48		Dredging: Upper Bay Catch Basins	Dredging	2009	0	CY	500,000	\$30	11	21	10	\$15,000,000	2027	2030	\$19,201,268	\$19,201,268	\$0
49		Dredging: Upper Bay Channels	Dredging	2009		CY	250,000	\$30	11	21	10	\$7,500,000	2027	2030	\$9,600,634	\$9,600,634	\$0
50		Rhine Wharf Boardwalk: Major Repair	Other	0	0	EA	1	\$150,000	**	20	2	\$150,000	2021	2022	\$157,594		\$157,594
51		Public Bay Beaches: Sand Nourishment (25k yards)	Other	2016	0	CY	25,000	\$50	4	25	11	\$1,250,000	2028	2031	\$1,640,108		\$1,640,108
52		Public Pier (15th St): Pier & Gangway	Piers	0	0	EA	1	\$115,000	**	20	14	\$115,000	2031	2034	\$162,492		\$162,492
53		Public Pier (Coral Ave): Pier only	Piers	1985	1985	EA	1	\$75,000	35	20	14	\$75,000	2031	2034	\$105,973		\$105,973
54		Public Pier (Emerald Ave): Pier only	Piers	1986	1986	EA	1	\$75,000	34	20	14	\$75,000	2031	2034	\$105,973		\$105,973
55		Public Pier (Fernando St): Pier only	Piers	0	0	EA	1	\$75,000	**	20	14	\$75,000	2031	2034	\$105,973		\$105,973
56		Public Pier (M St): Pier only	Piers	1985	1985	EA	1	\$100,000	35	20	14	\$100,000	2031	2034	\$141,297		\$141,297
57		Public Pier (Opal Ave): Pier only	Piers	0	0	EA	1	\$75,000	**	20	14	\$75,000	2031	2034	\$105,973		\$105,973
58		Public Pier (Park Ave): Pier only	Piers	0	0	EA	1	\$75,000	**	20	14	\$75,000	2031	2034	\$105,973		\$105,973
59		Public Pier (Sapphire Ave): Pier only	Piers	0	0	EA	1	\$75,000	**	20	14	\$75,000	2031	2034	\$105,973		\$105,973
60		Public Pier (Washington St): Pier only	Piers	0	0	EA	1	\$75,000	**	20	14	\$75,000	2031	2034	\$105,973		\$105,973
61		Bulkhead (American Legion): Replace	Bulkhead	1957	0	LF	336	\$3,800	63	80	34	\$1,276,800	2051	2054	\$2,956,203		\$2,956,203
62		Public Pier (Rhine Channel): Float only	Piers	2007	2007	EA	1	\$175,000	13	30	17	\$175,000	2034	2037	\$266,283		\$266,283
63		Bulkhead (Rhine Channel): Replace	Bulkhead	1960	0	LF	375	\$3,800	60	80	20	\$1,425,000	2037	2040	\$2,335,028		\$2,335,028
64		Public Pier (Grand Canal, Balboa Ave): Pier Platform	Piers	2017	2012	EA	1	\$15,000	3	20	18	\$15,000	2037	2038	\$23,395		\$23,395

