



# CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, June 10, 2020 - 5:00 PM

***Harbor Commission Members:***

**William Kenney, Jr., Chair**  
**Scott Cunningham, Vice Chair**  
**Ira Beer, Secretary**  
**Marie Marston, Commissioner**  
**Steve Scully, Commissioner**  
**Gary Williams, 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](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.

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Harbor Commission Members to attend Harbor Commission meetings telephonically. Please be advised that to minimize the spread of COVID-19, some, or all, of the Newport Beach Harbor Commission members may attend this meeting telephonically.

Also, please be advised that on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allows for the public to participate in any meeting of the Harbor Commission telephonically or by other electronic means. Given the health risks associated with COVID-19, the City of Newport Beach has decided to not have the City Council Chambers open to the public for this meeting. As a member of the public, if you would like to participate in this meeting, you can participate via the following options:

1. You can submit your questions and comments in writing for Harbor Commission consideration by sending them to the Assistant City Manager [cjacobs@newportbeachca.gov](mailto:cjacobs@newportbeachca.gov). To give the Harbor Commission adequate time to review your questions and comments, please submit your written comments by Tuesday, July 7, 2020, at 5 p.m.
2. In addition, members of the public can participate in this meeting in person in the Community Room. Specifically, this meeting will be viewable via video feed in the Community Room. As a member of the public, during this meeting, you will be able to comment on specific agenda items in person from the Community Room. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the process set forth above, please contact Carol Jacobs at 949-644-3313 or [cjacobs@newportbeachca.gov](mailto:cjacobs@newportbeachca.gov) and she will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

The City of Newport Beach thanks you in advance for continuing to take precautions to prevent the spread of the COVID-19 virus.

**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 March 11, 2020 Harbor Commission Regular Meeting**

[03-11-2020 Harbor Commission Draft Minutes](#)

[Additional Material Received Minutes of 03-11-2020 and Harbor Commission 2020 Objectives June 10, 2020](#)

**6) PUBLIC HEARING****1. Residential Dock Reconfiguration at 511 36th Street**

The applicant at 511 36th Street is proposing to reconfigure the residential dock by reorienting the position of the float as well as shifting the entire structure to the north. The proposed float will not extend bayward any further than the existing float. This residential dock is located in the West Newport area where pierhead lines do not exist. Because the applicant is proposing a new configuration of the dock, staff is unable to consider approving the project. Therefore, Council Policy H-1 directs the Harbor Commission to hold a public hearing for the proposed project. The applicant requests the Harbor Commission to approve the proposed dock configuration (Project).

**Recommendation:**

1) Conduct a public hearing; and

2) Find the Project exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and

3) Approve the Project at 511 36th Street by making specific findings to allow the dock to be reconfigured pursuant to the provisions in Council Policy H-1.

[Staff Report](#)

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

[Attachment B - Aerial Photos](#)

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

[Attachment D - Proposed Configuration](#)

[Attachment E - Public Outreach](#)

[Additional Material Received 511 36th St. Dock Reconfiguration 06-10-2020](#)

[Additional Material Received 511 36th St. Dock Reconfiguration 06-10-2020](#)

[Additional Material Received 511 36th St. Dock Reconfiguration Staff  
Presentation 06-10-2020](#)

## 7) **CURRENT BUSINESS**

### 1. **Harbor Commission 2020 Objectives**

Each ad hoc committee studying their respective Functional Area within the Commission's 2020 Objectives, will provide a progress update.

#### **Recommendation:**

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

2) Receive and file.

[Staff Report](#)

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

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

[Additional Material Received Minutes of 03-11-2020 and Harbor Commission  
2020 Objectives June 10, 2020](#)

### 2. **Harbormaster Update - March, April and May 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 March through May 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 May 2020](#)

[Additional Material Received Harbormaster Report Staff  
Presentation 06-10-2020](#)

- 8) **COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**
- 9) **QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES**
- 10) **MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE  
AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**
- 11) **DATE AND TIME FOR NEXT MEETING: Wednesday, July 8, 2020 at 6:30 p.m.**
- 12) **ADJOURNMENT**



**NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES**  
**Council Chambers – 100 Civic Center Drive, Newport Beach, CA**  
**Wednesday, March 11, 2020**  
**7:00 PM**

**1) CALL MEETING TO ORDER**

The meeting was called to order at 7:00 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  
Chris Miller, Public Works Administrative Manager  
Matt Cosylion, Code Enforcement Supervisor  
Jennifer Biddle, Administrative Support Specialist

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

**4) PUBLIC COMMENTS**

None.

**5) APPROVAL OF MINUTES**

**1. Draft Minutes of February 12, 2020, Regular Meeting**

In response to Commissioner Marston's questions, Commissioner Kenney explained that the pile mentioned in the third paragraph on page 5 is a vertical steel pole located close to the public pier. It is believed that the pole is located within the property lines of the upland commercial property owner. The pole was placed at that location to protect one of the charter vessels operating from the Balboa Pavilion.

Jim Mosher understood the first sentence in the first paragraph on page 4 refers to the possibility that the discharge pipe may be located on the bottom of the Harbor. Similarly, the sentence about \$23 million in the 2020 work plan needs clarification.

Commissioner Scully moved to approve the draft Minutes of the February 12, 2020 meeting as amended. Commissioner Marston seconded the motion. The motion carried by the following roll call vote:

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

**Nays:** None

**Abstaining:** None

**Absent:** None

**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; and
- 2) Receive and file.

Public Works Administrative Manager Chris Miller reported the spreadsheet of projects guides the planning of projects and is used to inform annual budgets. These projects are larger in scale and typically are not routine maintenance work.

In response to Vice Chair Cunningham's questions, Public Works Administrative Manager Miller advised that the purchase of a work boat would not be included in the spreadsheet. If the Harbor Commission identifies a needed project, Commissioners should discuss it with him. Harbormaster Kurt Borsting added that funds are allocated annually to a sinking fund for the purchase of vessels.

In reply to Commissioner Yahn's inquiries, Public Works Administrative Manager Miller indicated external funding includes State and Federal grants and cost-sharing agreements. The City has received Federal funding for the dredging project and a grant for the water wheel. The Harbor Commission may suggest individual projects to the Council for funding or special attention.

In answer to Commissioner Beer's queries, Public Works Administrative Manager Miller explained that the start date may indicate the beginning of project design or permitting rather than construction. A consultant will likely assist staff with launching a program for public piers in 2020. The initial phase of work will be administrative. A project with a construction start date in 2019 should be in progress.

In response to Commissioner Kenney's questions, Public Works Administrative Manager Miller related that the bilge pumpout dock and oil collection center on line 7 should be an oil collection center only. Staff is looking at Balboa Yacht Basin for a bilge pumpout center and evaluating a system and options for makes and models of oil/water separators. Len Bose will be notified about work on the project. The City of Newport Beach will have the only bilge pumpout center in the state that is open to the public, unmanned, and open 24/7. Other harbors have controlled systems. Over the next two years, plans are to replace floats at 19<sup>th</sup> Street, Coral Avenue, Fernando Street, M Street, Opal Avenue, Park Avenue, Washington Street, 29<sup>th</sup> Street, Emerald Avenue, and Sapphire Avenue piers. He anticipated presenting some subtle design changes for many of the piers to the Harbor Commission. The Harbor Commission may study and suggest expansion and/or reconfiguration of public piers. Major dock maintenance at Balboa Yacht Basin will involve straightening and leveling fingers in 2021.

In reply to Commissioner Marston's inquiries, Public Works Administrative Manager Miller advised that item 39 for the Lower Castaways bulkhead is a reminder item in that replacement of the bulkhead will occur but not in 2022. The date should be further out. Staff is in the final stages of designing a replacement cap with a 75-year lifespan for the American Legion bulkhead. Before the 75-year period ends, the bulkhead should probably be replaced. He preferred not to delete item 61 because it should be included in planning for the future. Projects can be pushed out based on available funding. Many of the spreadsheet projects are included in the Capital Improvement Program (CIP).

In answer to Commissioner Scully's queries, Public Works Administrative Manager Miller explained that grant amounts in later years are guesstimates, but they represent opportunities for contributions or funding

for projects in the later years. The Finance Department is responsible for calculating the financial data for projects, such as debt service.

Chair Blank commented that years containing few capital expenditures usually indicate staff is planning projects. Panel 5 for expenditures by type extends to 2095 and includes all spreadsheet projects, but panels 1-4 extend to 2044-2046. In panel 6, the blue half of the chart, increment revenue, represents revenue above and beyond the amount of revenue mooring permittees, residential pier permittees, and commercial pier permittees paid in 2010. The funds can only be spent on Harbor-related matters. Perhaps the "sinking" fund could be referred to as a "replenishment" fund. Mr. Bose should cut the ribbon for a bilge collection system, if it is constructed.

Jim Mosher remarked that the debt service probably pertains to a loan from the General Fund to the Tidelands Fund. The CIP budget has not been finalized; therefore, the Harbor Commission could suggest revisions to the CIP budget. He questioned the zero amount for line items 22 and 27. He inquired about the possibility of external funding for replacement of bulkheads and seawalls in 20-30 years.

Public Works Administrative Manager Miller explained that sometimes a zero amount indicates an unknown amount because the spreadsheet requires a number value. Staff would seek grants for future projects. The City Manager has requested a five-year CIP plan; therefore, Staff has to narrow the list of projects to projects that can be funded in five years.

Commissioner Beer observed that some of the larger grant periods and expenditures can be associated with line items based on the years. In 2027-28, the projected expenditure summary totals \$30 million, but the corresponding line items total \$12 million.

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

Code Enforcement Supervisor Matt Cosylon reported the Code Enforcement Program focuses on education to obtain voluntary compliance and Council Policy, K-9. Since July 2018, staff has opened approximately 1,700 cases and issued 500 verbal warnings, 1,400 notices, 139 citations, and 3 mooring revocations. Staff has been auditing Marine Activities Permit (MAP) holders and businesses operating in the Harbor, identifying live-aboards, conducting enforcement at public docks, and abating derelict and abandoned vessels.

In reply to Commissioner Scully's question, Code Enforcement Supervisor Cosylon advised that staff compared lists of charter operators with the Revenue Division and found some charter operators were on one or the other lists. After contact with staff, the charter operators either paid passenger taxes due the City or obtained MAPs.

In response to Commissioner Beer's inquiry, Code Enforcement Supervisor Cosyion indicated the operator in question was loading six or fewer passengers from a commercial dock. Staff will continue to monitor the operator.

In answer to Commissioner Yahn's queries, Code Enforcement Supervisor Cosyion related that staff positions are part-time, and staff turnover is high. His is the only full-time position, and he is the only person who has been with the Harbor Department since 2018. Hiring for Code Enforcement positions is difficult. Collaboration between the Harbor Department and the Sheriff's Department has been fantastic. In a few instances, boaters or permittees have been angry, but staff has managed to diffuse conflicts without assistance.

In response to Vice Chair Cunningham's question, Code Enforcement Supervisor Cosyion was not aware of a company offering short-term lodging in the Harbor. Staff scans airbnb.com for short-term lodgings offered in the Harbor.

In reply to Commissioner Kenney's inquiries, Code Enforcement Supervisor Cosyion explained that the category of discharge pollution covers mechanical fluids leaking from vessels and trash being thrown into the water. He did not have an explanation for the higher number of paddleboard, kayak and pump-out incidents in January. Perhaps more people were on the water in January. Abandoned paddleboards are counted in the category as well.

Chair Blank noted six and eight revocations occurred during 2012 and 2013 respectively. Public education seems to be beneficial. In answer to Chair Blank's queries, Code Enforcement Supervisor Cosyion advised that he had no experience with boating prior to working with the Harbor Department. He is familiar with most boating terms.

Harbormaster Borsting commended Code Enforcement Supervisor Cosyion for his hard work and ability to collaborate with the public.

Jim Mosher suggested the six revocations Chair Blank mentioned were caused by failure to pay mooring fees, which is different than the cause for the revocations Code Enforcement Supervisor Cosyion mentioned. The Harbor is the only neighborhood in which code enforcement is proactive. Proactive enforcement in upland neighborhoods would probably result in an insurrection. At a recent Water Quality Committee meeting, he learned that the Water Quality Committee is not familiar with the statement that the Harbor's water quality is the best since the 1950s. The Water Quality Committee is proud that the water quality has improved over the past few years.

**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; and

- 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.

Harbormaster Borsting reported demand for access to public docks is highest at the 19<sup>th</sup> Street and 15<sup>th</sup> Street Public Docks. At the 19<sup>th</sup> Street Public Dock, approximately 83 linear feet have a time limit of 20 minutes, 45 linear feet have a limit of 3 hours, and 88 linear feet have a limit of 72 hours. The 20-minute zone is under-utilized. Vessels can be stranded in the 72-hour and 3-hour zones during low tide. Staff recommends changing the time limit of the west side of the dock from 3 hours to 24 hours, the Bay side from 20 minutes to 3 hours, and 21 linear feet of the east side from 3 hours to 20 minutes. Currently, the Bay sides of all Public Docks limit access to 20 minutes. Because of a large dock located immediately west of the 19<sup>th</sup> Street Public Dock, the flow of traffic is not as pronounced at the 19<sup>th</sup> Street Dock as at other Public Docks. Increasing the time limit on the Bay side could increase usage of the Dock's Bay side. The addition of a 24-hour limit could accommodate live-aboards and businesses that provide services in the Harbor. Staff will monitor the new time zones, if approved, to ensure they are effective.

Chair Blank indicated the proposed configuration is consistent with a study conducted in 2014. Increasing the time limit on the Bay side of the Dock will allow boaters time to visit amenities and businesses around Newport Pier. The 20-minute area will work well for those who sail Monday nights at the American Legion.

In reply to Commissioner Kenney's inquiry, Harbormaster Borsting advised that discussions with users and evaluation of the number of cleats and/or tie-bars are needed. More tie-bars could be helpful, but too many could be a tripping hazard. Commissioner Kenney believed a tie-bar along the length of the upland side of the Dock would be appropriate.

In response to Commissioner Marston's query, Harbormaster Borsting related that the Harbor Commission changed the time limits for the 15<sup>th</sup> Street Public Dock in 2019. The changes and enforcement have resulted in some increased use of the 15<sup>th</sup> Street Public Dock. The Newport Mooring Association has suggested additional changes.

In answer to Commissioner Yahn's question, Harbormaster Borsting reported most vessels utilizing the Dock measure 14 feet and less because the maximum size for tenders in the mooring field is 14 feet. The proposed 3-hour zone does not have a limit on vessel size.

Jim Mosher remarked that aerial photos taken in 2012, 2014, 2016, and 2018 confirm Harbormaster Borsting's depiction of use of the dock. The City's and the Harbor Patrol's color coding for time limits may be different and confusing for boaters. He was puzzled by a substantive change included in the revisions to Title 17 that requires a special event permit to fasten a vessel pursuant to Section 25.10.

Chair Blank advised that the color coding for time limits is unique to the City of Newport Beach, and the City will likely not have an impact on the County's color coding.

Eric Linebach supported the proposed changes as he uses the 19<sup>th</sup> Street Public Dock often.

Commissioner Yahn moved to reassign the proposed maximum allowable time period for vessels to occupy sections of the 19<sup>th</sup> Street Public Dock as shown on Attachment A. Commissioner Kenney 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

#### 4. Harbor Commission 2020 Objectives

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; and
- 2) Receive and file.

