



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, July 14, 2021 - 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
Paul Blank, Harbormaster
Jennifer Biddle, Administrative Support Specialist

SPECIAL NOTICE REGARDING COVID-19

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 by electronic means. Please be advised that to minimize the spread of COVID-19, Harbor Commission Members may attend this meeting either electronically or telephonically.

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

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

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

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

- 1) **CALL MEETING TO ORDER**
- 2) **ROLL CALL**
- 3) **PLEDGE OF ALLEGIANCE**
- 4) **PUBLIC COMMENTS**

Public comments are invited on 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 non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

5) **APPROVAL OF MINUTES**

1. **Draft Minutes of the June 9, 2021 Harbor Commission Regular Meeting**

[6-9-2021 Harbor Commission Draft Minutes](#)

[Additional Material Received Comments to 6-9-2021 Draft Minutes Commissioner Scully.pdf](#)

[Additional Material Received Comments to 6-9-2021 Draft Minutes Commissioner Marston.pdf](#)

6) **ELECTION OF OFFICERS**

The Harbor Commission will elect officers for the 2021-22 year.

Recommendation:

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

2) Elect Chair;

3) Elect Vice Chair; and

4) Elect Secretary.

7) **PUBLIC HEARING(S)**

1. **Residential Dock Reconfiguration at 605 Via Lido Soud**

The applicant at 605 Via Lido Soud is proposing to reconfigure the residential dock system by replacing the pier, pier platform, gangway and U-shaped float with a similar dock system including a single-finger float. The proposed float extends beyond the pierhead line, but less than the existing, permitted float. Because the applicant is proposing to position the float beyond the pierhead line, 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.

Recommendation:

1) Conduct a public hearing;

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 605 Via Lido Soud 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 605 Via Lido Soud - Addendum Swift Slip.pdf](#)

[Additional Material Presented at Meeting Staff Presentation 605 Via Lido Soud 07-14-2021 HC Meeting.pdf](#)

2. Residential Dock Reconfiguration at 633 Via Lido Soud

The applicant at 633 Via Lido Soud is proposing to reconfigure the residential dock system by replacing the pier, pier platform, gangway and float with a similar dock system. The proposed float extends beyond the pierhead line the same distance as the existing permitted float. Because the applicant is proposing to position the float beyond the pierhead line, 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.

Recommendation:

1) Conduct a public hearing;

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 633 Via Lido Soud 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 Presented at Meeting Staff Presentation 633 Via Lido Soud 07-14-2021 HC Meeting.pdf](#)

1. Caulerpa in Newport Harbor

The invasive algae, *Caulerpa prolifera*, was recently found growing in the Entrance Channel area of Newport Harbor. Staff will provide an update to the Harbor Commission on the current efforts to remove and eradicate the algae.

Recommendation:

1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

2) Receive and file.

[Staff Report](#)

[Additional Material Presented at Meeting Staff Presentation](#)

[Caulerpa 07-14-2021 HC Meeting.pdf](#)

2. Council Policy H-1 - Harbor Commission Review of Proposed Changes

As a result of recent applications for dock extensions and reconfigurations brought before the City Council, the City Council raised a concern regarding the inability of the Harbor Commission to resolve applications. The City Council requested the Harbor Commission review the policy and recommend changes that may allow them to approve dock permit applications that cannot otherwise be approved by staff. The Harbor Commission established a subcommittee at the February 10, 2021 Harbor Commission meeting, to review City Council Policy H-1, Harbor Permit Policy, to clarify the Policy's intent and process in order to assist staff and the Harbor Commission when considering future applications. The City Council also directed the Harbor Commission to review the recent changes adopted in 2020 and to make recommendations to the City Council regarding any proposed revisions thereto.

Recommendation:

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

2) Review, modify and/or approve changes proposed by the Harbor Commission subcommittee to Council Policy H-1 and forward the recommendations to the City Council for consideration.

[Staff Report](#)

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

[Attachment B - Council Policy H-1 - Final](#)

3. Affordable Access Project - Creation of Subcommittee

As part of the Harbor Commission's review of harbor activities, Chairman William Kenney has requested the Harbor Commission's consideration of creating a subcommittee to consider affordable access to the harbor.

Recommendation:

1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

2) Determine if there is interest in creating a subcommittee and if so, who will be on the committee.

[Staff Report](#)

4. Ad Hoc Committee Updates

Several ad hoc committees have been established to address short term projects outside of the 2021 Harbor Commission objectives. The ad hoc committees will provide an update on their projects.

Recommendation:

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

2) Receive and file.

[Staff Report](#)

[Additional Material Presented at Meeting Commissioner Presentation 07-14-2021 HC Meeting.pdf](#)

5. Harbor Commission 2021 Objectives

Each ad hoc committee studying their respective Functional Area within the Commission's 2021 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; and

2) Receive and file.

[Staff Report](#)

[Attachment A – Harbor Commission 2021 Objectives](#)

[Attachment B – Harbor Commission 2021 Objectives Tracking Sheet](#)

6. Harbormaster Update - June 2021 Activities

The Harbormaster is responsible for the management of the City's mooring fields, the Marina Park Guest Marina, a variety of Harbor activities and Harbor on-the-water City code enforcement. This report will update the Commission on the Harbor Department's activities for May 2021.

Recommendation:

1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

2) Receive and file.

[Staff Report](#)

[Attachment A – Harbor Stats – Year to Date](#)

[Attachment B – Harbor Stats – Year over Year Comparison](#)

[Attachment C – Harbor Stats - Definitions.pdf](#)

[Additional Material Presented at Meeting Staff Presentation Harbormaster Report 07-14-2021 HC Meeting.pdf](#)

9) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

10) QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES

[Additional Material Presented at Meeting Mooring Permit Update Staff Presentation 07-14-2021 HC Meeting.pdf](#)

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

12) DATE AND TIME FOR NEXT MEETING: Wednesday, August 11, 2021 at 5 p.m.

13) ADJOURNMENT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
Council Chambers, 100 Civic Center Drive, Newport Beach, CA
Wednesday, June 9, 2021
5 p.m.

1) CALL MEETING TO ORDER

The meeting was called to order at 5:01 p.m.