Ref #	ProjGL	Project	Category	YR Built	Last Refurb.	Units Measurement	Today's Unit		Current Age:	Useful Life	Years to Start	Project Estimate	FY Design Start	FY Const Start	FV Cost Est @2.5%	External	Net Proposed Cost
							Year	Year					Growth	Contributions			
65		Bulkhead (West Newport): Replace	Bulkhead	0	0	LF	1,722	\$3,800	**	80	21	\$6,543,600	2038	2041	\$10,990,512		\$10,990,512
66		Bulkhead (Corona Del Mar): Replace	Bulkhead	0	0	LF	175	\$3,800	**	80	25	\$665,000	2042	2045	\$1,232,873		\$1,232,873
67		Bulkhead (Promontory Bay): Replace	Bulkhead	1965	0	LF	1,158	\$3,800	55	80	25	\$4,400,400	2042	2045	\$8,158,096		\$8,158,096
68		Public Pier (Rhine Channel): Gangway only	Piers	0	0	EA	1	\$60,000	**	40	27	\$60,000	2044	2047	\$116,868		\$116,868
69		Bulkhead (Rhine Wharf): Replace	Bulkhead	0	0	LF	343	\$3,800	**	80	29	\$1,303,400	2046	2049	\$2,667,287		\$2,667,287
70		Marina Park Slips: Replace	Slips	2015	0	EA	23	\$40,000	5	40	35	\$920,000	2052	2055	\$2,183,349		\$2,183,349
71		Bulkhead (Street Ends - Peninsula): Replace	Bulkhead	0	0	LF	2,217	\$3,800	**	80	36	\$8,424,600	2053	2056	\$20,493,137		\$20,493,137
72		Public Pier (Balboa Marina West): Float only	Piers	2017	0	EA	1	\$200,000	3	40	37	\$200,000	2054	2057	\$498,670		\$498,670
73		Public Pier (Balboa Marina West): Gangway	Piers	2017	0	EA	1	\$50,000	3	41	38	\$50,000	2055	2058	\$127,784		\$127,784
74		Public Pier (Central Ave): Gangway and Float	Piers	2017	0	EA	1	\$250,000	3	40	37	\$250,000	2055	2057	\$623,337		\$623,337
75		Bulkhead (Balboa Yacht Basin): Replace	Bulkhead	1985	0	LF	1,370	\$3,800	35	80	45	\$5,206,000	2063	2065	\$15,815,324		\$15,815,324
76		Bulkhead (Marina Park): Replace	Bulkhead	2015	0	LF	857	\$3,800	5	80	75	\$3,256,600	2093	2095	\$20,751,731		\$20,751,731
<b>TOTAL</b>												<b>\$157,624,674</b>			<b>\$240,753,097</b>	<b>\$48,695,858</b>	<b>\$192,057,239</b>



# NEWPORT BEACH

## Harbor Commission Staff Report

March 11, 2020  
Agenda Item No. 6.2

**TO:** HARBOR COMMISSION

**FROM:** Matt Cosylion, Code Enforcement Supervisor, (949) 270-8164  
[mcosylion@newportbeachca.gov](mailto:mcosylion@newportbeachca.gov)

**TITLE:** Harbor Code Enforcement Program Presentation

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### **ABSTRACT:**

The Harbor Department is responsible for the management of the City's mooring fields, the Marina Park guest slips and providing quality customer service to harbor-users and various stakeholder groups. Harbor Department staff are also tasked with maintaining the health, safety and charm of Newport Harbor through the enforcement of Newport Beach Municipal Code, Title 17- Harbor Code regulations and applicable State and Federal laws. This report will update the Harbor Commission on Harbor related code enforcement activities since July 2018.

### **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.

### **BACKGROUND:**

The City assumed management of the Harbor in July 2017, ending a long-standing contract model with the Orange County Sheriff's Department (OCSD). At that time, enforcement of Title 17 ("the Harbor Code") was initially assigned on an informal, part-time basis to staff from the City's Code Enforcement Division.

In July 2018, one of the City's top priorities was to develop and implement a code enforcement program. A staff member from the Community Development Department was temporarily assigned to the Harbor Department to formulate policies and procedures, provide training to

department staff and ensure code enforcement activity was conducted in a fair and professional manner.

## **DISCUSSION:**

### **Philosophy**

Harbor Department staff are trained to educate mooring permittees, business owners and visitors on the various requirements of the Harbor Code as a means to obtain voluntary compliance. When education fails to achieve compliance with the law, staff takes a progressive approach through the use of verbal and written warning notices to resolve code violations.

Harbor Department staff have other enforcement “tools” at their disposal, such as administrative citations and permit suspension and/or revocation. However, these administrative penalties and other legal remedies are only utilized to address repetitive or flagrant violations of the Harbor Code.