Functional Area 1: Commissioner Kenney reported the City Council approved the recommended changes to Title 17 and directed the ad hoc committee to review a provision allowing administrative approval of commercial dock encroachments in front of upland residential properties and the limit on the number of live-aboards allowed in commercial marinas. The ad hoc committee hopes to provide recommendations for commercial dock encroachments at the next Harbor Commission meeting. The ad hoc committee obtained good feedback about the limit on live-aboards in commercial marinas at a public meeting on March 2. A second public meeting has been scheduled for March 31. The ad hoc committee will recommend the creation of five categories for a MAP and will schedule a public meeting. The *Wild Wave* and *168* are no longer in the Harbor. The ad hoc committee for shore moorings met February 19, will meet again on March 16, and will likely schedule a public meeting thereafter.

Harbormaster Borsting advised that the *Dire Straits* is now operable, but more improvements are needed.

In response to Chair Blank's query, Commissioner Kenney stated he received feedback from one Commissioner regarding the MAP proposals. Harbormaster Borsting added that staff will submit their feedback as well.

Functional Area 2: Commissioner Beer indicated discussion is needed prior to submission of a revised footprint for the West Anchorage. Harbormaster Borsting clarified that public outreach is needed. Commissioner Beer related that an item regarding mooring extensions was removed from the Council agenda the prior day so that a meeting with the Newport Mooring Association can be held. Assistant City Manager Carol Jacobs advised that staff will not issue any mooring extensions until the policy is approved.

Functional Area 3: No report.

Functional Area 4: Commissioner Scully reported Harbormaster Borsting is communicating with businesses about obtaining MAPs. The ad hoc committee for the Harbor Attendance Study and staff have identified 158 Harbor stakeholders and related information. The ad hoc committee and staff will continue their work on the study.

In reply to Commissioner Yahn's query, Commissioner Scully indicated he would provide names of launch ramps at a later time.

Functional Area 5: Chair Blank advised that Assistant City Manager Jacobs and he have been updating Commissioner Scully to assume the lead for the Functional Area. Commissioner Marston indicated a meeting with the Parks, Beaches and Recreation (PB&R) Commission has been scheduled for March 30 regarding Lower Castaways. Assistant City Manager added that staff will meet with Harbor Commissioners and PB&R Commissioners separately prior to the two meeting jointly. The March 30 meeting is not subject to the Brown Act.

Jim Mosher did not believe the cost of appeals in Title 17 has been addressed correctly. The City has a policy of 100-percent cost recovery unless stated otherwise in Title 3 of the Municipal Code.

Chair Blank stated the setting of fees is not within the Harbor Commission's purview.

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

Harbormaster Borsting reported public information and outreach continues with appearances on "The Village Green," at the Association of Orange Coast Yacht Clubs, and in print news media. Staff is working with the Information Technology (IT) Department to create a 360-degree view of the Harbor to be used in online navigational resources. Recruitment for part-time staff continues. A Department Assistant began work with the Department on February 18, and a Harbor Service Worker was promoted to Harbor Service Worker Lead.

In answer to Chair Blank's question, Harbormaster Borsting related that the Department Assistant was an external hire.

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

Vice Chair Cunningham shared additional copies of the book *Newport Bay: A Pioneer History* and copies of a documentary about the history of the Harbor and George Rogers.

Commissioner Kenney announced the next stakeholder meeting for live-aboards in commercial marinas is March 31 at 6 p.m. at Marina Park.

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

In reply to Commissioner Yahn's inquiry, Assistant City Manager Jacobs reported the Finance Committee meeting is scheduled for March 12 at 3 p.m.

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

None.

**10) DATE AND TIME FOR NEXT MEETING: Wednesday, April 8, 2020 at 6:30 p.m.**

**11) ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:44 p.m.

## June 10, 2020, Harbor Commission Agenda Comments

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

### ***Item 5.1. Minutes of March 11, 2020 Harbor Commission Regular Meeting***

**Suggested corrections:** The passages shown in *italics* below are from the draft minutes with suggested corrections indicated in **strikeout underline** format. The page numbers refer to those in the minutes (as opposed to the staff report).

**Page 4**, paragraph 2, last sentence: "*In a few instances, boaters or permittees have been angry, but staff has managed to ~~diffuse~~ defuse conflicts without assistance.*"

**Page 5**, paragraph 6, last sentence: "*He was puzzled by a substantive change included in the revisions to Title 17 that requires a special event permit to fasten a vessel pursuant to Section 17.25.10.*"

Note: this comment by me may have been based on too hasty reading of the code. The special event permit (mentioned in [17.25.010.A.2](#)) is required not for tying boats to piers (including, by definition, the associated floats as well as, possibly, moorings), but to tying a boat *to a boat already tied* to a pier. In any event, I suspect it is a regulation frequently ignored.

**Page 6**, Functional Area 1, sentence 2: "*The ad hoc committee hopes to provide recommendations for commercial dock encroachments at the next Harbor Commission meeting.*"

Note: I don't see such an item on the present agenda. Closed sessions regarding settlement of a dispute regarding this issue have been on numerous recent City Council agendas, including that for [June 9](#) (see III.A on page 2)

**Page 6**, Functional Area 5, sentence 3: "*Assistant City Manager Jacobs added that staff will meet with Harbor Commissioners and PB&R Commissioners separately prior to the two meeting jointly.*"

**Page 6**, last line: "*Chair Blank stated the setting of fees is not within the Harbor Commission's purview.*"

Comment: I do not share this sentiment. This may be technically true based on a reading of the Harbor Commission's powers and duties, which are stated in three places (enabling [Ordinance No. 2013-14](#), a little-remembered [Resolution No. 2017-4](#) and [Section 17.05.065](#) of the Municipal Code), but if so, one has to wonder why? Fee structures related to regulations, particularly for things like appeals, seem an integral part of those regulations.

### ***Item 7.1. Harbor Commission 2020 Objectives***

**Page 37** of the staff report, caption: "*3. Harbor Infrastructure (Cunningham) - ~~Complete evaluation for establishing day moorings off Big Corona beach~~ Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches.*"





== CITY OF ==

# NEWPORT BEACH

## Harbor Commission Staff Report

June 10, 2020  
Agenda Item No. 6.1

**TO:** HARBOR COMMISSION

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

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

**TITLE:** Residential Dock Reconfiguration at 511 36<sup>th</sup> Street

---

**ABSTRACT:**

The applicant at 511 36<sup>th</sup> Street is proposing to reconfigure the residential dock by reorienting the position of the float as well as shifting the entire structure to the north. The proposed float will not extend bayward any further than the existing float. This residential dock is located in the West Newport area where pierhead lines do not exist. Because the applicant is proposing a new configuration of the dock, staff is unable to consider approving the project. Therefore, Council Policy H-1 directs the Harbor Commission to hold a public hearing for the proposed project. The applicant requests the Harbor Commission to approve the proposed dock configuration (Project).

**RECOMMENDATION:**

- 1) Conduct a public hearing; and
- 2) Find the Project exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and
- 3) Approve the Project at 511 36<sup>th</sup> Street by making specific findings to allow the dock to be reconfigured pursuant to the provisions in Council Policy H-1.

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**DISCUSSION:**

Council Policy H-1 (Attachment A) states that staff may consider approving pier and float projects if the project is in an area where pierhead lines do not exist. However, for staff to approve such projects, the reconstruction must be like-for-like including any upgrades required to meet current code and building standards, and the structure must be previously approved.

The applicant’s dock is located at 511 36<sup>th</sup> Street which is within the Rialto channel, opposite Newport Island. As depicted on the aerials (Attachment B), the dock structures in this channel are situated on a bulkhead line, but a pierhead line does not exist. In addition, the applicant is proposing to reconfigure the dock structure so that the float would not be constructed in a like-for-

like manner. Therefore, staff is unable to approve the project, and it must be brought to the Harbor Commission for consideration.

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

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

#### Council Policy H-1 Findings

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

#### **EXISTING DOCK CONFIGURATION**

Attachment C shows the only plans on file with the City for this particular dock. This 1946 plan depicts a 14x10-foot float which matches the present-day condition and orientation. However, the 1946 plan shows a 20-foot gangway with a small 4x4-foot pier, yet the current configuration has a 24-foot gangway attached directly to the bulkhead. (Sometime in the past, the small pier was eliminated to bring the gangway up to code to 24-feet.) The proposed float is also wholly within the permitted area as specified in the existing permit on file with the City.

#### **PROPOSED PROJECT**

The Project (Attachment D) conforms to the Harbor Design Criteria. The entire dock structure will be shifted to the north, and the float configuration will rotate so the 10-foot side is parallel to the channel. The proposed dock structure will maintain the current 212 square feet (no change).

## STAFF RECOMMENDATION AND FINDINGS

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

**Finding No. 1:** Section 17.50.030. The Project conforms to the provisions of the NBMC, Harbor Design Criteria, and applicable standards and policies in conjunction with plan reviews by the Public Works Department.

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

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

Facts in Support of Findings: The existing dock system is located in the West Newport area where pierhead lines do not exist.

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

Facts in Support of Findings: The proposed dock configuration is different from the existing configuration. The entire dock system is shifted to the north. The float dimensions remain the same, but the float is reoriented.

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

Facts in Support of Findings: The original dock system was permitted by the City in 1946 as evidenced by Attachment C. The current configuration is slightly different from the original permit, but the extension bayward remains the same. There are no other records in the City's files.

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

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

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

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

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

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

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

Facts in Support of Findings: The Project conforms to the provisions of the NBMC, applicable policies and the City of Newport Beach Waterfront Project Guidelines and Standards Harbor Design Criteria Commercial and Residential Facilities. The Project is wholly within the prolongation of the property lines of 511 36<sup>th</sup> Street, and maintains the required setbacks. Navigation will not be negatively impacted.

**ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this Project exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. CEQA Guidelines Section 15301 (Class 1) applies to the "operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." Section 15302 (Class 2) applies to the "replacement or reconstruction of existing structures and facilities where the new structures will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced[.]" The replacement residential dock system is in the same location and is substantially the same size, purpose and capacity as the dock system it replaces. The overwater coverage of the new dock system remains the same as the existing dock system at 212 square feet.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item). This public hearing was noticed to all residents within a 300' radius per NBMC 21.62.020(B)(2)(c). The notice was also published in the newspaper on Saturday, May 16, 2020 (Attachment E).

**ATTACHMENTS:**

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

## **HARBOR PERMIT POLICY**

### ***Background***

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

### ***Policy***

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

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

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

The Harbor Commission, or the City Council considering an appeal or call for review, may approve or conditionally approve a permit for a pier or float to extend bayward beyond the pierhead line if it is determined that all of the following conditions are met:

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

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

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

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

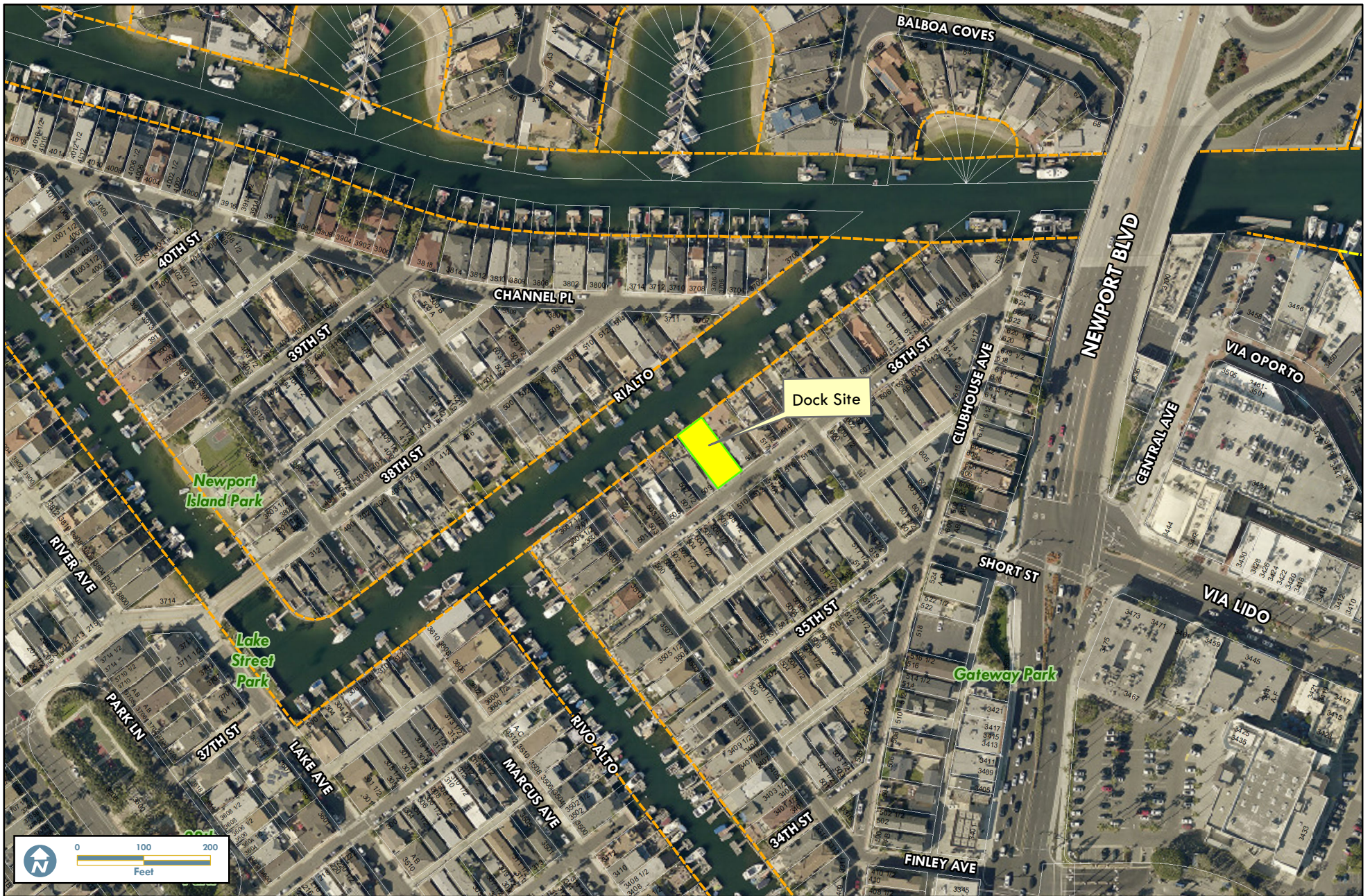
### ***History***

Adopted H-1 – 6-1-1964  
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 Amended H-1 – 10-26-1964  
 Amended H-1 – 4-27-65  
 Reaffirmed H-1 – 8-30-1966  
 Amended H-1 – 1-9-1967  
 Amended H-1 – 7-24-1967  
 Amended H-1 – 6-24-1968  
 Amended H-1 – 8-19-1968  
 Amended H-1 – 12-23-1968  
 Amended H-1 – 1-26-1970  
 Reaffirmed H-1 – 3-9-1970