2) ROLL CALL

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

Staff Members: Carol Jacobs, Assistant City Manager
Paul Blank, Harbormaster
Chris Miller, Public Works Administrative Manager
Matt Cosyion, Code Enforcement Supervisor
Jennifer Biddle, Administrative Support Specialist

3) PLEDGE OF ALLEGIANCE – Commissioner Scully

4) PUBLIC COMMENTS

None.

5) APPROVAL OF MINUTES

1. Draft Minutes of the May 12, 2021 Harbor Commission Regular Meeting

Chair Kenney remarked that Commissioners Scully, Marston and himself have provided comments to staff regarding the draft minutes.

Jim Mosher mentioned on Page 1 in public comments under Item 4, the word extent should be changed to extend. Also, on Page 5, the top paragraph, the word “used” should be changed to “issued”.

Secretary Beer suggested on Page 5 under Functional Area 2, the word “will” should be changed to “is expected” regarding the temporary west anchorage.

Secretary Beer moved to approve the draft Minutes of the May 12, 2021 meeting as amended by Chair Kenney, Commissioners Marston, Beer, Scully and Mr. Mosher. Commissioner Scully seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Kenney, Vice Chair Cunningham, Secretary Beer, Commissioner Marston, Commissioner Scully, Commissioner Williams

Nays: None

Abstaining: None

Absent: Commissioner Yahn

6) CURRENT BUSINESS

1. Harbor Department Code Enforcement Program

The Harbor Department is responsible for many of the harbor-related programs and services in the City of Newport Beach (City). A robust code enforcement program is needed to protect and maintain the health, safety, and charm of Newport Harbor through the enforcement of Title 17 regulations and applicable State and Federal laws. This report will update the Harbor Commission on enforcement activities since March 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.

Code Enforcement Supervisor Matt Cosyion advised the Commission to provide feedback regarding areas that code enforcement should spend more time on, divert resources to, or express any concerns that have been raised by the public. Code enforcement focuses on education and obtaining voluntary compliance whenever possible. The department operates within the framework of Council Policy K-9. The department was formed in 2018 and currently has three part-time staff. The department runs the Marine Activities Permit Program (MAP), the Small Harbor Operator Registration Program, the Live-Aboard Permit Program, and the day-to-day patrol activities. In terms of the MAP Program, the department has issued 47 MAPs with 12 applications under review. The Small Harbor Operator Registration Program was implemented in January of 2021 and requires all businesses who operate in Newport Harbor to hold a MAP. Currently, the department has registered 18 businesses in the program. Staff continues to seek out businesses operating within the harbor who do not have a MAP and help them become registered. In regard to the Live-Aboard Permit Program, the department assists with the application process and conducts vessel inspections. In terms of the Anchorage, Berthing, and Mooring Regulations Program, the department patrols the mooring fields daily for violations to Title 17 as well as boats that look like they have not been used in some time. The department has started the Dye Tab Program and is placing dye tabs in vessels that stay overnight in the anchorage or on rented moorings. Bridge jumping enforcement has issued two citations so far and code enforcement will continue monitoring the City's bridges. In terms of the Vessel Turn in Program (VTIP), the department is reaching out to folks who are interested in having their vessel destroyed.

In answer to Secretary Beer's questions regarding the number of vessels in the MAP Program, and maximum MAPs that can be issued, Code Enforcement Supervisor Cosyion remarked that he can provide the number of vessels in the MAP Program to the Committee at a later time. In terms of the maximum number of MAPs that can be issued, Code Enforcement Supervisor Cosyion stated that the code does not limit the number but addresses potential impacts to health, safety, and general welfare of the community due to too many MAPs being issued. He mentioned that there is a natural limitation caused by the parking standard. Secretary Beer commented that visually it appears that there is a substantial number of rented vessels on the harbor. Secretary Beer also inquired regarding noise regulation, how many Live-Aboard Permits have been issued and derelict vessels. Supervisor Cosyion confirmed there is a restriction on noise both at docks as well as in the water. In terms of Live-Aboard Permits, he mentioned that there are 51 permits and the program is at full capacity. In terms of derelict vessels, the department is encouraging permittees to clean their boats regularly and the department has asked a small number of permittees to demonstrate that their vessel is seaworthy.

Vice Chair Cunningham appreciated the presentation and thanked code enforcement for their hard work. In response to his questions regarding enforcement of live-aboards in commercial marinas and business licenses required for a MAP, Code Enforcement Supervisor Cosyion answered yes, four live-aboard applications are in the approval process and businesses must have a City of Newport Beach business license in order to obtain a MAP. In answer to Vice Chair Cunningham's inquiries regarding businesses like rentmyboat.com and the Orange County Sheriff's Department bringing derelict boats into the harbor, Code Enforcement Supervisor Cosyion confirmed that code enforcement staff does monitor all rentmyboat.com

type platforms. Citations have been issued when there is clear evidence that the business is engaging in rental activities. He reported that he has not noticed the Orange County Sheriff's Department bringing boats into the harbor on a consistent basis.

Commissioner Scully acknowledged Code Enforcement Supervisor Cosylon's professionalism and his commitment to his work. In reply to his inquiries regarding Groupon boat rentals and MAP permittees speeding in the harbor, Code Enforcement Supervisor Cosylon confirmed that short-term lodging in the harbor is not an allowed use. In terms of speeding, Code Enforcement Supervisor Cosylon reported that several operators have received citations for speeding. Code enforcement had held several meetings with operators to educate them on speeding and requested that all captains be made aware of the impacts that speeding causes. In answer to Commissioner Scully's query if any of the Live-Aboard Permits come from the large yachts that houses a crew, Code Enforcement Supervisor Cosylon answered no.

In answer to Chair Kenney's queries regarding how a business is verified to be in the SHOR Program versus the MAP Program and the large amount of vacant offshore moorings, Code Enforcement Supervisor Cosylon explained that a business has to demonstrate that they were in operation prior to the update to Title 17, Chapter 17.10. In terms of vacant moorings, he mentioned there has been turn over and some permittees do not house a vessel on the mooring. Chair Kenney acknowledged that the code was amended to allow permittees to own a mooring but not house a boat on it. He agreed that though there is not a limit on how many MAPs can be issued, parking restrictions will help limit the number of MAPs issued naturally. He echoed the remarks made by the other Commissioners regarding the exceptional work of the Code Enforcement Team.