### **Code Enforcement Activity**

The Harbor code enforcement program is currently administered by one Code Enforcement Supervisor assisted by two part-time lead harbor service workers. They in-turn rely heavily on additional part-time field staff to identify and report code violations for follow up action. Since July 2018, the code enforcement team has opened 1,631 cases and issued more than 1,800 verbal and written warning notices as well as 139 administrative citations. Three mooring permits have been revoked since the City took over management of the Harbor, which the team views as a success with most issues amicably resolved.

It should be noted that the counts reported above do not reflect the daily interactions that Harbor Department staff have with mooring permittees and other users of the Harbor. Harbor staff are ambassadors whose main role is to educate members of the public on the various rules of the Harbor, particularly those affecting health and safety. Many of their daily contacts with the public never require further enforcement action and as such are not included with the code enforcement team’s statistics.

Code enforcement staff is also responsible for ensuring compliance with the conditions of approval for various permits issued by the Harbor Department. Amongst these are the Marine Activities Permit and the Live-Aboard Permit, which require annual renewals and inspections in addition to routine monitoring of the permittee(s) to verify they are adhering to their respective terms and conditions of approval.

### **Future Role and Responsibilities**

Code enforcement staff will maintain focus on its core mission of overseeing the on-going cleanup or removal of derelict and abandoned vessels from the Harbor. Staff will continue to ensure that mooring permittees comply with the conditions of approval for their permits, which include maintaining valid registration and insurance for vessels and overhauling moorings on a biannual basis.

Staff will be charged with administering amendments to Title 17 that the City Council approved in February 2020. The update to Title 17 will require extensive public outreach to assist mooring

permittees and other stakeholders with understanding the new regulations. Staff will play a key role in this code education process, through the use of proactive informational efforts and initially relying on verbal warnings and in-person meetings to advance public awareness and compliance to these new rules.

**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 BEACH

## Harbor Commission Staff Report

March 11, 2020  
Agenda Item No. 6.3

**TO:** HARBOR COMMISSION

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

**TITLE:** Proposed Maximum Time Limit Zones – 19th Street Public Dock

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**ABSTRACT:**

Public docks have been provided by the City at various locations throughout the Harbor, for the purpose of loading and unloading passengers, supplies, boating gear, short-term mooring and similar purposes. It is the policy of the City to maintain such facilities in a manner that will permit the greatest public use and avoid continuous occupancy, congestion or blocking thereof. Where necessary to achieve this objective, the Harbormaster is authorized and directed to post dock markings or signs limiting the time during which a vessel may be tied up or secured.

To advance this objective, the Harbor Department is recommending reassignment of various sections of dock, with the objective of improving overall utilization of the available dock space, consistent with the City's policy.

**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 staff recommendation to reassign the proposed maximum allowable time period for vessels to occupy sections of the 19th Street Public Dock as shown on Attachment A.

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**DISCUSSION:**

The 19th Street Public Dock is one of the most heavily trafficked short-term docking locations in the Harbor. It is located near the J and H mooring fields (with 212 moorings collectively). The dock is also located adjacent a public beach and public restroom, a large residential neighborhood, and various nearby commercial services and retail stores, all of which contribute to the high use demand at this location.

Currently the maximum time designations for use of the dock are marked as follows:

- Eighty-three (83) linear feet for tie-ups not to exceed 20 minutes
- Forty-five (45) linear feet for tie-ups not to exceed three (3) hours.
- Eighty-eight (88) linear feet for tie-ups not to exceed seventy-two (72) hours.

Three of the primary stakeholder groups that utilize this dock are live-aboard permittees, mooring permittees (both commercial and recreational) and short-term sub-permittees, who are staying overnight aboard their vessels under the allowable conditions provided for in Title 17 of the City's Municipal Code. From informal discussions with members of these groups, as well as feedback received at recent Harbor Visioning meetings, Harbor Department staff have learned that the current dock time designations do not adequately address their needs at this location. Examples include: docking a dinghy in order to go ashore for work-shifts, extended appointments, day-trips or recreational activities. Harbor users have reported that when they make use of the dock for these types of activities, they often find the seventy-two-hour area fully occupied.