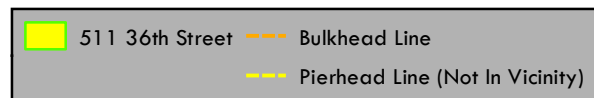
Reaffirmed H-1 - 2-14-1972  
Amended H-1 - 8-14-1972  
Amended H-1 - 6-25-1973  
Reaffirmed H-1 - 12-10-1973  
Amended H-1 - 12-17-1973  
Amended H-1 - 6-10-1974  
Reaffirmed H-1 - 11-11-1974  
Amended H-1 - 3-10-1975  
Amended H-1 - 4-28-1975  
Amended H-1 - 5-27-1975  
Amended H-1 - 10-28-1975  
Amended H-1 - 12-8-1975  
Amended H-1 - 5-10-1976  
Amended H-1 - 10-26-1976  
Amended H-1 - 11-22-1976  
Reaffirmed H-1 - 1-24-1977  
Amended H-1 - 5-23-1977  
Amended H-1 - 5-22-1978  
Amended H-1 - 12-11-1978  
Amended H-1 - 3-12-1979  
Amended H-1 - 6-25-1979  
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Amended H-1 - 6-23-1980  
Amended H-1 - 11-23-1981  
Amended H-1 - 6-28-1982  
Amended H-1 - 10-12-1982  
Amended H-1 - 10-25-1982  
Amended H-1 - 6-27-1983  
Amended H-1 - 1-14-1985  
Amended H-1 - 3-25-1985  
Amended H-1 - 6-24-1985  
Amended H-1 - 6-22-1987  
Amended H-1 - 6-13-1988  
Amended H-1 - 11-28-1988  
Amended H-1 - 6-26-1989  
Amended H-1 - 9-25-1989  
Amended H-1 - 11-27-1989  
Amended H-1 - 5-14-1990  
Amended H-1 - 6-25-1990  
Amended H-1 - 4-8-1991

Amended H-1 – 6-24-1991  
Amended H-1 – 10-28-1991  
Reaffirmed H-1 – 1-24-1994  
Amended H-1 – 6-27-1994  
Amended H-1 – 6-26-1995  
Amended H-1 – 3-25-1996  
Amended H-1 – 06-8, 1998  
Amended H-1 – 12-14-1998  
Amended H-1 – 5-8-2001  
Amended H-1 – 9-10-2002  
Amended H-1 – 10-28-2003  
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Amended H-1 – 11-5-2019





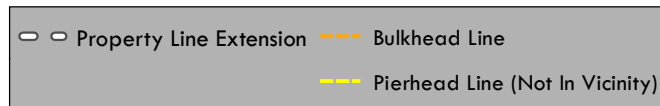
## 511 36th Street







511 36th Street

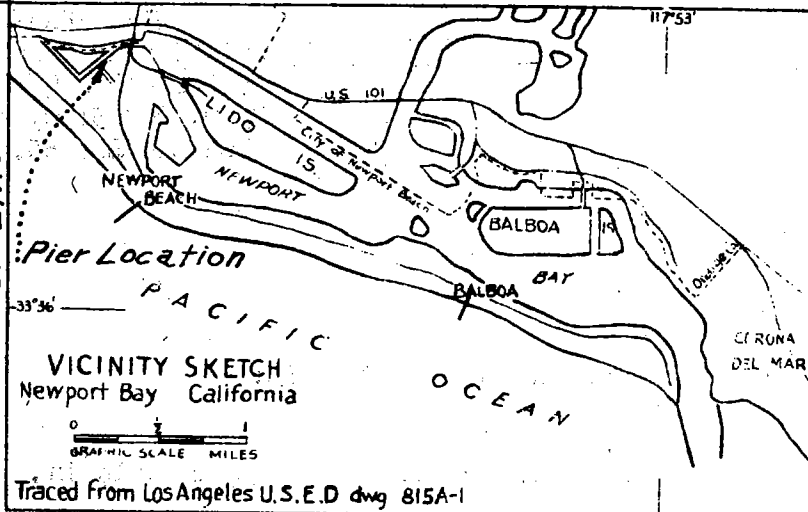
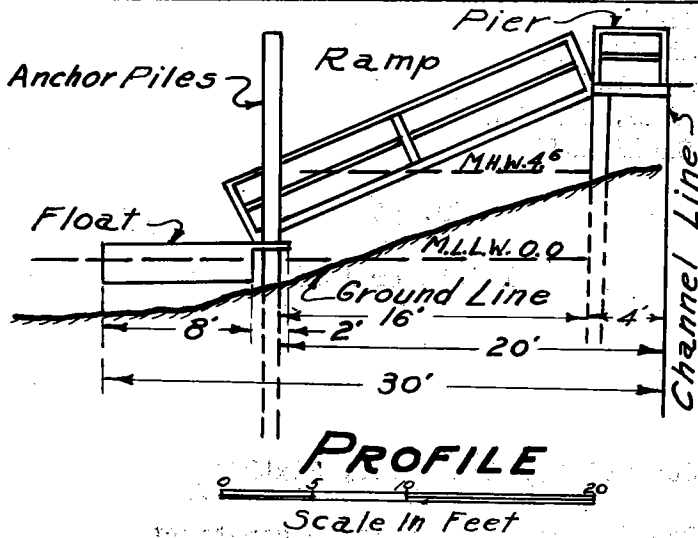


City of Newport Beach  
GIS Division  
May 29, 2020

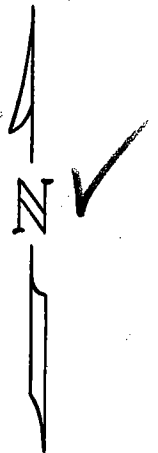
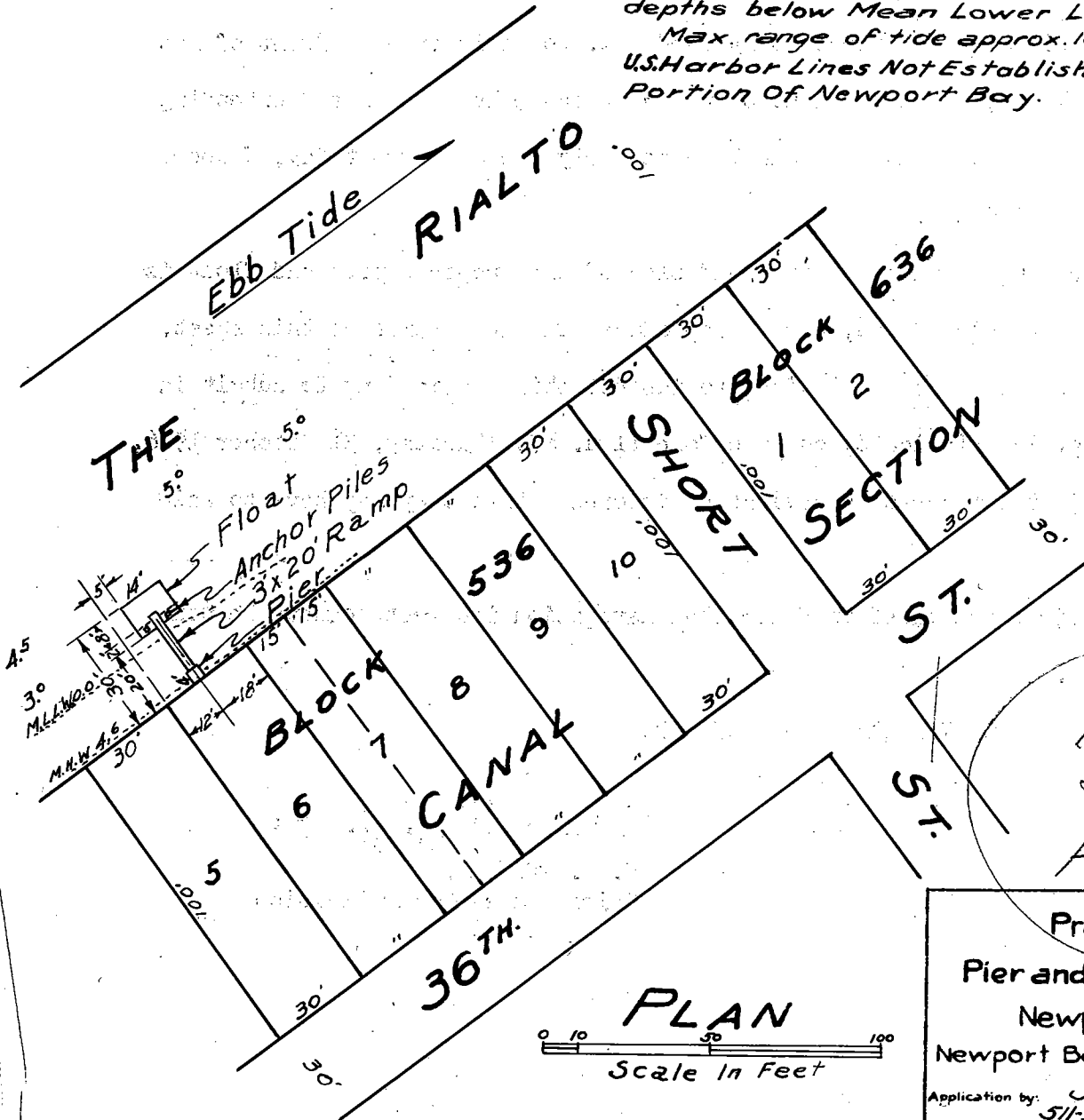


1946 Existing and  
Approved Plan

536-511



Soundings are expressed in feet and denote depths below Mean Lower Low Water  
Max. range of tide approx. 10ft.  
U.S. Harbor Lines Not Established In This Portion Of Newport Bay.



Tide  
A-78280

Proposed  
Pier and Landing Float  
Newport Bay  
Newport Beach, Califor23:  
Application by: **Jud Oviatt**  
511-36th St, Newport Beach,  
California  
Date: **Sept. 1, 1946**  
A-280



SWIFT SLIP DOCK & PIER BUILDERS, INC

6351 Industry Way, Westminster 92683

Phone: (949) 631-3121

Fax: (714) 509-0618

CLIENT:

Patterson Custom Homes

IO

DRAWN:

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Checked

1.0

REVISION

08/07/19

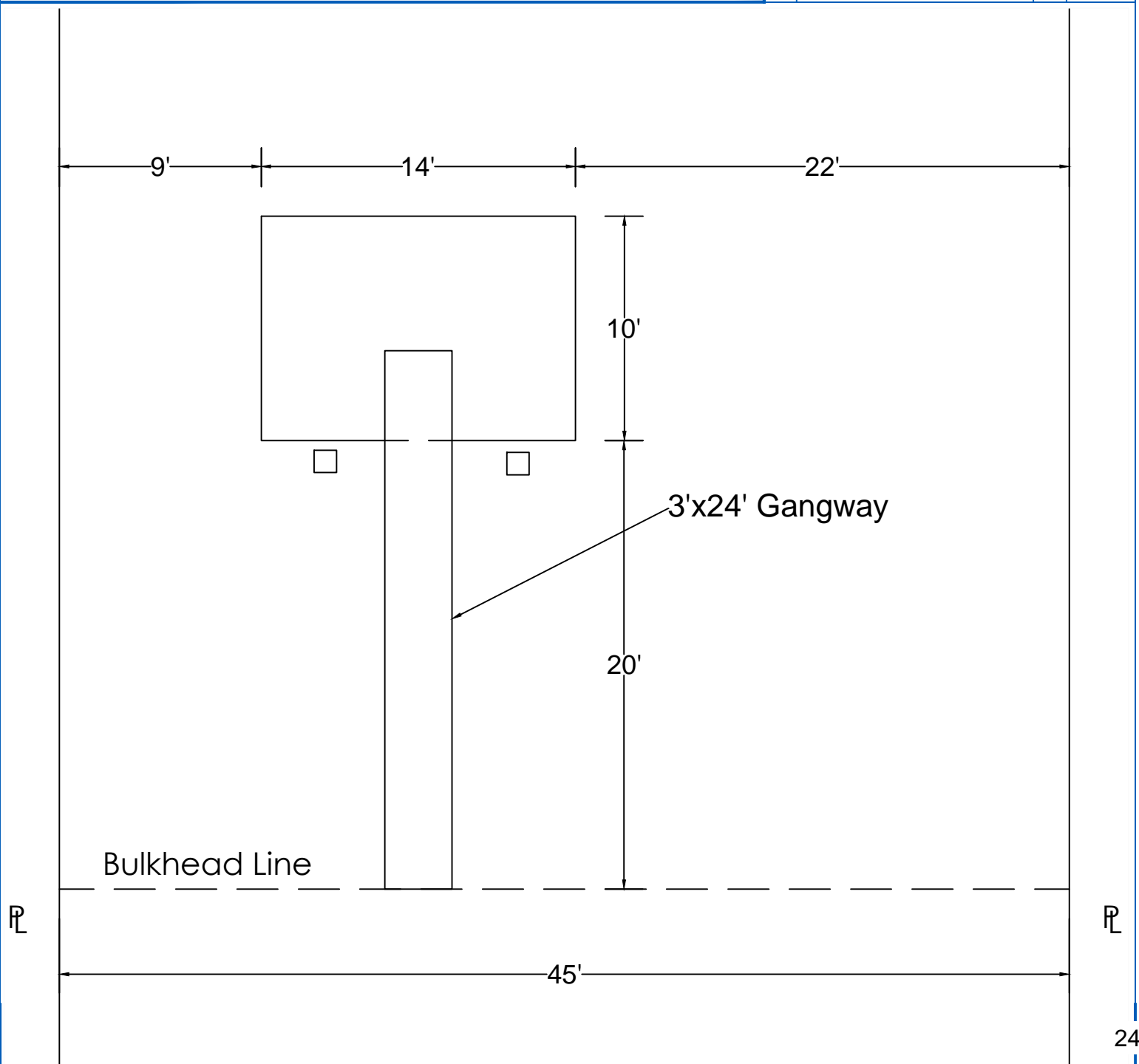
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SITE:

511 36th St. NB, Ca. Existing





SWIFT SLIP DOCK & PIER BUILDERS, INC

6351 Industry Way, Westminster 92683

Phone: (949) 631-3121

Fax: (714) 509-0618

CLIENT:

Patterson Custom Homes

IO

DRAWN:

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Checked

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REVISION

03/19/20

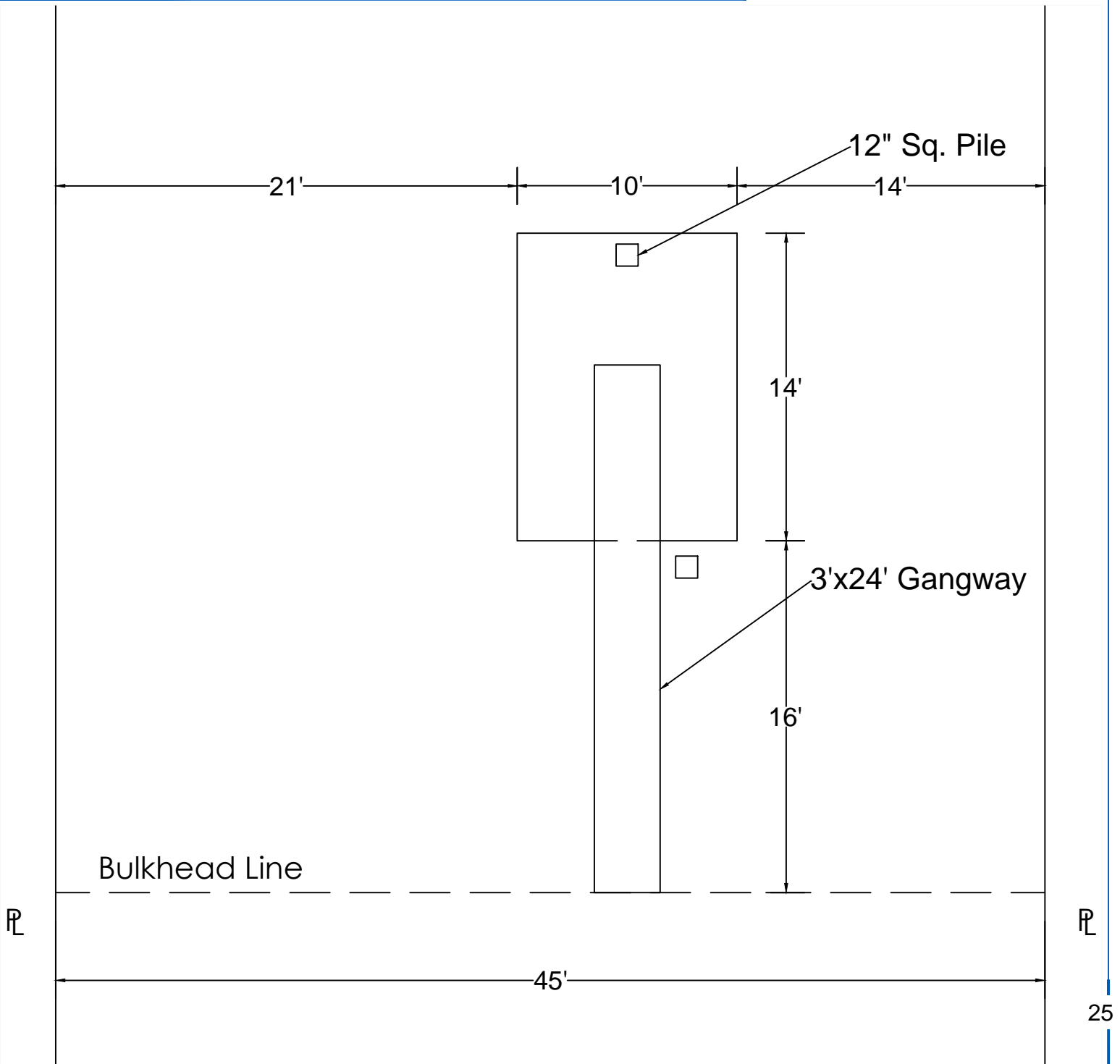
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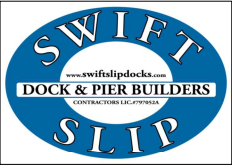
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SITE:

511 36th St. NB, Ca **Proposed**





SWIFT SLIP DOCK & PIER BUILDERS,  
INC

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

CLIENT:

Patterson Custom Homes

AP  
DRAWN:

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Checked

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REVISION

04.06.20  
DATE:

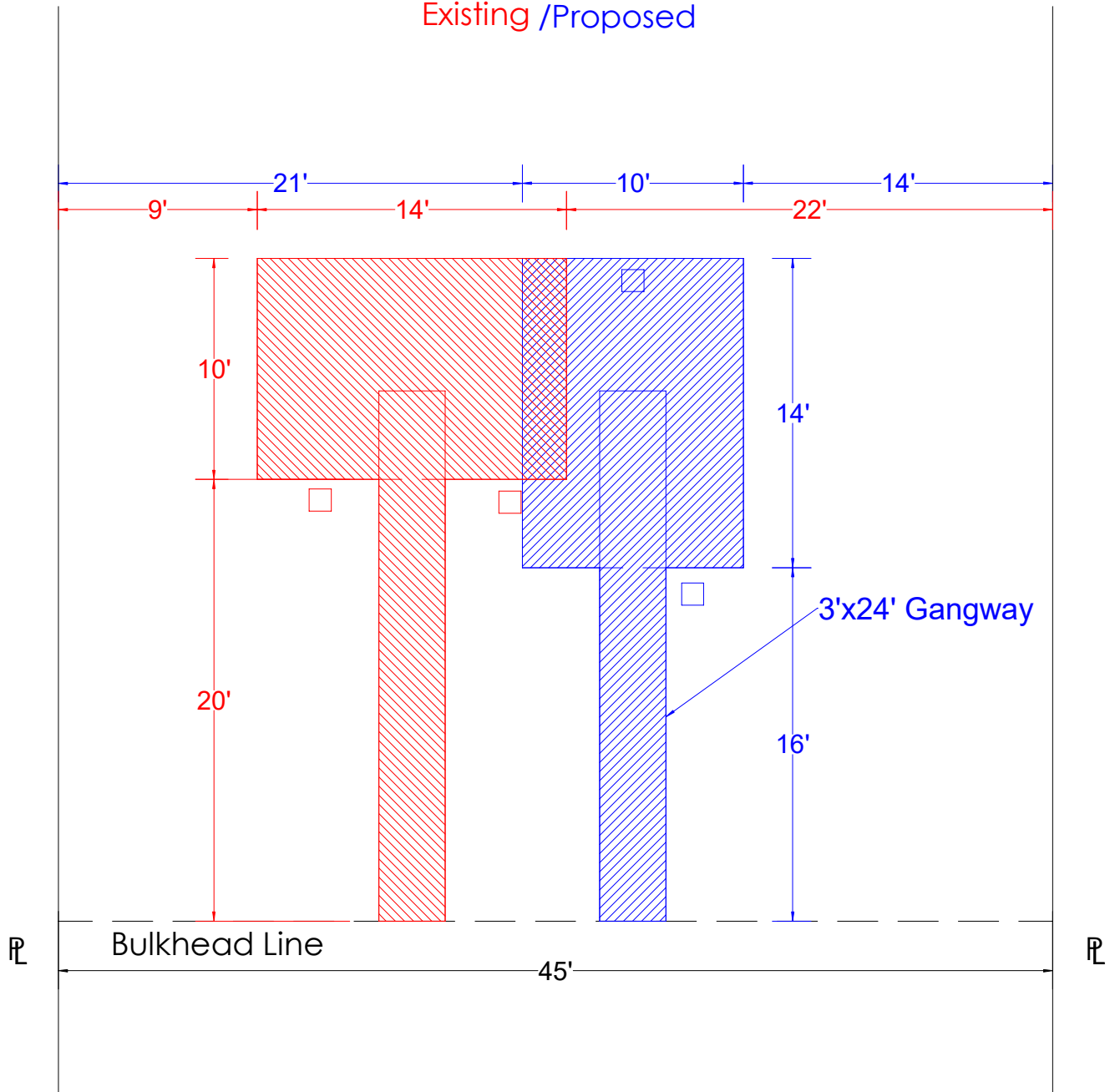
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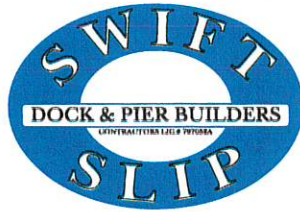
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SITE:

511 36th St. NB, Ca. Overlay

Existing / Proposed





## Swift Slip Dock and Pier Builders, Inc.

Contractor's License 797052 A

[www.swiftslipdocks.com](http://www.swiftslipdocks.com)

6351 Industry Way, Westminster, CA 92683

Telephone (949) 631-3121 - Fax (714) 509-0618

### Patterson Custom Homes

Attn: Kristyn Zarebicki

15 Corporate Plaza Dr. Ste 150

Newport Beach, CA 92660

Office: 949-723-1800

Email: [kristyn@pattersoncustomhomes.com](mailto:kristyn@pattersoncustomhomes.com)

### ESTIMATE

*RE: 511 36<sup>th</sup> St*

*Dock Renovation*

#### **Floating Dock**

- 1) Reuse 2 existing pilings but relocate to accommodate new layout
- 2) Dock will match existing 10'x14' dimensions but will turn opposite of existing
- 3) Super float pontoons filled with Styrofoam.
- 4) 4x8 framing with 5x7 angle clips and 1/2" bolting throughout.
- 5) 2x6 diagonals installed for shear strength.
- 6) 1x6 AZEK premium decking attached with stainless steel screws
- 7) 1x12 AZEK fascia with white or gray rubstrip and corners
- 8) 2 new steel pile guides with 4 polyurethane rollers each (12" inboard).
- 9) Haul away and dispose of old dock.

#### **Gangway**

- 1) 3'x24' dimensions.
- 2) Heavy duty hinge and axle wheel combination.
- 3) Decking to match new dock.
- 4) 3 - 2x12 stringers with fascia along each side(over lower end of posts)
- 5) 3x4 posts with white vinyl sleeves
- 6) 2x4 vinyl top rail with 3 stainless cable mid-rails
- 7) Mount new hinge plates on new seawall height



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

**NOTICE IS HEREBY GIVEN** that on **Wednesday, June 10, 2020**, at **6:30 p.m.** or soon thereafter as the matter shall be heard, a public hearing will be conducted in the Council Chambers at 100 Civic Center Drive, Newport Beach. The Harbor Commission of the City of Newport Beach will consider approval of the following application:

### **Residential Dock Reconfiguration located at 511 36<sup>th</sup> Street**

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

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

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

For questions regarding this public hearing item please contact Chris Miller, Administrative Manager, at [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov).

**Project File No.:** 0690-2020





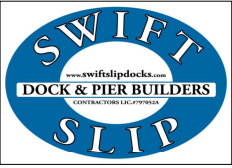
**NBGiS**  
NEWPORT BEACH



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Disclaimer:  
Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

5/5/2020



SWIFT SLIP DOCK & PIER BUILDERS,  
INC

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

CLIENT:

Patterson Custom Homes

AP  
DRAWN:

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Checked

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REVISION

04.06.20  
DATE:

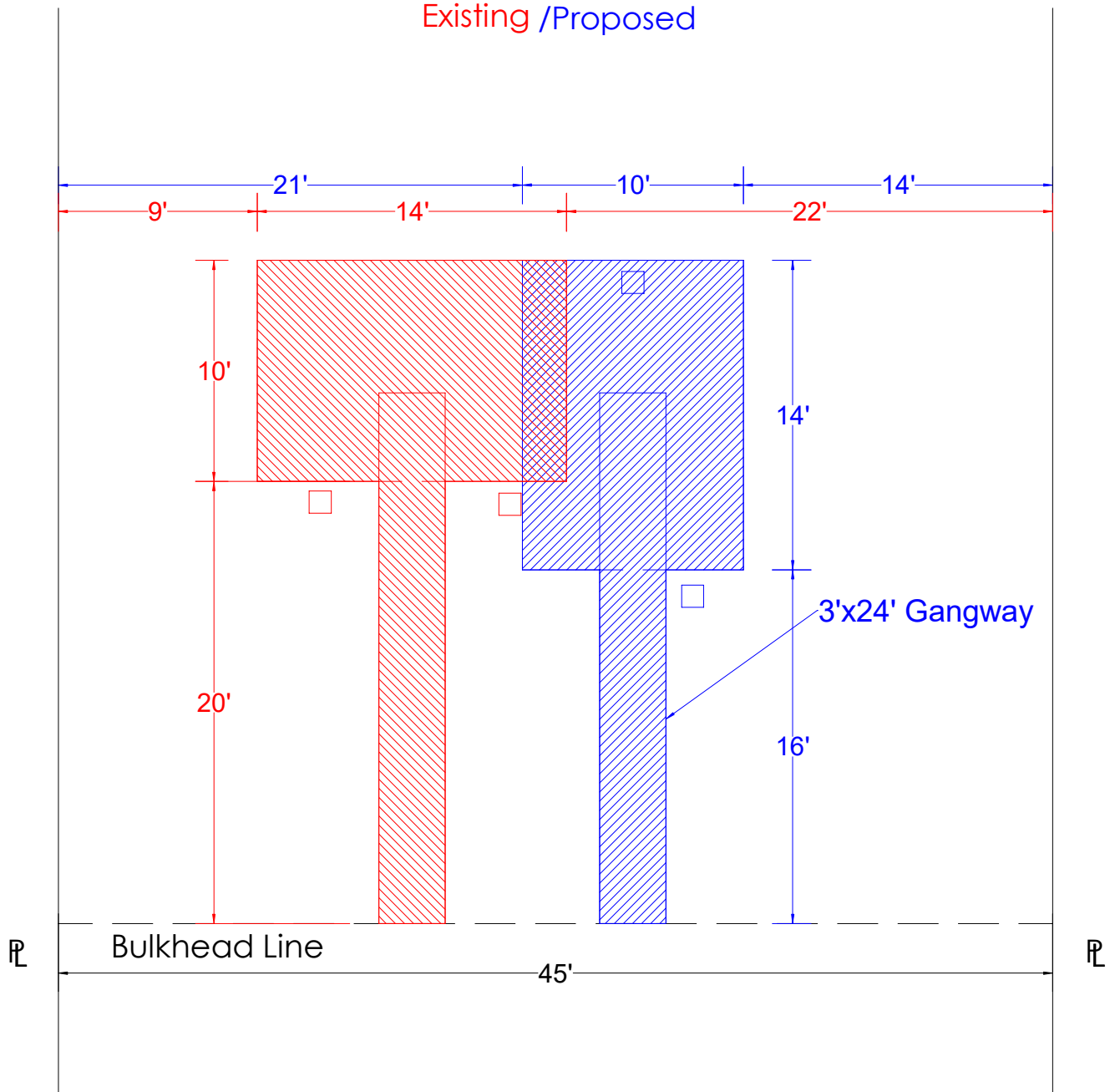
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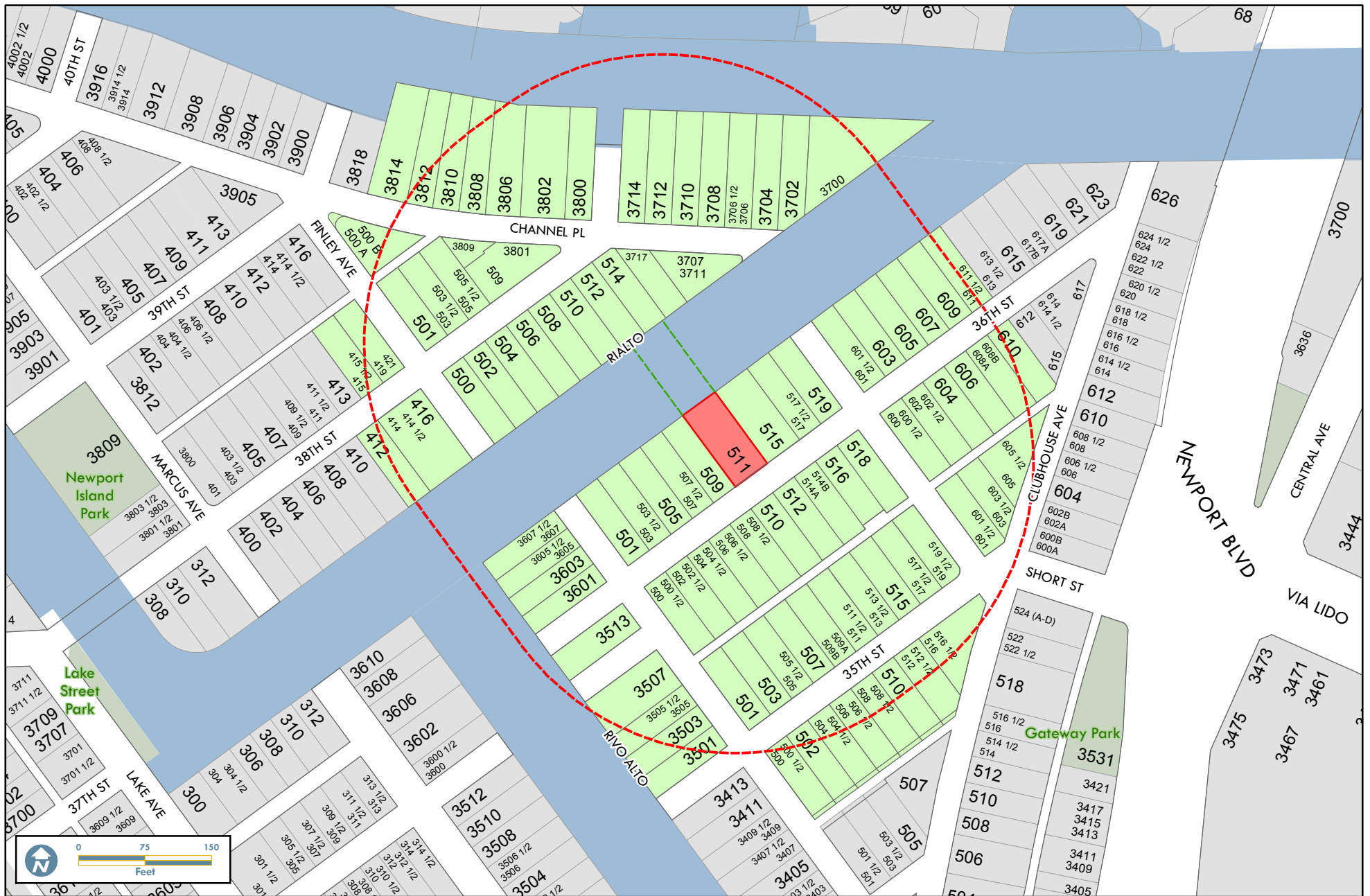
SITE:

511 36th St. NB, Ca. Overlay

Existing / Proposed







## 511 36th Street

- Prolongation of Lot Lines
- Buffer 300'
- 511 36th St
- Notified Properties

**Biddle, Jennifer**

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**Subject:** 511 36th St. residential dock reconfiguration**From:** Larry Leifer <[lawrelei@gmail.com](mailto:lawrelei@gmail.com)>**Date:** June 8, 2020 at 5:55:05 PM PDT**To:** "Miller, Chris" <[CMiller@newportbeachca.gov](mailto:CMiller@newportbeachca.gov)>**Subject:** 511 36th St. residential dock reconfiguration

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Chris:

My comment is in regard to the upcoming June 10, 2020 hearing.