Jim Mosher is surprised to see that bridge jumping is part of the code enforcement duties. He mentioned that the City Council may not be aware that code enforcement monitors all bridges based on their lengthy discussion that they had at a previous budget hearing.

Chair Kenney understood that code enforcement issues citations for jumpers but there are no active lifeguards on duty at the bridges. Harbormaster Paul Blank confirmed that there are no permanent postings of Harbor Department resources at any of the bridges. He shared that coordination between the Harbor Department, Police Department, Lifeguards and the Fire Department is happening to discourage bridge jumping.

Heidi Hall confirmed that many boats coming into the Harbor in the evenings violate the speed limit. She was happy to hear that citations have been written and requested that noise on the party boats be addressed.

2. Council Policy H-1 - Harbor Commission Review of Proposed Changes

As a result of recent applications for dock extensions and reconfigurations brought before the City Council, the City Council raised a concern regarding the inability of the Harbor Commission to resolve applications. The City Council requested the Harbor Commission review the policy and recommend changes that may allow them to approve dock permit applications that cannot otherwise be approved by staff. The Harbor Commission established a subcommittee at the February 10, 2021 Harbor Commission meeting to review City Council Policy H-1, Harbor Permit Policy, to clarify the Policy's intent and process, in order to assist staff and the Harbor Commission when considering future applications. The City Council also directed the Harbor Commission to review the recent changes adopted in 2020 and to make recommendations to the City Council regarding any proposed revisions thereto.

Recommendation:

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

- 2) Review, modify, and/or approve changes proposed by the Harbor Commission subcommittee to Council Policy H-1 and forward the recommendations to the City Council for consideration.

Chair Kenney requested that Deputy City Attorney Jeremy Jung provide a summary of the suggested changes made by the City Attorney's Office.

Deputy City Attorney Jung stated that the City Attorney Office's comments are related to areas of potential ambiguity and unintended consequences. In terms of the proposed change to Item Number Two, he stated that the change put the responsibility upon code enforcement on being able to go out and actively looked at existing conditions and issue a Notice of Violation. The unintended consequence is a newly constructed dock that can extend past the pierhead line, if it has not received a Notice of Violation. He suggested the Committee explore language that includes a condition where proof must be shown that the dock has encroached past the pierhead line for a certain amount of time. The second recommendation refers to Item Number Four where it cites that any vessel utilizing a pier float and not extending bay ward past the project line. The language is unclear as to the reference of "any vessel" and he suggested the Commission clarify that language. Staff believed the intent was to allow any vessel that has been there historically, rather than a newly acquired vessel. In Item Number Five, subpart B and C, the language as written reads "maintain or enhance public access" and then "preserve or enhance visual character". That language was taken from the purpose section of Title 17 which says "maintain and enhance" and "preserve and enhance". The other big change is the reference to staff in Policy H-1 regarding situations where the pierhead line applies and the pier float extends past it and situations where projects do not fall within the first situation. Staff suggested there be a reference to the Rules of Interpretation in Title 17 instead of the Ad Hoc Committee's recommended change. The last suggestions include using a different term instead of like-for-like and tighten up the language in the second paragraph under policy.

In answer to Vice Chair Cunningham's question of including areas of the harbor that would normally be approved by staff in the document, Chair Kenney believed that the last paragraph in the document gives staff the right to handle situations where there are replacements and he agreed that "like-for-like" should be changed to "same size and configuration". Vice Chair Cunningham was hopeful that the new changes would reduce the workload for the Commission and provide staff more leeway to approve applications. Chair Kenney believed that all the applications that the Commission has reviewed in the prior months were applications that needed to come before the Commission.

Secretary Beer suggested to include language to Item Two that reads "nor does one currently exist". With respect to Item Five, subparts B and C, he agrees with Deputy City Attorney Jung's comments. He mentioned there are concerns regarding aesthetics and suggested adding language that reads "that it shall aesthetically remain consistent with its surroundings". With respect to Item Four, he remarked that consistently throughout the harbor, the project line is 15 to 20-feet beyond the pierhead line. He stated there has to be a distance that vessels should not encroach past. With that understanding, he suggested the word "greater" be changed to "the lesser of".

Commissioner Marston mentioned that in Item Five D, the language is very vague and should include language that views should be preserved. In terms of Item Two, she agrees with Secretary Beer's comment.

Commissioner Scully echoed Secretary Beer's concerns regarding Item Four.

Commissioner Williams believed that the recommended changes allowed the Commission more latitude. In answer to his question regarding introducing a timing component for Item Two, Deputy City Attorney Jung explained that using the existing language "previously permitted", permitted could mean several things. The change to include Notice of Violation removes any establishment of time.

Chair Kenney supported the language of the first paragraph under policy. Deputy City Attorney Jung noted that the scenario is also addressed in the Municipal Code Section 17.35.030(a) and staff can paraphrase that from Title 17. With respect to Item Two, Chair Kenney agreed with the other Commissioners' comments. He asked if there is a way to redraft Item Two to provide for other criteria that codifies the intent which is if the dock has been there for a long time, the owner has a right to use it. With respect to Item Three, he remarked that if the dock is a u-shape, the length of the vessel will be limited by the actual width

of the dock. He agreed with Secretary Beer and Commissioner Scully that in Item Four the words “the greater of” should be changed to “the lesser of” as well as Commissioner Marston’s comment about adding a view provision. With respect to the last paragraph, he wanted to keep that paragraph in the document, remove the words “like-for-like” and replace them with “same size and configuration”.

Jim Mosher mentioned that he submitted his comments in writing regarding Title 17 to the Commission as was requested by the Chair regarding the policy. He disagreed that the last paragraph in the document allows staff to make decisions on “like-for-like” replacements. He believed that the last paragraph only gives staff the authority to make those decisions where there is not a defined pierhead line. He agreed that Item Two is problematic with its reference to a Notice of Violation. He felt the language was encouraging folks to install an illegal pier or float. He declared that the source of confusion regarding Title 17 comes from the two Council Members who have conflicting viewpoints on if a float should extend past the pierhead line or not.