This results in the hypothetical boater who has an eight (8) to twelve (12) hour docking need to make use of the three (3) hour time zone, intentionally overstaying in that designated area. This behavior results in a cascading effect, limiting space available for those intending to use the dock for three hours or less.

To address this concern, Harbor Department staff is recommending reassignment of approximately thirty-one (31) linear feet on the west side of dock from three (3) hour to twenty-four (24) hour maximum use; reassigning approximately eighty-three (83) linear feet on the north side of the dock from twenty (20) minute to three (3) hour maximum use; and reassigning approximately twenty-one (21) linear feet on the east side of the dock from three (3) hour to twenty 20 minute maximum use.

Should the Harbor Commission support this recommendation, staff will actively monitor the modified zones assessing over time if the change results in improved utilization.

**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).

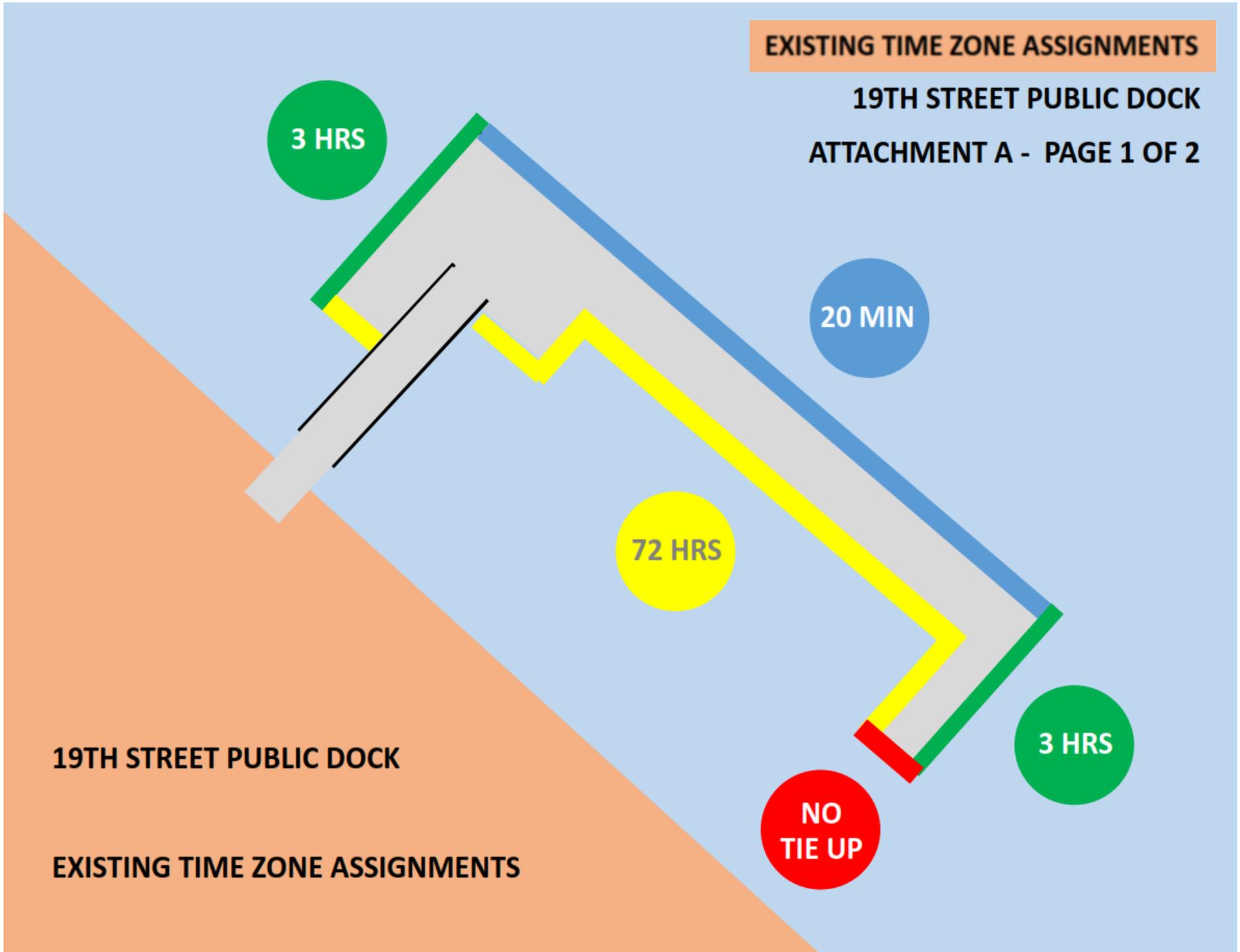
**ATTACHMENTS:**

Attachment A – 19th Street Public Dock Diagram with Proposed Changes in Markings.