I'm generally opposed to aligning floats longway (axially) in line with the gangway. That type configuration around Newport Island allows owners to site multiple, longer and larger vessels. This also reduces sight lines for neighboring property views along the water. Furthermore, the property location along the very narrow Rialto channel would make navigation more difficult for passing boats if longer and larger vessels are berthed perpendicular jutting into the channel.

Larry Leifer

3706 Channel Place



**CITY OF NEWPORT BEACH**  
**PUBLIC WORKS DEPARTMENT**

100 Civic Center Drive  
Newport Beach, CA 92660  
[newportbeachca.gov/publicworks](http://newportbeachca.gov/publicworks)  
949-644-3311

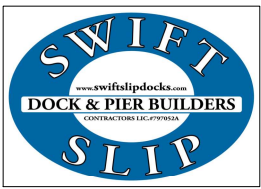
## Memorandum

**To:** Harbor Commission  
**From:** Chris Miller, Public Works Administrative Manager  
**Date:** June 10, 2020  
**Re:** Proposed Dock Project at 511 36<sup>th</sup> Street - Revision

---

The applicant at 511 36<sup>th</sup> Street has submitted a revision to the dock plans which will be considered at this evening's Harbor Commission meeting. Please see the attached, revised plan.

The applicant is proposing to reduce the size of the float from 10'x14' to 10'x12' to satisfy the Harbor Design Criteria which specifies 18' from the bulkhead to the backside of the float.



SWIFT SLIP DOCK & PIER BUILDERS, INC

Additional Material Received - 511 36th St. Dock Reconfiguration  
June 10, 2020 Harbor Commission Meeting

6351 Industry Way, Westminster 92683

Phone: (949) 631-3121

Fax: (714) 509-0618

CLIENT:

PATTERSON CUSTOM HOMES

AP

DRAWN:

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Checked

1.0

REVISION

06/10/20

DATE:

AMENDMENTS:

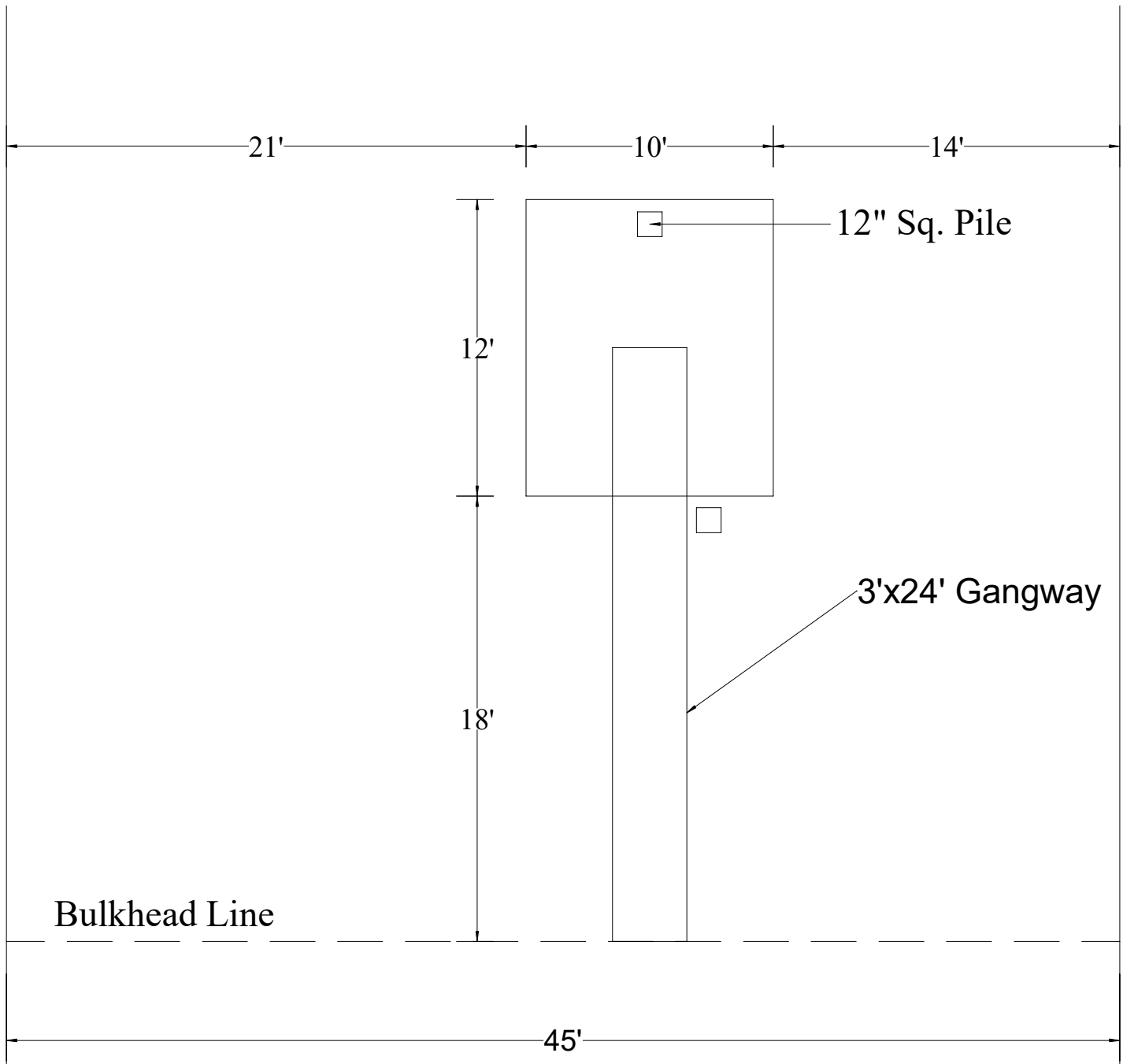
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SITE:

511 36th St, Newport Beach, CA

Revised

## PROPOSED



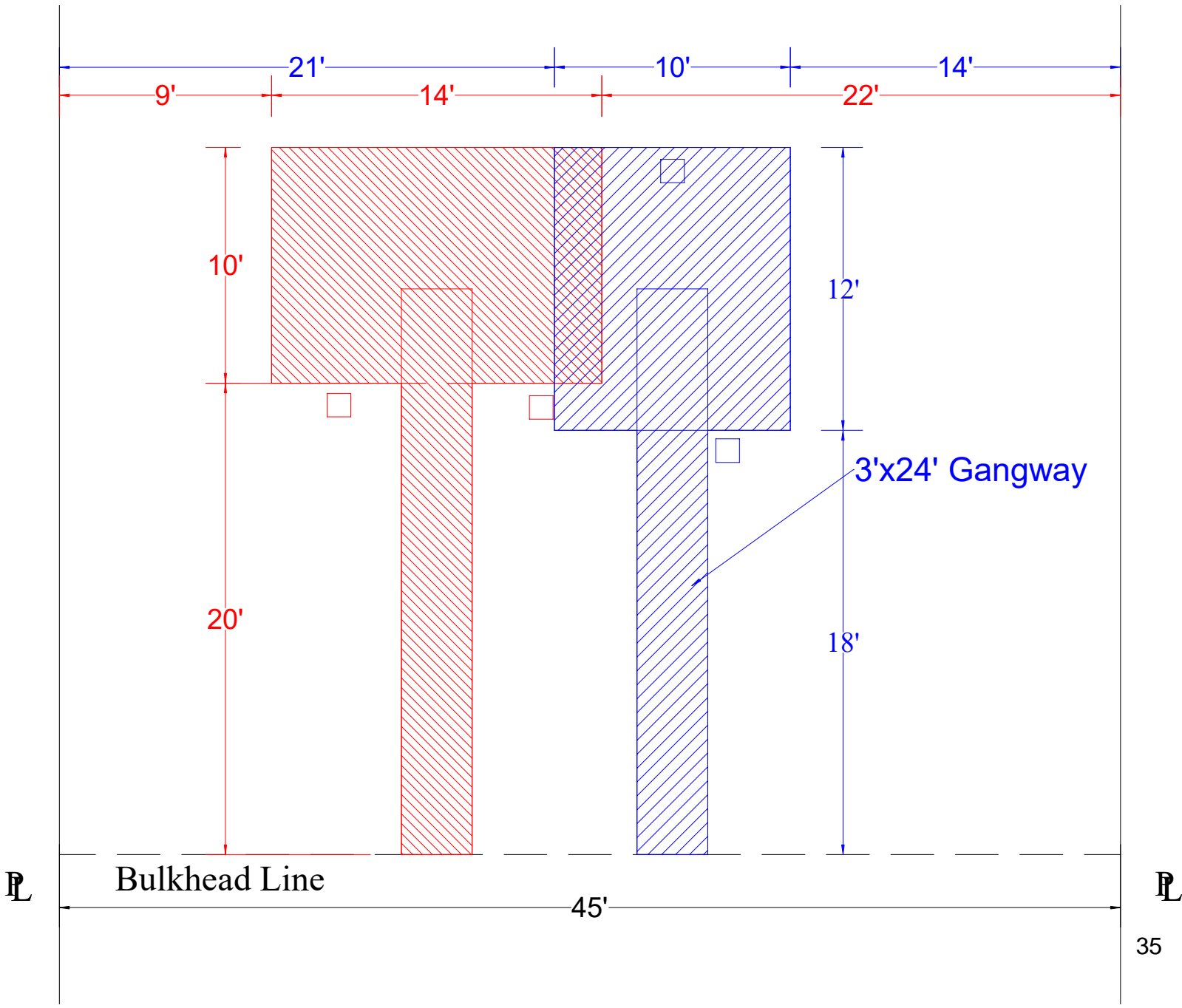


SWIFT SLIP DOCK & PIER BUILDERS, INC

Additional Material Received - 511 36th St. Dock Reconfiguration  
June 10, 2020 Harbor Commission Meeting  
6351 Industry Way, Westminster 92683  
Phone: (949) 631-3121  
Fax: (714) 509-0618

CLIENT: PATTERSON CUSTOM HOMES		AP DRAWN:	-- Checked	1.0 REVISION	06/10/20 DATE:	AMENDMENTS:			
SITE: 511 36th St, Newport Beach, CA		Revised				REV:	DESCRIPTION:	BY:	DATE:

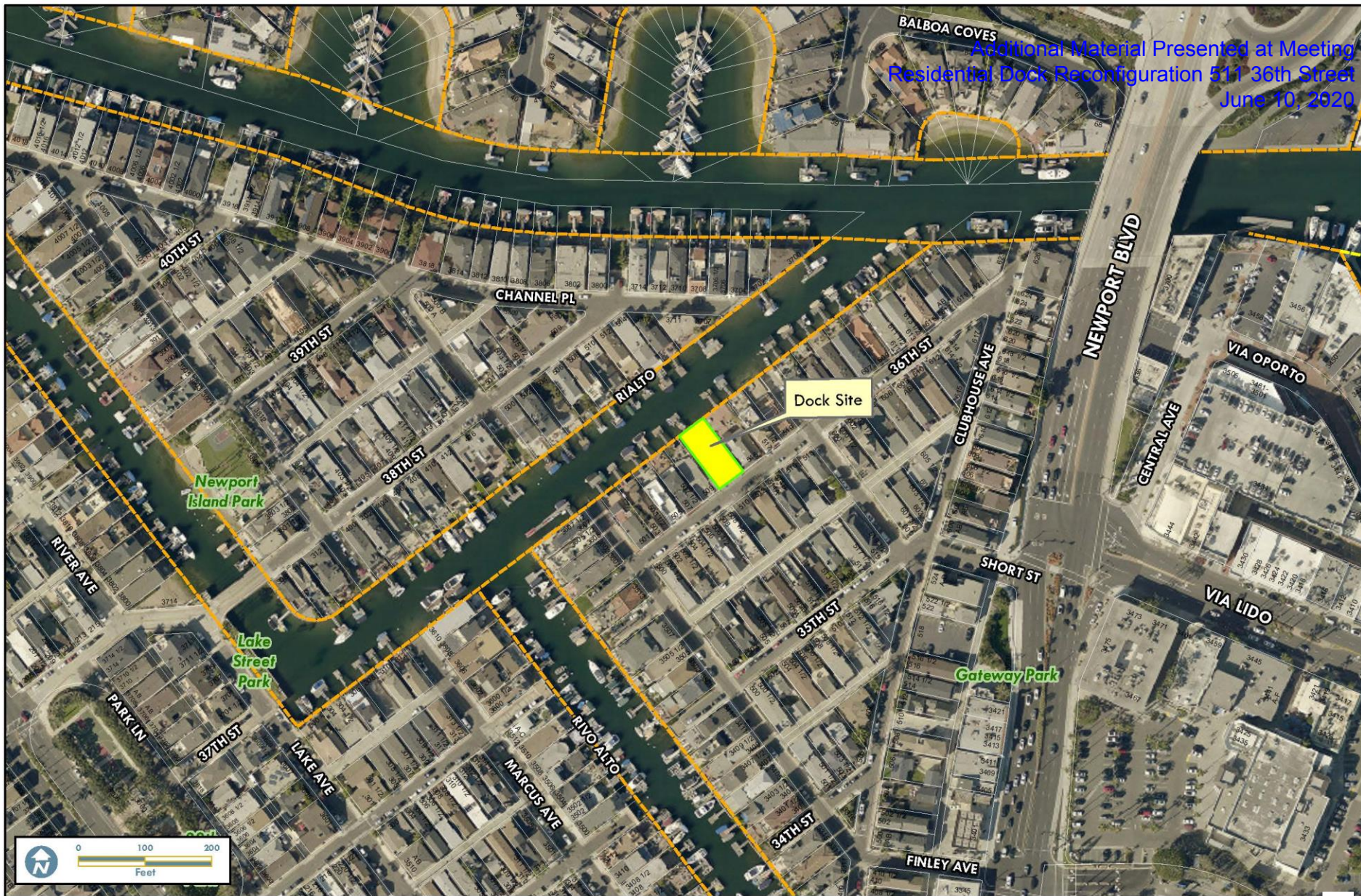
EXISTING/PROPOSED



# Residential Dock Reconfiguration at 511 36<sup>th</sup> Street

Harbor Commission  
June 10, 2020

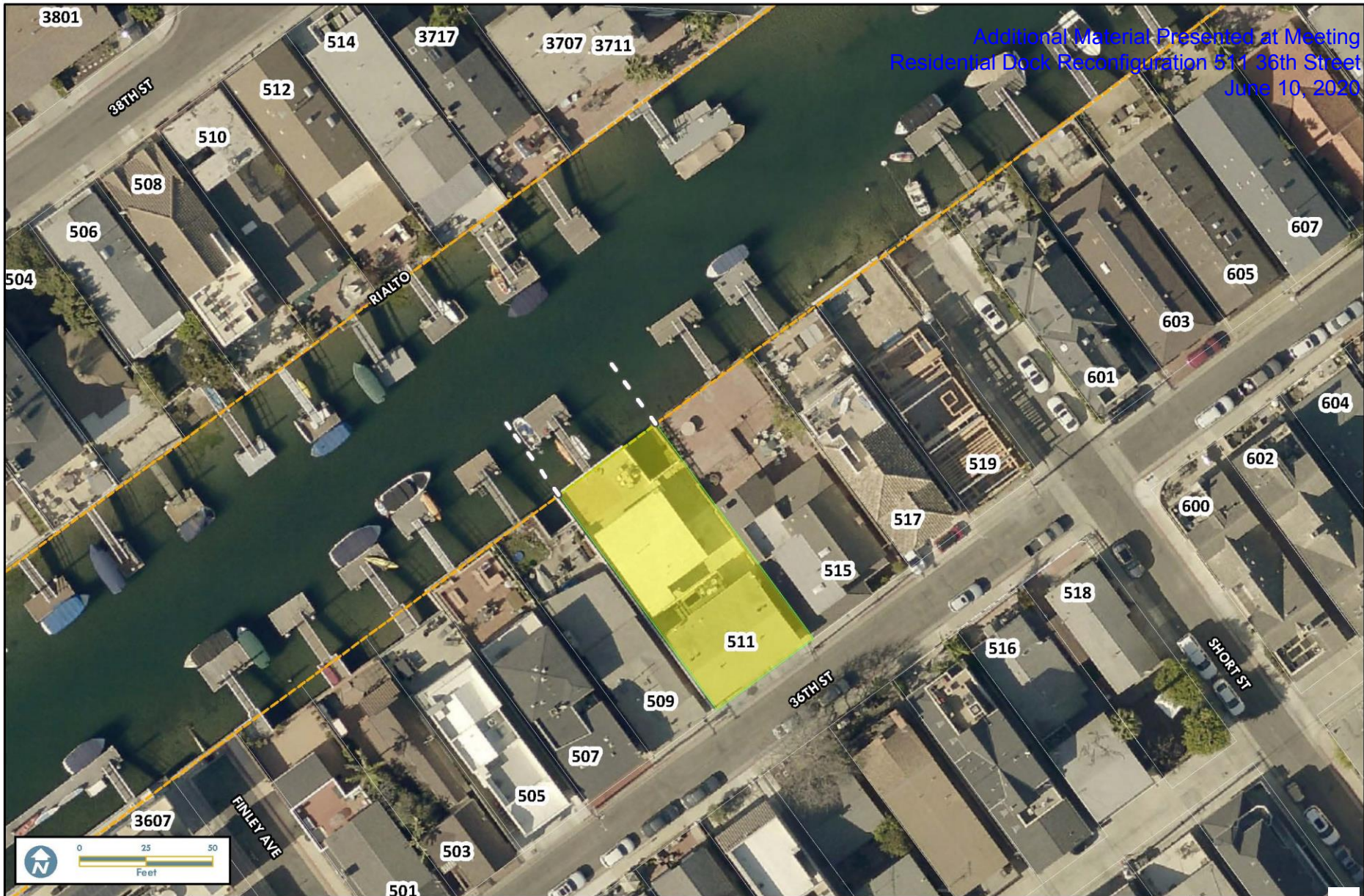




511 36th Street







511 36th Street

- ○ Property Line Extension
- Bulkhead Line
- Pierhead Line (Not In Vicinity)



SWIFT SLIP DOCK & PIER BUILDERS, INC

6351 Industry Way, Westminster 92683  
Phone: (949) 631-3121  
Fax: (714) 506-1000

Additional Material Presented at Meeting  
Residential Dock Reconfiguration 511 36th Street  
June 10, 2020

CLIENT:

Patterson Custom Homes

IO

DRAWN:

--

Checked

1.0

REVISION

08/07/19

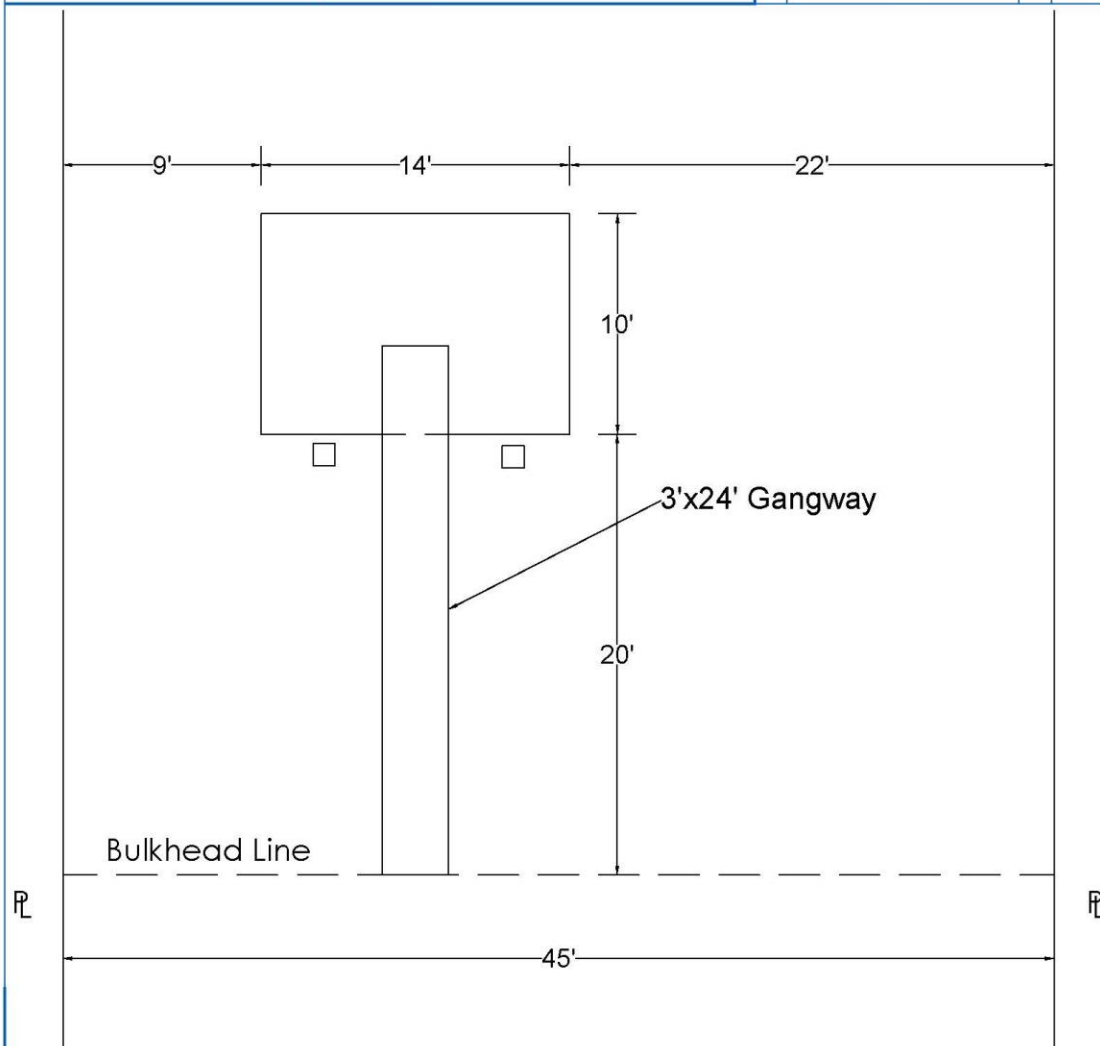
DATE:

AMENDMENTS:

REV:	DESCRIPTION:	BY:	DATE:
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SITE:

511 36th St. NB, Ca. Existing





536-511

**PROFILE**

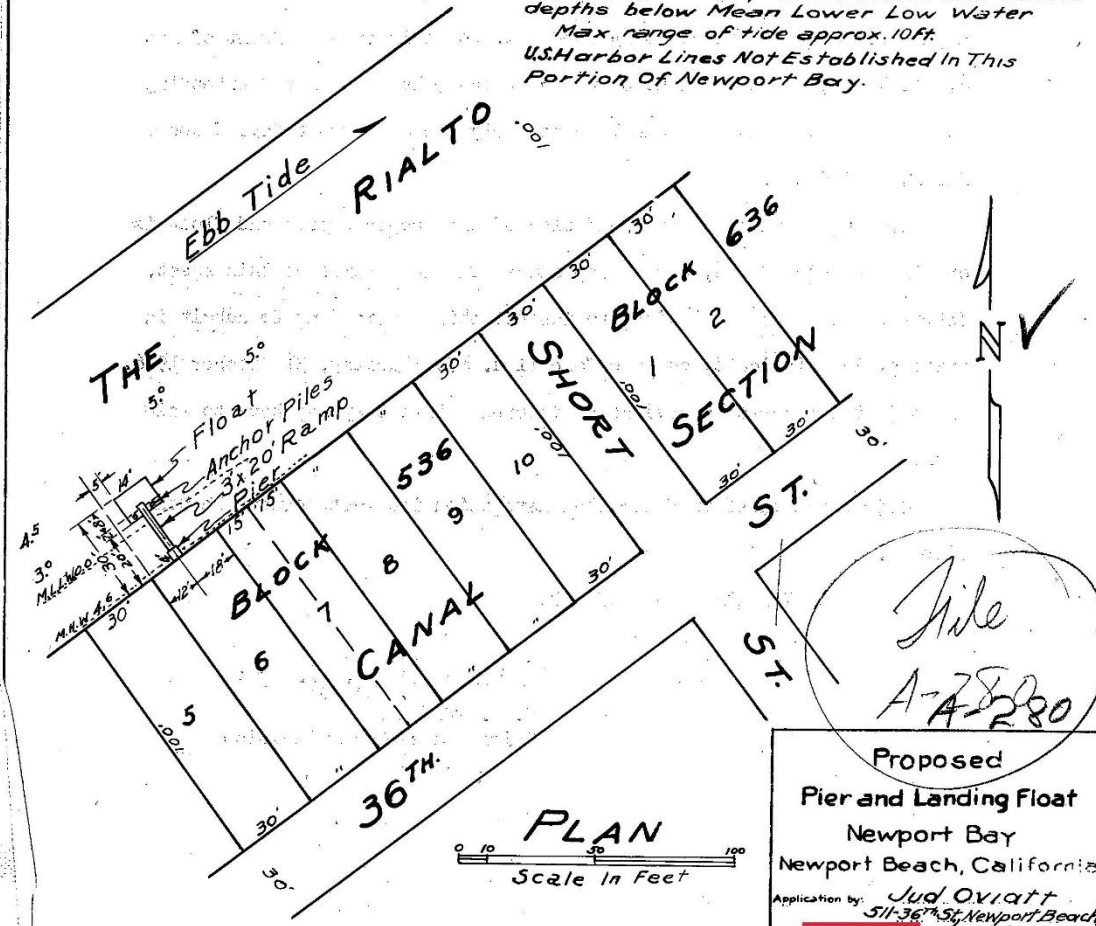
Anchor Piles  
Ramp  
Pier  
Channel Line  
Float  
Ground Line  
8'  
2'  
16'  
20'  
30'

**VICINITY SKETCH**  
Newport Bay California

0 1  
GRAPHIC SCALE MILES

Traced From Los Angeles U.S.E.D. dwg. 815A-1

Soundings are expressed in feet and denote depths below Mean Lower Low Water  
Max. range of tide approx. 10ft.  
U.S. Harbor Lines Not Established In This Portion Of Newport Bay.



Pier and Landing Float  
Newport Bay  
Newport Beach, California

Application by: Jud Oviatt  
511-36th St, Newport Beach,  
Sept 1, 1946 California



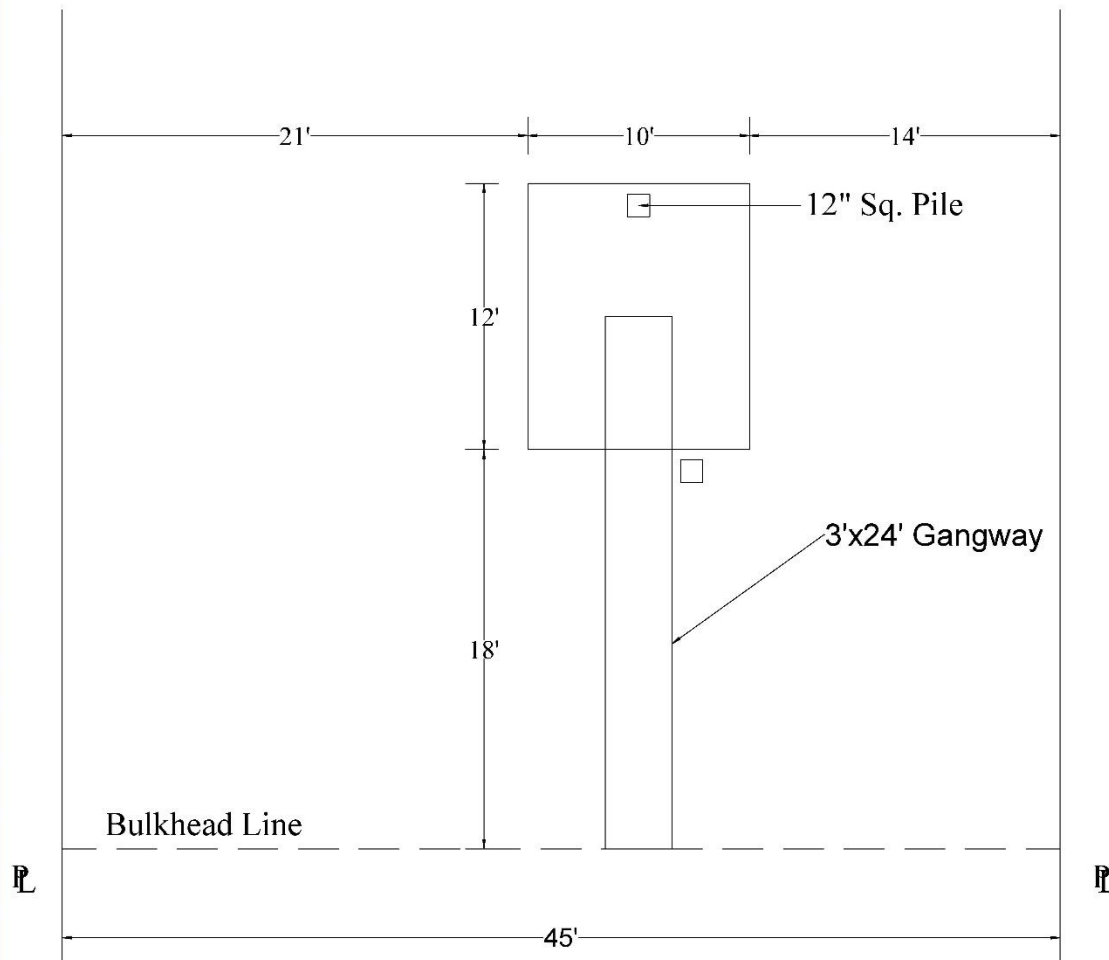
SWIFT SLIP DOCK & PIER BUILDERS, INC

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

Additional Material Presented at Meeting  
 Residential Dock Reconfiguration 511 36th Street  
 June 10, 2020