Chair Kenney noted he did not receive any written comments from Mr. Mosher. With respect to Mr. Mosher’s comment regarding the last paragraph, he restated the intent is to allow the Harbor Resources Manager to approve the same size and configuration replacement only in areas where there is not a pierhead line. The standard practice is that a homeowner can repair or replace their pier float “like-for-like” anywhere in the Harbor by going through the Public Works Department. With respect to the issue of whether or not an encroachment is permitted, he summarized that the policy used to say that the Harbor Commission did not have the right to act unless the Commission could make all five findings.

Harbormaster Blank appreciated the discussion regarding Item Two and the Notice of Violation provision. He agreed with all the other changes recommended by the Ad Hoc Committee and reminded the Commission that the policy is a Council Policy, not a Harbor Commission policy.

Chair Kenney suggested that Deputy City Attorney Jung provide alternative language for Item Two. He recommended that the Ad Hoc Committee review the policy one more time and incorporate the suggestions made during the meeting. Then bring the policy back to the Harbor Commission for another review.

Vice Chair Cunningham agreed with Chair Kenney’s suggestion.

Secretary Beer understood that the additional changes suggested and discussed will be incorporated by the City Attorney. Chair Kenney confirmed that is correct.

Commissioner Marston, Commissioner Scully, and Commissioner Williams concurred with Chair Kenney’s suggestions.

Chair Kenney requested that Deputy City Attorney Jung provide a revised Title 17 to the Ad Hoc Committee within the next couple of weeks.

Deputy City Attorney Jung requested a summary of the changes the Commission discussed. Chair Kenney and Secretary Beer volunteer to provide the summary.

3. Ad Hoc Committee Updates

Several ad hoc committees have been established to address short term projects outside of the 2021 Harbor Commission objectives. The ad hoc committees will provide an update on their projects.

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.

Commissioner Marston reported that the Ad Hoc Committee is investigating floats and other devices within the Harbor. The Ad Hoc Committee conducted a field review and found that the problem is not as extensive as they thought. The Ad Hoc Committee will continue to do field reviews and discuss how to manage the issues that are existing.

Secretary Beer reported that the Ad Hoc Committee is exploring the possibility of transporting and depositing contaminated materials into a land-based disposal site. A public discussion was held at the City Council meeting at the end of May 2021. The City Council did approve the use of a Confined Aquatic Disposal (CAD) but advised the Ad Hoc Committee to work in parallel with Mr. Lucky and his team on alternatives. Mr. Lucky's team provided a proposal that was very expensive, which staff provided a response to and the Ad Hoc Committee is waiting for a response back from Mr. Lucky's team.

Commissioner Scully expressed that Chair Kenney and Secretary Beer did a great job presenting their items to Council.

4. Harbor Commission 2021 Objectives

Each ad hoc committee studying their respective Functional Area within the Commission's 2021 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; and
- 2) Receive and file.

Functional Area 1: Chair Kenney announced that Objective 1.1 will be revisited later in the year. With respect to Objective 1.2, code enforcement has made great progress in bringing commercial users in the Harbor into compliance and the Ad Hoc Committee will be revisiting the objective later in the year. With respect to Objective 1.3, staff will be providing an update on the distribution of the new Mooring Permits and any feedback that has been received. With respect to Objective 1.4, the Ad Hoc Committee is waiting for feedback from mooring permittees. With respect to Objective 1.5, staff will be providing a status update later in the meeting.

Functional Area 2: Secretary Beer reported that Commissioner Scully is working on Objective 2.1. Harbormaster Blank explained earlier in the meeting that there is a delay in the west anchorage. With respect to Policy H-3, there are discrepancies in the Geographic Information System (GIS) maps. Assistant City Manager Carol Jacobs and Harbormaster Blank provided corrections and those maps will be resubmitted.

Vice Chair Cunningham reported with respect to Objective 2.4, the Ad Hoc Committee is seeking a meeting with the Balboa Island Improvement Association to begin discussions. He reported that there are no beam specifications for onshore moorings and he requested that the Harbor Department flag any applications that are planning to house a vessel with a beam over 8 feet. He acknowledged that this objective will take a lot of time and suggested starting with the onshore mooring specifications first.

Secretary Beer stated with respect to Objective 2.5, staff is working with an engineering firm to come up with design specifications for a multi-vessel mooring. He predicted that staff will have more information on that by the middle of June.

Chair Kenney agreed that there should be an 8-foot beam restriction on any onshore moorings.

Functional Area 3: Vice Chair Cunningham reported with respect to Objective 3.1, that the Coastal Commission will be reviewing and renewing the RGP54 by the end of the year. With respect to Objective 3.2, the objective will be incorporated into Objective 2.4. With respects to Objective 3.3, dredging has begun and continues to move forward smoothly

Functional Area 4: Commissioner Scully stated with respect to Objective 4.1 there is no report. With respect to Objective 4.2, Commissioner Marston and himself will be meeting to formulate next steps. With respect to Objective 4.3, the Ad Hoc Committee and staff continue to identifying charter operators within the harbor. There have been discussions with Ms. Jacobs and Harbormaster Blank on using existing technology within the City to build a harbor database.

3. Harbormaster Update – May 2020 Activities

The Harbormaster is responsible for the management of the City's mooring fields, the Marina Park Guest Marina, a variety of Harbor activities and Harbor on-the-water City code enforcement. This report will update the Commission on the Harbor Department's activities for May 2021.

Recommendation:

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- 2) Receive and file.