**EXISTING TIME ZONE ASSIGNMENTS**

**19TH STREET PUBLIC DOCK**

**ATTACHMENT A - PAGE 1 OF 2**



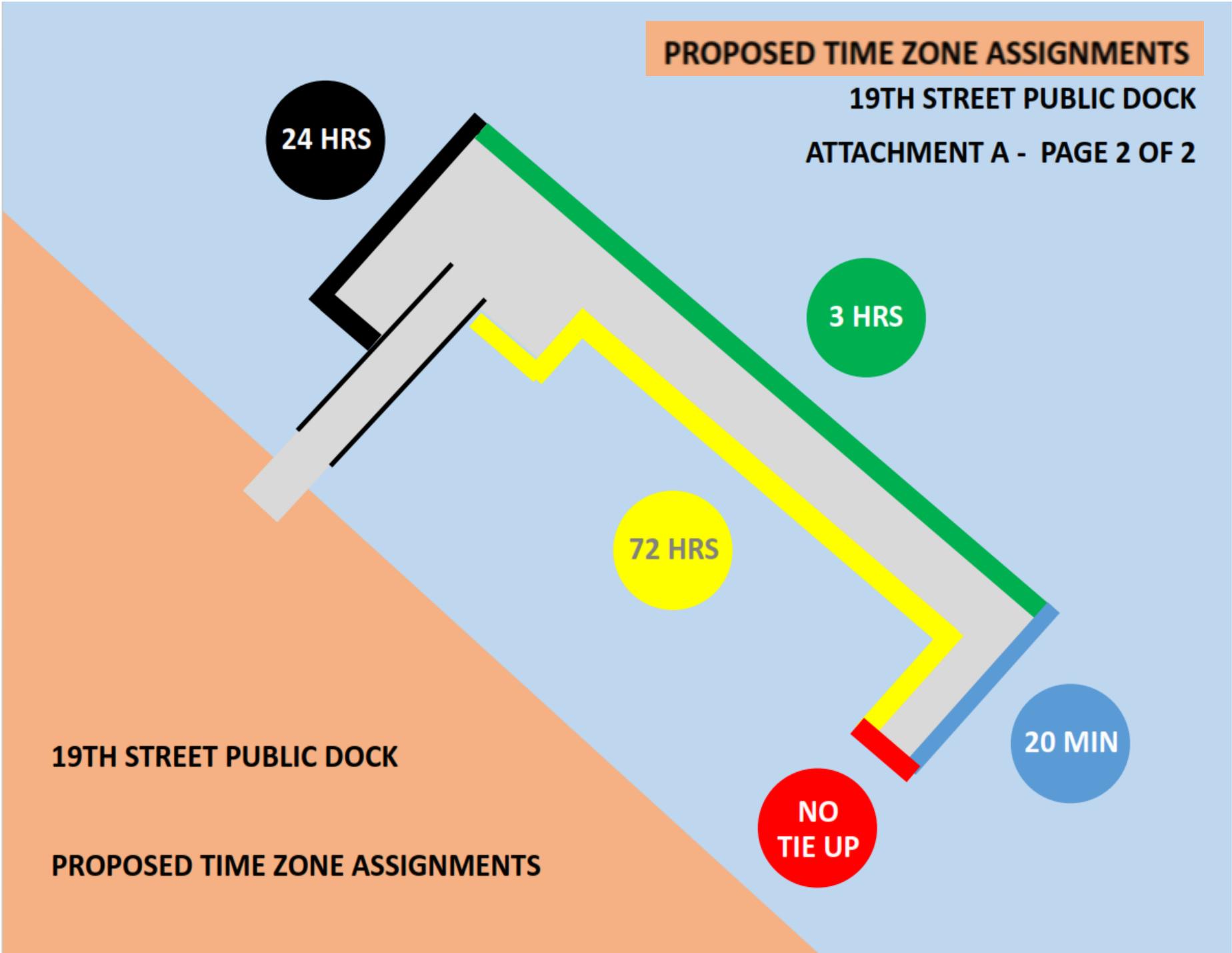
**19TH STREET PUBLIC DOCK**

**EXISTING TIME ZONE ASSIGNMENTS**

**PROPOSED TIME ZONE ASSIGNMENTS**

**19TH STREET PUBLIC DOCK**

**ATTACHMENT A - PAGE 2 OF 2**



**19TH STREET PUBLIC DOCK**

**PROPOSED TIME ZONE ASSIGNMENTS**



# NEWPORT BEACH

## Harbor Commission Staff Report

March 11, 2020  
Agenda Item No. 6.4

**TO:** HARBOR COMMISSION

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

**PREPARED BY:** Carol Jacobs, Assistant City Manager, 949-644-3313  
[cjacobs@newportbeachca.gov](mailto:cjacobs@newportbeachca.gov)

**TITLE:** Harbor Commission 2020 Objectives

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### **ABSTRACT:**

Each ad hoc committee studying their respective Functional Area within the Commission's 2020 Objectives, will provide a progress update. The 2020 Objectives were approved by the City Council 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.

### **FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

### **ENVIRONMENTAL REVIEW:**

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

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

**ATTACHMENTS:**

Attachment A – Harbor Commission 2020 Objectives

Attachment B – Harbor Commission 2020 Objectives Tracking Sheet

# 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 February 12, 2020

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