CLIENT: PATTERSON CUSTOM HOMES	AP DRAWN:	-- Checked	1.0 REVISION	06/10/20 DATE:	AMENDMENTS:			
SITE: 511 36th St, Newport Beach, CA					REV:	DESCRIPTION:	BY:	DATE:
Revised								

## PROPOSED





SWIFT SLIP DOCK & PIER BUILDERS, INC

6351 Industry Way, Westminster 92683  
 Phone: (949) 635-1234  
 Fax: (714) 509-0618

Additional Material Presented at Meeting  
 Residential Dock Reconfiguration 511 36th Street  
 June 10, 2020

CLIENT:

PATTERSON CUSTOM HOMES

AP

DRAWN:

--

Checked

1.0

REVISION

06/10/20

DATE:

AMENDMENTS:

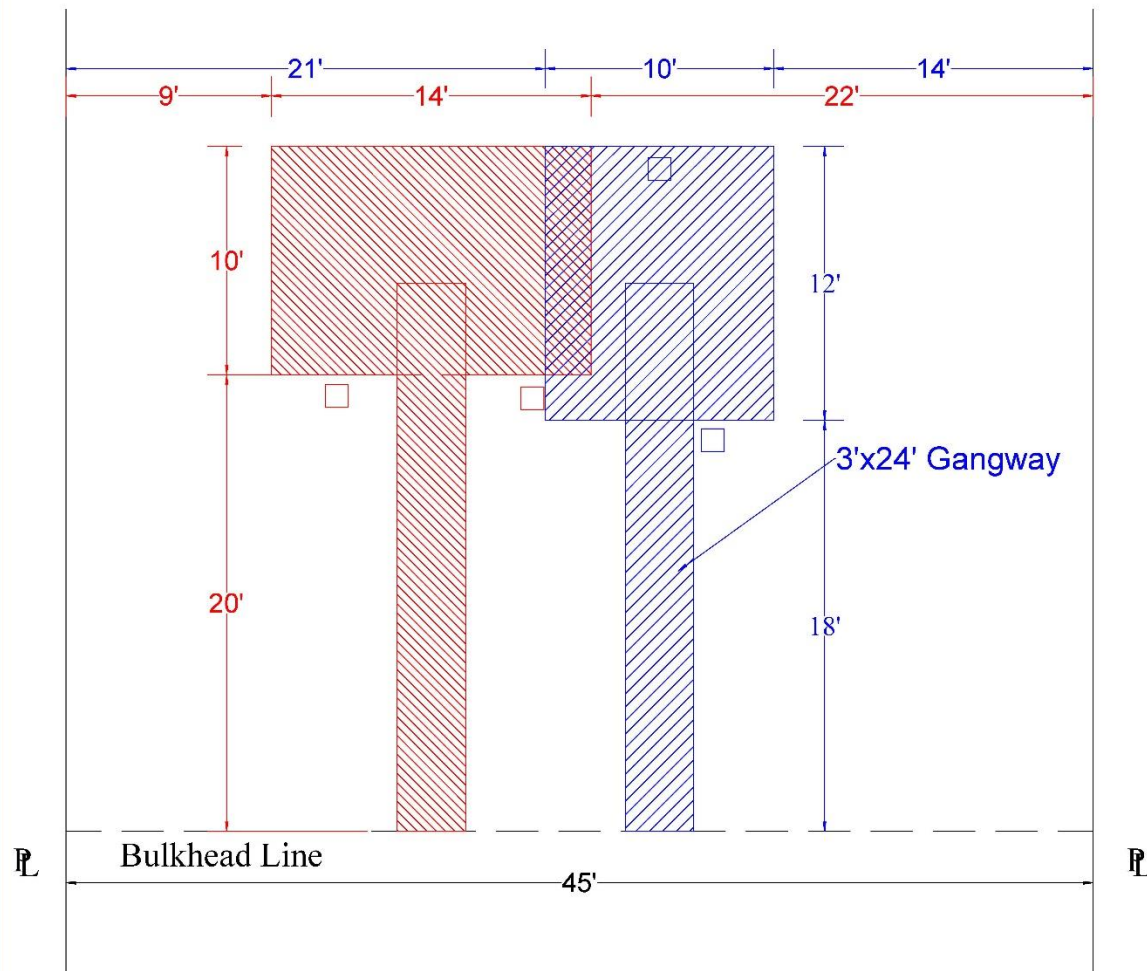
REV:	DESCRIPTION:	BY:	DATE:

SITE:

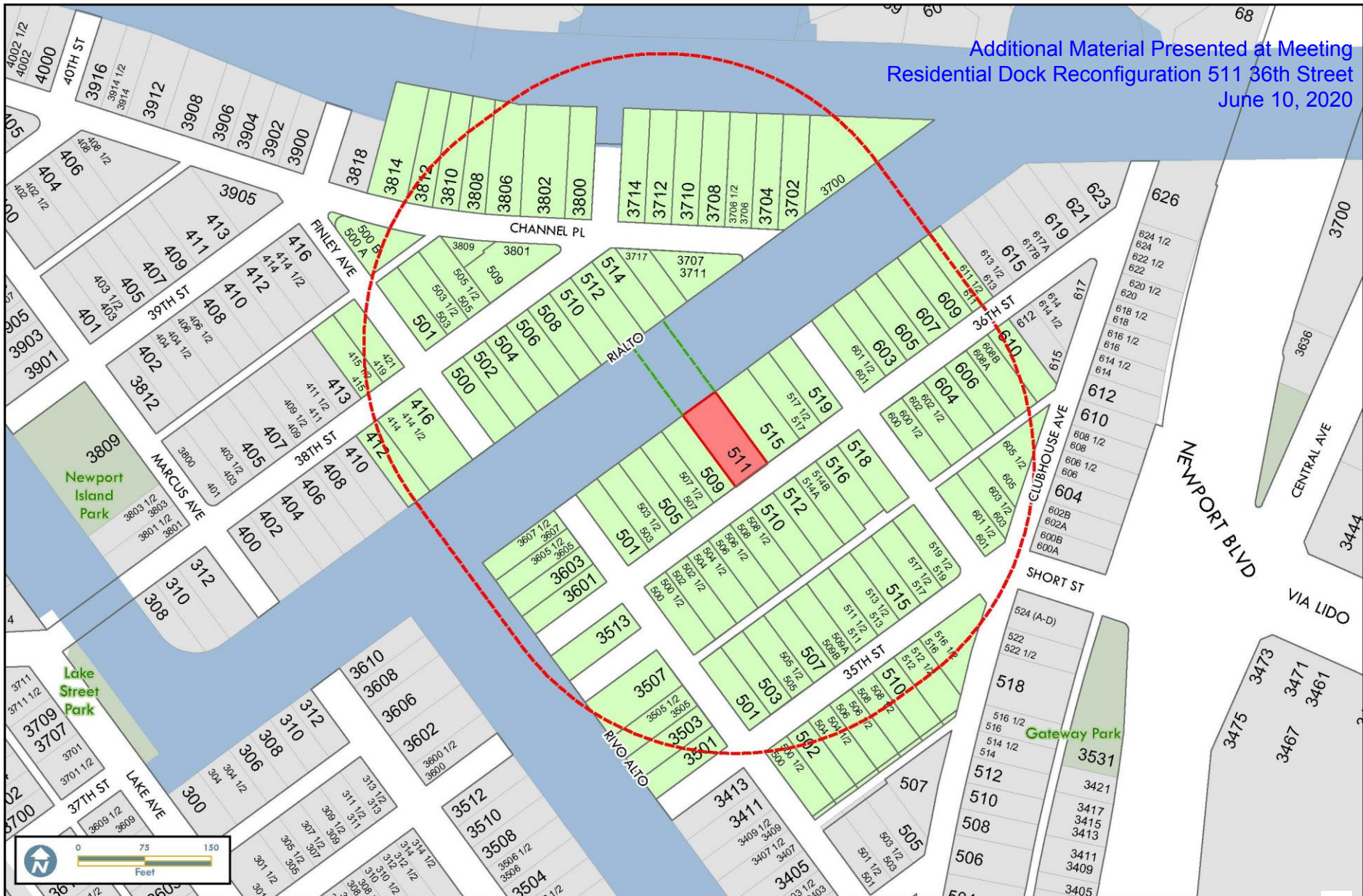
511 36th St, Newport Beach, CA

Revised

EXISTING/ PROPOSED







511 36th Street

- Prolongation of Lot Lines
- Buffer 300'
- 511 36th St
- Notified Properties



# Comments/Questions

*Your* **Public Works Department**

Protecting and Providing Quality  
Public Improvements and Services





== CITY OF ==

# NEWPORT BEACH

## Harbor Commission Staff Report

June 10, 2020  
Agenda Item No. 7.1

**TO:** HARBOR COMMISSION

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

**TITLE:** Harbor Commission 2020 Objectives

---

### **ABSTRACT:**

Each ad hoc committee studying their respective Functional Area within the Commission's 2020 Objectives, will provide a progress update.

### **RECOMMENDATION:**

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

### **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.

**NOTICING:**

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

**ATTACHMENTS:**

Attachment A – Harbor Commission 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	City Council approved the recommended changes to Title 17 and directed the ad hoc committee to review a provision allowing administrative approval of commercial dock encroachments in front of upland residential properties and the limit on the number of liveaboards allowed in commercial marinas. The ad hoc hopes to provide recommendations for commercial dock encroachments at the next meeting.	The ad hoc obtained good feedback about the limit on liveaboards in commercial marinas at their first public outreach meeting. A second outreach meeting has been scheduled for March 31. The ad hoc committee will recommend the creation of five categories for a MAP and will schedule a public meeting	The ad hoc reported that the <i>Wild Wave</i> and <i>168</i> are no longer in the Harbor.	The ad hoc for this objective is scheduled to meet in February and March and will likely schedule a public meeting shortly after.	
April 8, 2020	This meeting was canceled.				
May 13, 2020	This meeting was canceled.				
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	The item regarding mooring extensions was removed from the Council agenda the prior day so that a meeting with the Newport Mooring Association can be held. Staff noted that no mooring extensions will be issued until the policy is approved.	It was noted that discussion is needed prior to submission of a revised footprint for the West Anchorage, as well as public outreach.			
April 8, 2020	This meeting was canceled.				
May 13, 2020	This meeting was canceled.				
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	This Funtional Area had nothing to report at this meeting				
April 8, 2020	This meeting was canceled.				
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	Communication with businesses about obtaining MAPs is still taking place.			The ad hoc committee for this Functional Area has identified 158 Harbor stakeholders and related information and will continue to work on the study.	
April 8, 2020	This meeting was canceled.				
May 13, 2020	This meeting was canceled.				
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)			
March 11, 2020		Separate meetings are scheduled with PB&R and Harbor Commission to discuss Lower Castaways with staff prior to meeting together.			
April 8, 2020	This meeting was canceled.				
May 13, 2020	This meeting was canceled.				
June 10, 2020					
July 8, 2020					
August 12, 2020					
September 2, 2020					
October 14, 2020					
November 11, 2020					
December 9, 2020					

## June 10, 2020, Harbor Commission Agenda Comments

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

### ***Item 5.1. Minutes of March 11, 2020 Harbor Commission Regular Meeting***

**Suggested corrections:** The passages shown in *italics* below are from the draft minutes with suggested corrections indicated in **strikeout underline** format. The page numbers refer to those in the minutes (as opposed to the staff report).

**Page 4**, paragraph 2, last sentence: "*In a few instances, boaters or permittees have been angry, but staff has managed to ~~diffuse~~ defuse conflicts without assistance.*"

**Page 5**, paragraph 6, last sentence: "*He was puzzled by a substantive change included in the revisions to Title 17 that requires a special event permit to fasten a vessel pursuant to Section 17.25.10.*"

Note: this comment by me may have been based on too hasty reading of the code. The special event permit (mentioned in [17.25.010.A.2](#)) is required not for tying boats to piers (including, by definition, the associated floats as well as, possibly, moorings), but to tying a boat *to a boat already tied* to a pier. In any event, I suspect it is a regulation frequently ignored.

**Page 6**, Functional Area 1, sentence 2: "*The ad hoc committee hopes to provide recommendations for commercial dock encroachments at the next Harbor Commission meeting.*"

Note: I don't see such an item on the present agenda. Closed sessions regarding settlement of a dispute regarding this issue have been on numerous recent City Council agendas, including that for [June 9](#) (see III.A on page 2)

**Page 6**, Functional Area 5, sentence 3: "*Assistant City Manager Jacobs added that staff will meet with Harbor Commissioners and PB&R Commissioners separately prior to the two meeting jointly.*"

**Page 6**, last line: "*Chair Blank stated the setting of fees is not within the Harbor Commission's purview.*"

Comment: I do not share this sentiment. This may be technically true based on a reading of the Harbor Commission's powers and duties, which are stated in three places (enabling [Ordinance No. 2013-14](#), a little-remembered [Resolution No. 2017-4](#) and [Section 17.05.065](#) of the Municipal Code), but if so, one has to wonder why? Fee structures related to regulations, particularly for things like appeals, seem an integral part of those regulations.

### ***Item 7.1. Harbor Commission 2020 Objectives***

**Page 37** of the staff report, caption: "*3. Harbor Infrastructure (Cunningham) - ~~Complete evaluation for establishing day moorings off Big Corona beach~~ Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches.*"



**CITY OF**

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# **NEWPORT BEACH**

## **Harbor Commission Staff Report**

June 10, 2020  
Agenda Item No. 7.2

**TO:** HARBOR COMMISSION

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

**TITLE:** Harbormaster Update – March, April and May 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 March through May 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:**

**COVID-19 Operational Changes**

In response to the COVID-19 pandemic and the Governor's Stay at Home Order, the Harbor Department instituted a number of operational changes during the months of March, April and May.

The Department's office operations continued uninterrupted. While in-person counter services were suspended, all customer services provided through the office continued via telephone, email, and on-line services. Regular daily harbor patrols conducted by department staff also continued without interruption. Patrols took on an expanded focus related to monitoring the condition and safety of vessels in the mooring fields, during a period when boat owners were less able to care for their property. Expanded patrols of both the Newport Harbor Yacht Club and

Balboa Yacht Club mooring fields also took place during the periods when their respective waterfront programs were suspended.

Department outreach efforts took place with members of the live aboard community in the City mooring fields, aimed at confirming their well-being and offering help, as needed, during the stay at home order.

As the COVID-19 event continued and recreational boaters began returning to the Harbor, the Harbor Department participated in a "Social Distancing while Boating" informational campaign, encouraging various responsible-use practices to afford boaters access to local waterways for recreation and mental rejuvenation, while also advancing public health goals.

### **Voluntary Turn-In Program (CA Division of Boating and Waterways Grant)**

During April 2020, the Harbor Department assisted four (4) local off-shore mooring permittees who took part in the voluntary vessel turn-in program (also known as VTIP). This CA Division of Boating and Waterways program, funds the disposal of older unwanted boats, as a proactive way of addressing vessel removals prior to their creating risk of environmental concerns.