Harbormaster Blank updated the Commission on the temporary west anchorage. The anchorage was approved in April of 2021. The Local Notice to Mariners has been achieved, but the application for the buoys to mark the edges has not been approved. He disclosed he has tried to request a status update on the application but has received no response. He predicted that that Coast Guard will not take action until the temporary permit expires which is on September 7, 2021. He reported that the three patrol vessels will be properly registered by early July 2021 and August 2021. All three vessels now have a suitable ground tackle on board as well as tackle that can be used for other vessels. Vessels HD2 and HD3 are now equipped with depth sounders, GSP and AIS. With respect to requests for Large Vessel Anchorage Permits, one application has been received and processed. An alternative arrangement has been planned in case the Coast Guard does not approve the temporary permit. The vessel will be in the Harbor from June 25, 2021 to June 27, 2021 for an entertainment-style event. The Harbor Department requested a collaboration with the Newport Beach Police Department over the Memorial Day weekend. The Police Department was very receptive in establishing a protocol in which the Harbor Department can request uniformed armed support if needed over the weekend. Though the Police Department was never engaged, the Harbor Department was grateful to have their help and will be using that collaboration in the future. With respect to bridge jumping, City Council discussed the subject at length at their May 2021 meeting. The Harbor Department has established protocols and operations related to deterring and writing citations for bridge jumping. He advised the Commission to explore the inconsistencies between the original intent of onshoring moorings and the limitation for tying tenders to boats on offshore moorings. Onshore moorings permit a tender up to 18 feet and the original intent for onshoring moorings was to provide tenders to people who have offshore moorings. Title 17 limits tenders tied to permitted boats on offshore moorings to 14 feet. With respect to the purchasing efforts related to finding new mooring support and dock cleaning services, those services will be re-established on July 1, 2021. Council Member Muldoon has requested that the Commission evaluate improved experiences for residences and casual users within the harbor. Several harbor front residents have expressed concerns regarding causal or non-committed boaters using the harbor without the best intentions.

In answer to Vice Chair Cunningham's question regarding impacts to large vessel moorings outside of the temporary west anchorage, Harbormaster Blank explained that the local commander of the Scepter Long Beach/Los Angeles has verbally expressed that should additional requests for temporary large vessel anchorage reach her. She will approve them without further review with no special markings. Harbormaster Blank produced an application that followed the protocol for the three most recent successful applications and permit approvals but has heard no word when it will be approved or if it will be approved. Vice Chair Cunningham mentioned that the Harbor Department has done studies on who owns the onshore moorings.

It was determined that 90 percent of the current onshore mooring permittees do not have offshore moorings. The onshore moorings are being used primarily for boat storage.

In reply to Secretary Beer's request for clarification if a shore mooring can have a vessel on it up to 18 feet as well as a tender tied to it, Harbormaster Blank explained that a dual permittee cannot take an 18-foot tender from a shore mooring to an offshore mooring and tie it to the vessel housed at the offshore mooring. In response to Secretary Beer's query if the City Attorney's Office has been consulted about installing buoys for the temporary west anchorage, Harbormaster Blank reported he has not consulted the City Attorney's Office due to them addressing more sensitive matters. He has reached out to Congressmen Steele's office to seek support from her staff.

In reply to Chair Kenney's query regarding a vessel anchoring in the turning basin without the temporary west anchorage being marked, Harbormaster Blank expressed that harbor staff will indicate to the vessel that there are no boundaries marked, there may be challenges associated with the vessel staying in that area but the boat will not be asked to leave. Chair Kenney requested a status update on the City acquiring the tackle that was used by Invictus. Harbormaster Blank stated he is not involved in the negotiations but has heard no objections to the City acquiring the tackle. Chair Kenney mentioned it will be beneficial if the City controls the tackle. He observed that there have been 106 new cases of code violations in the month of May. In answer to Council Member Muldoon's request, he said that if the Harbor Department had a bigger budget and more staff. More staff could be on the water to manage boaters.

7) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEM)

Secretary Beer announced that Vice Chair Cunningham, Harbormaster Blank, and himself conducted depth readings at the lowest tied of the day just north of Newport Bridge. The area of concern is between markers 12 and 16 where the depth drops to 2 ½-feet at zero tide. He recommended a flashing light be placed on the shoal marker immediately, as well as a larger sign indicating there is a shallow depth. Also, to dredge that portion of the channel between marker 12 and marker 17.

Chair Kenney noted that Secretary Beer and himself spoke at the May 25, 2021 City Council meeting during which the Council voted unanimously to adopt and certify the Environmental Impact Report (EIR) for the CAD, as well as gave authority for the Commission to work with the public and staff on an alternative disposal method and site.

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

Chair Kenney requested an update on the status of issuance for the new Onshore and Offshore Mooring Permits, the appraisal for onshore and offshore moorings, and the hydro hoist at 940 Via Lido Soud. Ms. Jacobs reported that approximately 925 permits have been sent out electronically. Of the 925, 53 were in trust status, 109 have been completed, 106 permittees did not have an email or the email was not in service, and 31 permits don't have a permit at all. The Balboa Yacht Club permittees have individual permits and staff will be sending those permits out in the coming weeks. With respect to the appraisal, the City has received four proposals. Staff will be reviewing those proposals and will be making a recommendation to the Commission in July of 2021 and Council thereafter. Harbormaster Blank reported that the Harbor Department, the Department of Public Works, the City Manager's Office and the City Attorney's Office are conducting investigations regarding 940 Via Lido Soud. The homeowner has taken steps to address some of the concerns that have been expressed during the investigation.

Chair Kenney expressed that a charter fleet operator has informed him that California Air Resources Board is proposing amendments to engine changes that will be required on January 1, 2023. Harbormaster Blank shared he is not aware of any amendments. Commissioner Scully explained that the California Air Resources Board is raising the emission standards and the amendments pertain to highway equipment.

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

Commissioner Scully wanted an update regarding the *Caulerpa Prolifera* located in China Cove. Harbormaster Blank disclosed that the Fish and Wildlife Department is the lead agency and they are having discussions on the best methods and processes for eradication and disposal. After the method of eradication and disposal is agreed upon, discussions will happen regarding funding. The site is being very closely monitored, the *Caulerpa Prolifera* is not growing, and there are efforts in place to keep it in place.

Chair Kenney wanted an update on the new pump-out facility that will take bilge and grey water and an expanded hazmat facility.

10) **DATE AND TIME FOR NEXT MEETING: Wednesday, July 14, 2021 at 5 p.m.**

11) **ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:12 p.m.

DRAFT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
Council Chambers, 100 Civic Center Drive, Newport Beach, CA
Wednesday, June 9, 2021
5 p.m.