**1. Harbor Operations (Kenney) - Matters pertaining to the Management, Policies, Codes, Regulations and Enforcement**

	1.1 Complete current version of Title 17 while maintainin suggestions for future revisions. (Yahn, Blank)	1.2 Study and make recommendations for changes on Marine Activities Permits. Identify all Stakeholders within the Harbor who will require a Marine Activities Permit. (Blank, Yahn)	1.3 Help identify derelict vessels in the harbor including recommendations for limiting the inflow of derelict vessels into the harbor. (Yahn, Beer)	1.4 Study and provide recommendations for shore moorings including transfer permit policy. (Beer, Cunningham)	
March 11, 2020					
April 8, 2020					
May 13, 2020					
June 10, 2020					
July 8, 2020					
August 12, 2020					
September 2, 2020					
October 14, 2020					
November 11, 2020					
December 9, 2020					

**2. Harbor Viability (Beer) - Matters pertaining to Assets, Amenities, and Access.**

	2.1 Evaluate potential enhancements to City amenities provided to mooring permittees, residents, and visitors. (Scully)	2.2 Support Staff with permanent anchorage at the west end of Lido Island.	2.3 Evaluate options to consolidate and reduce the footprint of the mooring fields. (Yahn)	2.4 Continue pursuit of a second public launch ramp. (Kenney)	2.5 Complete evaluation for establishing day moorings off Big Corona beach. (Yahn)
March 11, 2020					
April 8, 2020					
May 13, 2020					
June 10, 2020					
July 8, 2020					
August 12, 2020					
September 2, 2020					
October 14, 2020					
November 11, 2020					
December 9, 2020					