Following owner's releasing vessel ownership/titles to the City, competitive bids were collected and awarded for removing the boats from the Harbor. Three of the four vessels have since been removed from the Harbor by qualified salvage companies, and one remains in process. The Harbor Department will soon start a "round two" effort with additional boat owners who have expressed interest in the VTIP program.

### **Expanded Harbor Department Operational Hours**

Effective Saturday, May 23 and continuing through the remaining summer months, the Harbor Department's hours have expanded. Harbor Department operations now start at 8 a.m., seven days a week, and continue through 7 p.m. Sundays through Thursdays and until 8 p.m. on Fridays and Saturdays (for both office coverage and on-water patrols of the Harbor). This approach mirrors operating hours during Summer 2019, which were received well by the community.

### **Planned Test of Harbor Lights**

The Harbor Department is exploring the possibility of restoring/reinstalling approximately 20 solar lights on various markers in the Harbor. Lights of this type were previously installed as part of a local youth's Eagle Scout project. While those lights were very popular with members of the local boating community, they were removed after it was learned the equipment did not meet US Coast Guard specifications.

With the assistance of OC Sheriff's Department staff, an improved light fixture has been identified that is believed to meet the Coast Guard requirements (this style light features brighter lumen levels and ability to flash at specific cycles). Two such fixtures have been purchased as test units, and will soon be installed on a trial basis. Should the test installation prove successful, the Harbor Department will re-submit a formal request to the USCG, allowing the lights to be installed throughout the Harbor.



### **Public Information and Departmental Outreach Efforts**

An informational presentation regarding the Harbor Department, to the Balboa Island Improvement Association, was planned for Saturday, March 14. Commissioner Scully was set to represent the City at this meeting. Unfortunately, the program was canceled due to the COVID-19 outbreak.

A feature story about the Harbor Department appeared in the on-line version of the Newport Independent newspaper. The piece was organized in a question and answer format with the Harbormaster, and covered an array of general topics of interest.

An article appeared in the April 3 edition of The Log newspaper informing the local boating community about time zone changes to the 19<sup>th</sup> Street Public Dock, as previously approved by the Harbor Commission.

### **Code Enforcement Activity**

During March through May 2020, Code Enforcement staff opened 247 new cases and successfully resolved/closed 203 existing files.

During the above timeframe, there was an increase in the number of delinquent mooring accounts for which the mooring fees were more than 60 days past due (approximately double of prior trends). Permittees have been contacted about their accounts and staff will be working with them to bring their accounts current.

Monitoring and enforcement activities associated with the Harbor's public docks were relaxed during the early months of the COVID-19 event. However, with expanded use of the harbor expected during the summer months, these monitoring and enforcement efforts are resuming. Initially these activities will take the form of a brief public informational period, when reminders/warnings will be issued, followed by the resumption of the department's standard practice, where leaving one's vessel at a public dock in excess of the designated time period allowed, will result in the vessel's impound and removal from the dock.

### **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 May 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	8	37	133		306
Assisting Vessels Over 20'	4	5	4	1	-	3	2	-	2	1	-		22
Assisting Vessels under 20'	24	19	5	3	8	50	4	3	1	17	5		139
Bridge Jumpers	6	68	6	2	1	1	-	1	-	4	73		162
Daily Anchorage Check	141	257	140	112	109	39	41	41	60	158	255		1,353
Discharge/Pollution	3	9	6	3	-	2	1	1	3	-	1		29
Dock/Pier/Bridge Issue	14	16	12	10	7	6	-	8	3	31	-		107
Emergency	-	1	-	-	-	-	-	1	1	-	-		3
General Assist	35	41	15	11	19	7	7	11	51	38	28		263
Hazards/Debris	22	58	8	10	15	32	11	5	6	5	4		176
Impound	15	16	4	4	5	5	10	2	5	2	3		71
Incident	10	4	13	7	4	4	3	1	6	7	14		73
Mooring Assist	30	13	10	6	13	88	5	8	19	17	17		226
Mooring Check	229	581	220	171	211	123	198	154	205	363	195		2,650
Noise	3	-	6	-	-	-	-	-	28	1	-		10
Paddleboard/Kayak	247	179	8	1	3	-	32	-	-	5	59		562
Public Contact	147	156	89	36	33	13	-	24	18	55	116		687
Public Dock Enforcement	345	371	294	522	562	183	438	396	145	10	63		3,329
Pump Out	13	21	11	7	7	6	19	6	5	2	13		110
Registration & Insurance		242	199	46	119	28	162	62	33	43	33		967
Sea Lions	36	88	122	49	21	5	15	16	29	36	32		449
Speeding	87	58	41	5	9	9	13	16	5	17	72		332
Swim Line	1	3	4	1	1	1	1	-	1	-	2		15
Trash	247	283	278	176	238	391	140	111	44	77	215		2,200
Rentals - Marina Park Slips	143	147	107	99	43	54	33	28	36	34	125		849
# of nights	370	399	295	297	132	238	116	86	136	103	293		2,465
Rentals - MP Sand Lines	9	9	7	10	6	10	1	1	4	8	5		70
# of nights	43	32	28	59	34	41	11	2	4	14	15		283
Mooring Sub-permittee	61	54	48	28	38	31	14	12	14	28	44		372
# of nights	404	392	350	219	303	268	85	99	110	107	128		2,465
<b>Code Enforcement</b>													
New Cases	116	130	150	84	64	28	118	91	64	94	89		1,028
Closed Cases	117	165	152	69	90	39	69	85	75	72	56		989
Verbal Warning	14	37	59	35	21	4	43	9	92	57	19		390
Warning Notices	122	118	163	100	58	14	82	111	152	85	87		1,092
Admin Cites	5	6	4	10	23	3	3	4	5	4	5		72
MAPS Issued				3	9	7	3	4	4				30

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



# City Harbormaster Report March, April and May 2020 Activities

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Presentation to Harbor Commission

June 10, 2020

Kurt Borsting, City Harbormaster

Harbor Department – City of Newport Beach

# COVID-19 Operational Changes

Additional Material Presented at Meeting  
Harbormaster Report - Staff Presentation  
June 10, 2020

- Department operations continued uninterrupted.
- While counter services were suspended, all customer services continued via telephone, email and on-line.
- Patrols took on an expanded focus of monitoring vessel condition and safety in the mooring fields, during a period when boat owners were less able to care for their property.
- Expanded patrols of NHYC and BYC mooring fields during period when their programs were suspended.



*Patrols of mooring fields expanded during earlier weeks of COVID-19 event, when boat owners couldn't check on their vessels.*





# COVID-19 Operational Changes

Additional Material Presented at Meeting  
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June 10, 2020

- Department outreach took place with members of the live aboard community in the City mooring fields, aimed at confirming their well-being and offering help, as needed, during the stay-at-home-order.
- As the COVID-19 event progressed and recreational boaters began returning to the Harbor, the Dept. participated in a “Social Distancing When Boating” informational campaign, encouraging practices to afford boaters access to local waterways while also advancing public health goals.



*Example of sandwich board posters placed at public docks, yacht clubs, fuel docks and other harbor locations – encouraging social distancing when boating*



# Voluntary Vessel Turn In Program (VTIP)

Additional Material Presented at Meeting  
Harbormaster Report - Staff Presentation  
June 10, 2020

- The Harbor Department assisted four (4) mooring permittees with taking part in the VTIP program.
- This CA Division of Boating and Waterways program, funds disposal of older unwanted boats, as a proactive way of addressing vessel removals prior to their creating risk of environmental concerns.
- As of June 7, three of the four vessels have been removed from the Harbor by qualified salvage companies. One remains in process.



*Two of the four vessels recently removed from Newport Harbor as part of the VTIP program.*





# Expanded Harbor Department Hours

- Starting May 23 and continuing through all summer months, the Harbor Department hours have expanded.
- Sunday through Thursday / 8 a.m. to 7 p.m.
- Friday and Saturday / 8 a.m. to 8 p.m.
- Additional nine hours of coverage per week.
- Approach mirrors Summer 2019 operations.



*Lydia Sands, is one of the Department's team members. She and her co-workers<sup>65</sup> will be available to assist boaters during expanded hours this Summer.*



# Planned Test of Harbor Lights

Additional Material Presented at Meeting  
Harbormaster Report - Staff Presentation  
June 10, 2020

- Harbor Department is exploring restoring approximately 20 solar lights atop of various markers in the Harbors
- Similar lights were previously installed as part of an Eagle Scout community service project. They were popular with local boaters.
- Unfortunately those lights needed to be removed, after it was learned the equipment did not meet US Coast Guard standards.



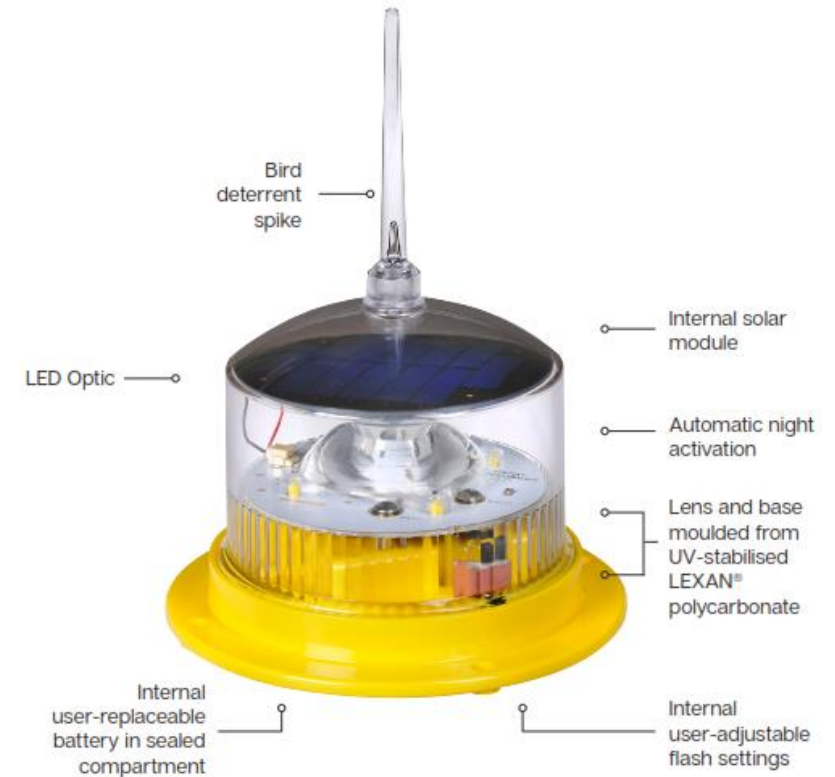
*Map above plots the locations proposed for  
reinstallation of Harbor lights. Two of these<sup>66</sup>  
locations will be selected for a short term test.*



# Planned Test of Harbor Lights

Additional Material Presented at Meeting  
Harbormaster Report - Staff Presentation  
June 10, 2020

- With the help of the OC Sheriffs Department staff, an improved light fixture has been identified that is believed to meet the Coast Guard requirements.
- Because these requirements include brighter lumen levels and flashing as specific cycles – Harbor Department staff plan a test of two fixtures, to confirm the lights are not met with opposition from those residing near the equipment.
- Should the test installation prove successful, the Harbor Department will re-submit a formal request to the USCG allowing the lights to be installed throughout the Harbor.



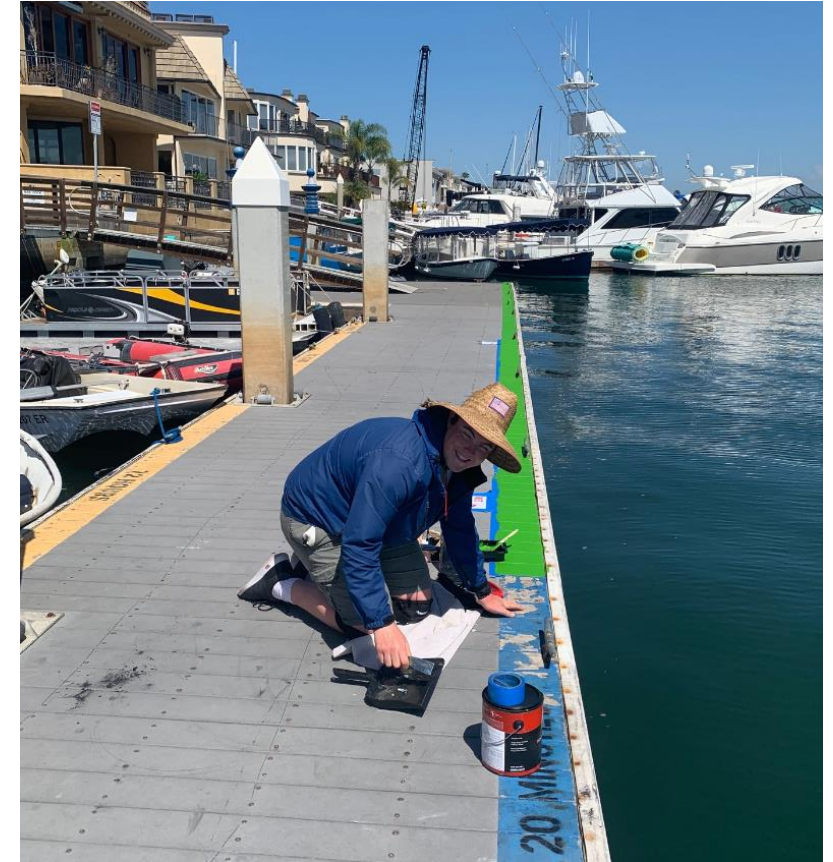
***Example of the Sealite Solar Marine Lantern, the fixture currently being tested by the Harbor Department for possible installation strategically in Newport Harbor.***





# Public Information Outreach Efforts

- A May 14 feature story about the Harbor Department appeared in the Newport Independent Newspaper.
- An article ran in the April 3<sup>rd</sup> edition of the Log newspaper informing the local boating community about time zone changes to the 19<sup>th</sup> Street Public Dock.
- An informational presentation regarding the Harbor Dept. was planned with the Balboa Island Improvement Association, for Saturday March 14. Commissioner Scully was set to represent the City at this meeting, however the program was canceled due to COVID-19.



*Jackson Halphide, one of the Harbor Dept.'s team members, repainting the 19<sup>th</sup> Street Public Dock, following Harbor Commission's approval of updated time limits.*





# Select Harbor Department Statistics

Additional Material Presented at Meeting  
Harbormaster Report - Staff Presentation  
June 10, 2020

CATEGORY	March	April	May	YTD
• Marina Park Slip Rentals (Reservations)	36	34	125	849
• Marina Park Slip Rentals (# of Nights)	136	103	293	2,465
• Marina Park Sand Line Rentals (Reservations)	4	8	5	70
• Marina Park Sand Line Rentals (# of Nights)	4	14	15	283
• Mooring Sub Permittees	14	28	44	372
• Mooring Sub Permittees (# of Nights)	110	107	128	2,465



# Select Harbor Department Statistics

Additional Material Presented at Meeting  
Harbor Master Report - Staff Presentation  
June 10, 2020

CATEGORY	3/19	3/20	4/19	4/20	5/19	5/20	YTD 19	YTD 20
• MP Slip Rentals (Reservations)	110	36	105	34	99	125	1,044	849
• MP Slip Rentals (# of Nights)	272	136	215	103	225	293	3,034	2,465
• MP Sand Line Rentals (Reservations)	12	4	20	8	26	5	360	70
• MP Sand Line Rentals (# of Nights)	75	4	67	14	52	15	1,598	283
• Sub Permittees	93	14	50	28	38	44	1,134	372
• Sub Permittees (# of Nights)	379	110	339	107	254	128	8,150	2,465





# City Harbormaster Report March, April and May 2020 Activities

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