1) CALL MEETING TO ORDER

The meeting was called to order at 5:01 p.m.

2) ROLL CALL

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

Staff Members: Carol Jacobs, Assistant City Manager
Paul Blank, Harbormaster
Chris Miller, Public Works Administrative Manager
Matt Cosylion, Code Enforcement Supervisor
Jennifer Biddle, Administrative Support Specialist

3) PLEDGE OF ALLEGIANCE – Commissioner Scully

4) PUBLIC COMMENTS

None.

5) APPROVAL OF MINUTES

1. Draft Minutes of the May 12, 2021 Harbor Commission Regular Meeting

Chair Kenney remarked that Commissioners Scully, Marston and himself have provided comments to staff regarding the draft minutes.

Jim Mosher mentioned on Page 1 in public comments under Item 4, the word extent should be changed to extend. Also, on Page 5, the top paragraph, the word “used” should be changed to “issued”.

Secretary Beer suggested on Page 5 under Functional Area 2, the word “will” should be changed to “is expected” regarding the temporary west anchorage.

Secretary Beer moved to approve the draft Minutes of the May 12, 2021 meeting as amended by Chair Kenney, Commissioners Marston, Beer, Scully and Mr. Mosher. Commissioner Scully seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Kenney, Vice Chair Cunningham, Secretary Beer, Commissioner Marston,
Commissioner Scully, Commissioner Williams

Nays: None

Abstaining: None

Absent: Commissioner Yahn

6) CURRENT BUSINESS

1. Harbor Department Code Enforcement Program

The Harbor Department is responsible for many of the harbor-related programs and services in the City of Newport Beach (City). A robust code enforcement program is needed to protect and maintain the health, safety, and charm of Newport Harbor through the enforcement of Title 17 regulations and applicable State and Federal laws. This report will update the Harbor Commission on enforcement activities since March 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.

Code Enforcement Supervisor Matt Cosyion advised the Commission to provide feedback regarding areas that code enforcement should spend more time on, divert resources to, or express any concerns that have been raised by the public. Code enforcement focuses on education and obtaining voluntary compliance whenever possible. The department operates within the framework of Council Policy K-9. The department was formed in 2018 and currently has three part-time staff. The department runs the Marine Activities Permit Program (MAP), the Small Harbor Operator Registration Program, the Live-Aboard Permit Program, and the day-to-day patrol activities. In terms of the MAP Program, the department has issued 47 MAPs with 12 applications under review. The Small Harbor Operator Registration Program was implemented in January of 2021 and requires all businesses who operate in Newport Harbor to hold a MAP. Currently, the department has registered 18 businesses in the program. Staff continues to seek out businesses operating within the harbor who do not have a MAP and help them become registered. In regard to the Live-Aboard Permit Program, the department assists with the application process and conducts vessel inspections. In terms of the Anchorage, Berthing, and Mooring Regulations Program, the department patrols the mooring fields daily for violations to Title 17 as well as boats that look like they have not been used in some time. The department has started the Dye Tab Program and is placing dye tabs in vessels that stay overnight in the anchorage or on rented moorings. Bridge jumping enforcement has issued two citations so far and code enforcement will continue monitoring the City's bridges. In terms of the Vessel Turn in Program (VTIP), the department is reaching out to folks who are interested in having their vessel destroyed.

In answer to Secretary Beer's questions regarding the number of vessels in the MAP Program, and maximum MAPs that can be issued, Code Enforcement Supervisor Cosyion remarked that he can provide the number of vessels in the MAP Program to the Committee at a later time. In terms of the maximum number of MAPs that can be issued, Code Enforcement Supervisor Cosyion stated that the code does not limit the number but addresses potential impacts to health, safety, and general welfare of the community due to too many MAPs being issued. He mentioned that there is a natural limitation caused by the parking standard. Secretary Beer commented that visually it appears that there is a substantial number of rented vessels on the harbor. Secretary Beer also inquired regarding noise regulation, how many Live-Aboard Permits have been issued and derelict vessels. Supervisor Cosyion confirmed there is a restriction on noise both at docks as well as in the water. In terms of Live-Aboard Permits, he mentioned that there are 51 permits and the program is at full capacity. In terms of derelict vessels, the department is encouraging permittees to clean their boats regularly and the department has asked a small number of permittees to demonstrate that their vessel is seaworthy.

Vice Chair Cunningham appreciated the presentation and thanked code enforcement for their hard work. In response to his questions regarding enforcement of live-aboards in commercial marinas and business licenses required for a MAP, Code Enforcement Supervisor Cosyion answered yes, four live-aboard applications are in the approval process and businesses must have a City of Newport Beach business license in order to obtain a MAP. In answer to Vice Chair Cunningham's inquiries regarding businesses like rentmyboat.com and the Orange County Sheriff's Department bringing derelict boats into the harbor, Code Enforcement Supervisor Cosyion confirmed that code enforcement staff does monitor all rentmyboat.com

type platforms. Citations have been issued when there is clear evidence that the business is engaging in rental activities. He reported that he has not noticed the Orange County Sheriff's Department bringing boats into the harbor on a consistent basis.

Commissioner Scully acknowledged Code Enforcement Supervisor Cosylon's professionalism and his commitment to his work. In reply to his inquiries regarding Group on the effort to address Airbnb and other on-boat line boat rentals operators and that do not have MAP's permittees speeding operating in the harbor, Code Enforcement Supervisor Cosylon confirmed that short-term lodging in the harbor is not an allowed use. In terms of Commissioner Scully's question on speeding within the Harbor, Code Enforcement Supervisor Cosylon reported that several operators have received citations for speeding. Code enforcement had held several meetings with operators to educate them on speeding and requested that all captains be made aware of the impacts that speeding causes. In answer to Commissioner Scully's query if any of the Live-Aboard Permits come from the large yachts that houses a crew, Code Enforcement Supervisor Cosylon answered no.