**3. Harbor Infrastructure (Cunningham) - Complete evaluation for establishing day moorings off Big Corona beach.**

	3.1 Secure timely closure of RGP54 permit renewal with emphasis on a more streamlined process.	3.2 Establish a sustainable program that consistently re-nourishes our harbor beaches. (Marston)	3.3 Support Staff to obtain funding and approval to dredge the federal navigational channels to its authorized design depth.	3.4 Study various dredging methodologies that provides consistent maintenance dredging and could help combat sea level rise and coastal erosion. (Marston)	
March 11, 2020					
April 8, 2020					
May 13, 2020					
June 10, 2020					
July 8, 2020					
August 12, 2020					
September 2, 2020					
October 14, 2020					
November 11, 2020					
December 9, 2020					

**4. Harbor Stakeholders (Scully) - Matters pertaining to Residential, Recreational, and Commercial Users.**

	4.1 Develop a plan to communicate and assist Stakeholders required to complete and meet the newly defined Marine Activities Permit program. (Marston, Kenney)	4.2 Assist Staff in developing a communication outreach to the Stakeholders similar to the program in place with the Mooring Association. (Marston, Kenney)	4.3 Continue 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. (Yahn, Kenney)	4.4 Support Staff in the Harbor Attendance Study. (Yahn, Cunningham)	
March 11, 2020					
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June 10, 2020					
July 8, 2020					
August 12, 2020					
September 2, 2020					
October 14, 2020					
November 11, 2020					
December 9, 2020					

**5. Harbor Vision (Blank) - Matters pertaining to Community Outreach and the General Plan update**

	5.1 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)	5.2 Evaluate and make recommendations for Lower Castaways. (Marston, Yahn)			
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December 9, 2020					



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# NEWPORT BEACH

## Harbor Commission Staff Report

March 11, 2020  
Agenda Item No. 6.5

**TO:** HARBOR COMMISSION

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

**TITLE:** Harbormaster Update – February 2020 Activities

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**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 February 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:**

**Public Information and Departmental Outreach Efforts**

Meetings with stakeholder groups and communications with the general public continued during February 2020, aimed at informing the public about the Harbor Department and its mission.

On Tuesday, February 11 the Harbormaster participated in a taped interview segment with host Nancy Gardner, for the local NBTV program 'The Village Green'. The program, which has since aired, focused on harbor water quality initiatives being undertaken.

On Sunday, February 23 the Harbormaster was the featured presenter at the scheduled Board of Directors meeting of the Association of Orange Coast Yacht Clubs. The presentation focused on

providing overview information about the Harbor Department and resources available to this group's membership.

Several Newport Harbor related stories appeared in local print news outlets during February 2020, including reports about the City Council's recent approval of revised Title 17 - Harbor Code (Newport Beach Independent and The Log Newspaper) and reports about the Harbor Department having been awarded CA Division of Boating and Waterways SAVE Grant funds (The Log Newspaper).

### **IT Department – On-Line “Harbor View” Project of Newport Harbor**

The City's IT Department's GIS team has begun collecting photos of Newport Harbor, which will be used to create a 360 degree “Harbor View” mapping experience for users of Google Maps and similar on-line navigational resources.

To kick-off this effort, on February 20 IT Department staffers temporarily mounted specialty camera equipment atop one of the Harbor Department boats, accompanying Harbor staff as part of daily mooring field patrols. During this harbor patrol they began capturing images for their project. Images from this first effort have already been successfully uploaded and are available on-line, with additional planned dates to collect additional images upcoming in March 2020.

### **Mooring Permit Revocation associated with ‘Wild Wave’ Vessel**

On February 21 at the State of California Superior Court, Orange County Central Justice Center, a judge denied a petition for review resulting in the City of Newport Beach's mooring permit revocation associated with a vessel (known as ‘Wild Wave’) being upheld. Within 48 hours of the Court's determination, the vessel's owner removed the boat from the harbor.