In answer to Chair Kenney's queries regarding how a business is verified to be in the SHOR Program versus the MAP Program and the large amount of vacant offshore moorings, Code Enforcement Supervisor Cosylon explained that a business has to demonstrate that they were in operation prior to the update to Title 17, Chapter 17.10. In terms of vacant moorings, he mentioned there has been turn over and some permittees do not house a vessel on the mooring. Chair Kenney acknowledged that the code was amended to allow permittees to own a mooring but not house a boat on it. He agreed that though there is not a limit on how many MAPs can be issued, parking restrictions will help limit the number of MAPs issued naturally. He echoed the remarks made by the other Commissioners regarding the exceptional work of the Code Enforcement Team.

Jim Mosher is surprised to see that bridge jumping is part of the code enforcement duties. He mentioned that the City Council may not be aware that code enforcement monitors all bridges based on their lengthy discussion that they had at a previous budget hearing.

Chair Kenney understood that code enforcement issues citations for jumpers but there are no active lifeguards on duty at the bridges. Harbormaster Paul Blank confirmed that there are no permanent postings of Harbor Department resources at any of the bridges. He shared that coordination between the Harbor Department, Police Department, Lifeguards and the Fire Department is happening to discourage bridge jumping.

Heidi Hall confirmed that many boats coming into the Harbor in the evenings violate the speed limit. She was happy to hear that citations have been written and requested that noise on the party boats be addressed.

2. Council Policy H-1 - Harbor Commission Review of Proposed Changes

As a result of recent applications for dock extensions and reconfigurations brought before the City Council, the City Council raised a concern regarding the inability of the Harbor Commission to resolve applications. The City Council requested the Harbor Commission review the policy and recommend changes that may allow them to approve dock permit applications that cannot otherwise be approved by staff. The Harbor Commission established a subcommittee at the February 10, 2021 Harbor Commission meeting to review City Council Policy H-1, Harbor Permit Policy, to clarify the Policy's intent and process, in order to assist staff and the Harbor Commission when considering future applications. The City Council also directed the Harbor Commission to review the recent changes adopted in 2020 and to make recommendations to the City Council regarding any proposed revisions thereto.

Recommendation:

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

- 2) Review, modify, and/or approve changes proposed by the Harbor Commission subcommittee to Council Policy H-1 and forward the recommendations to the City Council for consideration.

Chair Kenney requested that Deputy City Attorney Jeremy Jung provide a summary of the suggested changes made by the City Attorney's Office.

Deputy City Attorney Jung stated that the City Attorney Office's comments are related to areas of potential ambiguity and unintended consequences. In terms of the proposed change to Item Number Two, he stated that the change put the responsibility upon code enforcement on being able to go out and actively looked at existing conditions and issue a Notice of Violation. The unintended consequence is a newly constructed dock that can extend past the pierhead line, if it has not received a Notice of Violation. He suggested the Committee explore language that includes a condition where proof must be shown that the dock has encroached past the pierhead line for a certain amount of time. The second recommendation refers to Item Number Four where it cites that any vessel utilizing a pier float and not extending bay ward past the project line. The language is unclear as to the reference of "any vessel" and he suggested the Commission clarify that language. Staff believed the intent was to allow any vessel that has been there historically, rather than a newly acquired vessel. In Item Number Five, subpart B and C, the language as written reads "maintain or enhance public access" and then "preserve or enhance visual character". That language was taken from the purpose section of Title 17 which says "maintain and enhance" and "preserve and enhance". The other big change is the reference to staff in Policy H-1 regarding situations where the pierhead line applies and the pier float extends past it and situations where projects do not fall within the first situation. Staff suggested there be a reference to the Rules of Interpretation in Title 17 instead of the Ad Hoc Committee's recommended change. The last suggestions include using a different term instead of like-for-like and tighten up the language in the second paragraph under policy.

In answer to Vice Chair Cunningham's question of including areas of the harbor that would normally be approved by staff in the document, Chair Kenney believed that the last paragraph in the document gives staff the right to handle situations where there are replacements and he agreed that "like-for-like" should be changed to "same size and configuration". Vice Chair Cunningham was hopeful that the new changes would reduce the workload for the Commission and provide staff more leeway to approve applications. Chair Kenney believed that all the applications that the Commission has reviewed in the prior months were applications that needed to come before the Commission.

Secretary Beer suggested to include language to Item Two that reads "nor does one currently exist". With respect to Item Five, subparts B and C, he agrees with Deputy City Attorney Jung's comments. He mentioned there are concerns regarding aesthetics and suggested adding language that reads "that it shall aesthetically remain consistent with its surroundings". With respect to Item Four, he remarked that consistently throughout the harbor, the project line is 15 to 20-feet beyond the pierhead line. He stated there has to be a distance that vessels should not encroach past. With that understanding, he suggested the word "greater" be changed to "the lesser of".

Commissioner Marston mentioned that in Item Five D, the language is very vague and should include language that views should be preserved. In terms of Item Two, she agrees with Secretary Beer's comment.

Commissioner Scully echoed Secretary Beer's concerns regarding Item Four.

Commissioner Williams believed that the recommended changes allowed the Commission more latitude. In answer to his question regarding introducing a timing component for Item Two, Deputy City Attorney Jung explained that using the existing language "previously permitted", permitted could mean several things. The change to include Notice of Violation removes any establishment of time.

Chair Kenney supported the language of the first paragraph under policy. Deputy City Attorney Jung noted that the scenario is also addressed in the Municipal Code Section 17.35.030(a) and staff can paraphrase that from Title 17. With respect to Item Two, Chair Kenney agreed with the other Commissioners' comments. He asked if there is a way to redraft Item Two to provide for other criteria that codifies the intent which is if the dock has been there for a long time, the owner has a right to use it. With respect to Item Three, he remarked that if the dock is a u-shape, the length of the vessel will be limited by the actual width

of the dock. He agreed with Secretary Beer and Commissioner Scully that in Item Four the words “the greater of” should be changed to “the lesser of” as well as Commissioner Marston’s comment about adding a view provision. With respect to the last paragraph, he wanted to keep that paragraph in the document, remove the words “like-for-like” and replace them with “same size and configuration”.