### **“Point in Time” Survey – On-Shore Moorings**

During February 2020, Harbor Department staff began undertaking a full assessment of all on-shore moorings and vessels associated with those same locations. Described as a “Point in Time” survey, the effort includes “in-field” assessments, where staff are rating the general condition of all boats currently affixed to permitted on-shore moorings as well as the general condition of the mooring equipment itself. Following data collected in the field, administrative file reviews are also being reviewed, confirming the vessels at the moorings match those on file with the Harbor Department and additional information. As of February 29, in-field data had been collected for 331 on-shore moorings, and the remaining data will be collected in early March. This same survey effort was conducted in 2018.

### **Staff Recruitment and On-Boarding Efforts**

Efforts to recruit and on-board part-time Harbor Department staff continued during February 2020. The Department Assistant, previously reported as hired, started work with the Harbor Department on Tuesday, February 18. In separate recruitment for a Harbor Service Worker Lead also resulted in success during the month, with the search resulting in an internal promotional hire.

An additional recruitment for the part-time Harbor Service Worker and Harbor Service Worker Lead classifications will be launched in March, ahead of the upcoming summer boating season.

### **Code Enforcement Activity**

During February 2020, Code Enforcement staff opened 91 new cases and successfully resolved/closed 85 existing files.

One pre-dawn Harbor patrol was organized by Code Enforcement and Harbor Service Worker Lead staff during the month. This activity, which began at 4:30 a.m., focused on collecting follow up information associated with potential unauthorized live-aboard activity in the City mooring fields.

### **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 February 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	9					128
Assisting Vessels Over 20'	4	5	4	1	-	3	2	-					19
Assisting Vessels under 20'	24	19	5	3	8	50	4	3					116
Bridge Jumpers	6	68	6	2	1	1	-	1					85
Daily Anchorage Check	141	257	140	112	109	39	41	41					880
Discharge/Pollution	3	9	6	3	-	2	1	1					25
Dock/Pier/Bridge Issue	14	16	12	10	7	6	-	8					73
Emergency	-	1	-	-	-	-	-	1					2
General Assist	35	41	15	11	19	7	7	11					146
Hazards/Debris	22	58	8	10	15	32	11	5					161
Impound	15	16	4	4	5	5	10	2					61
Incident	10	4	13	7	4	4	3	1					46
Mooring Assist	30	13	10	6	13	88	5	8					173
Mooring Check	229	581	220	171	211	123	198	154					1,887
Noise	3	-	6	-	-	-	-	-					9
Paddleboard/Kayak	247	179	8	1	3	-	32	-					470
Public Contact	147	156	89	36	33	13	-	24					498
Public Dock Enforcement	345	371	294	522	562	183	438	396					3,111
Pump Out	13	21	11	7	7	6	19	6					90
Registration & Insurance		242	199	46	119	28	162	62					858
Sea Lions	36	88	122	49	21	5	15	16					352
Speeding	87	58	41	5	9	9	13	16					238
Swim Line	1	3	4	1	1	1	1	-					12
Trash	247	283	278	176	238	391	140	111					1,864
Rentals - Marina Park Slips	143	147	107	99	43	54	33	28					654
# of nights	370	399	295	297	132	238	116	86					1,933
Rentals - MP Sand Lines	9	9	7	10	6	10	1	1					53
# of nights	43	32	28	59	34	41	11	2					250
Mooring Sub-permittee	61	54	48	28	38	31	14	12					286
# of nights	404	392	350	219	303	268	85	99					2,120
<b>Code Enforcement</b>													
New Cases	116	130	150	84	64	28	118	91					781
Closed Cases	117	165	152	69	90	39	69	85					786
Verbal Warning	14	37	59	35	21	4	43	9					222
Warning Notices	122	118	163	100	58	14	82	111					768
Admin Cites	5	6	4	10	23	3	3	4					58
MAPS Issued				3	9	7	3	4					26

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