Jim Mosher mentioned that he submitted his comments in writing regarding Title 17 to the Commission as was requested by the Chair regarding the policy. He disagreed that the last paragraph in the document allows staff to make decisions on “like-for-like” replacements. He believed that the last paragraph only gives staff the authority to make those decisions where there is not a defined pierhead line. He agreed that Item Two is problematic with its reference to a Notice of Violation. He felt the language was encouraging folks to install an illegal pier or float. He declared that the source of confusion regarding Title 17 comes from the two Council Members who have conflicting viewpoints on if a float should extend past the pierhead line or not.

Chair Kenney noted he did not receive any written comments from Mr. Mosher. With respect to Mr. Mosher’s comment regarding the last paragraph, he restated the intent is to allow the Harbor Resources Manager to approve the same size and configuration replacement only in areas where there is not a pierhead line. The standard practice is that a homeowner can repair or replace their pier float “like-for-like” anywhere in the Harbor by going through the Public Works Department. With respect to the issue of whether or not an encroachment is permitted, he summarized that the policy used to say that the Harbor Commission did not have the right to act unless the Commission could make all five findings.

Harbormaster Blank appreciated the discussion regarding Item Two and the Notice of Violation provision. He agreed with all the other changes recommended by the Ad Hoc Committee and reminded the Commission that the policy is a Council Policy, not a Harbor Commission policy.

Chair Kenney suggested that Deputy City Attorney Jung provide alternative language for Item Two. He recommended that the Ad Hoc Committee review the policy one more time and incorporate the suggestions made during the meeting. Then bring the policy back to the Harbor Commission for another review.

Vice Chair Cunningham agreed with Chair Kenney’s suggestion.

Secretary Beer understood that the additional changes suggested and discussed will be incorporated by the City Attorney. Chair Kenney confirmed that is correct.

Commissioner Marston, Commissioner Scully, and Commissioner Williams concurred with Chair Kenney’s suggestions.

Chair Kenney requested that Deputy City Attorney Jung provide a revised Title 17 to the Ad Hoc Committee within the next couple of weeks.

Deputy City Attorney Jung requested a summary of the changes the Commission discussed. Chair Kenney and Secretary Beer volunteer to provide the summary.

3. Ad Hoc Committee Updates

Several ad hoc committees have been established to address short term projects outside of the 2021 Harbor Commission objectives. The ad hoc committees will provide an update on their projects.

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.

Commissioner Marston reported that the Ad Hoc Committee is investigating floats and other devices within the Harbor. The Ad Hoc Committee conducted a field review and found that the problem is not as extensive as they thought. The Ad Hoc Committee will continue to do field reviews and discuss how to manage the issues that are existing.

Secretary Beer reported that the Ad Hoc Committee is exploring the possibility of transporting and depositing contaminated materials into a land-based disposal site. A public discussion was held at the City Council meeting at the end of May 2021. The City Council did approve the use of a Confined Aquatic Disposal (CAD) but advised the Ad Hoc Committee to work in parallel with Mr. Lucky and his team on alternatives. Mr. Lucky's team provided a proposal that was very expensive, which staff provided a response to and the Ad Hoc Committee is waiting for a response back from Mr. Lucky's team.

Commissioner Scully expressed that Chair Kenney and Secretary Beer did a great job presenting their items to Council.

4. Harbor Commission 2021 Objectives

Each ad hoc committee studying their respective Functional Area within the Commission's 2021 Objectives, will provide a progress update.

Recommendation:

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- 2) Receive and file.

Functional Area 1: Chair Kenney announced that Objective 1.1 will be revisited later in the year. With respect to Objective 1.2, code enforcement has made great progress in bringing commercial users in the Harbor into compliance and the Ad Hoc Committee will be revisiting the objective later in the year. With respect to Objective 1.3, staff will be providing an update on the distribution of the new Mooring Permits and any feedback that has been received. With respect to Objective 1.4, the Ad Hoc Committee is waiting for feedback from mooring permittees. With respect to Objective 1.5, staff will be providing a status update later in the meeting.

Functional Area 2: Secretary Beer reported that Commissioner Scully is working on Objective 2.1. Harbormaster Blank explained earlier in the meeting that there is a delay in the west anchorage. With respect to Policy H-3, there are discrepancies in the Geographic Information System (GIS) maps. Assistant City Manager Carol Jacobs and Harbormaster Blank provided corrections and those maps will be resubmitted.

Vice Chair Cunningham reported with respect to Objective 2.4, the Ad Hoc Committee is seeking a meeting with the Balboa Island Improvement Association to begin discussions. He reported that there are no beam specifications for onshore moorings and he requested that the Harbor Department flag any applications that are planning to house a vessel with a beam over 8 feet. He acknowledged that this objective will take a lot of time and suggested starting with the onshore mooring specifications first.

Secretary Beer stated with respect to Objective 2.5, staff is working with an engineering firm to come up with design specifications for a multi-vessel mooring. He predicted that staff will have more information on that by the middle of June.

Chair Kenney agreed that there should be an 8-foot beam restriction on any onshore moorings.

Functional Area 3: Vice Chair Cunningham reported with respect to Objective 3.1, that the Coastal Commission will be reviewing and renewing the RGP54 by the end of the year. With respect to Objective 3.2, the objective will be incorporated into Objective 2.4. With respects to Objective 3.3, dredging has begun and continues to move forward smoothly

Functional Area 4: Commissioner Scully stated with respect to Objective 4.1 that in light of Code Enforcement Supervisor Cosyllion's report this evening, there is nowas nothing new to report. With respect to Objective 4.2, Commissioner Marston and himself will be meeting to formulate next steps. With respect to Objective 4.3, the Ad Hoc Committee and staff continue to identifying charter operators within the harbor. There have been discussions with Ms. Jacobs and Harbormaster Blank on using existing technology within the City to build a harbor database.

3. Harbormaster Update – May 2020 Activities

The Harbormaster is responsible for the management of the City's mooring fields, the Marina Park Guest Marina, a variety of Harbor activities and Harbor on-the-water City code enforcement. This report will update the Commission on the Harbor Department's activities for May 2021.

Recommendation:

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- 2) Receive and file.

Harbormaster Blank updated the Commission on the temporary west anchorage. The anchorage was approved in April of 2021. The Local Notice to Mariners has been achieved, but the application for the buoys to mark the edges has not been approved. He disclosed he has tried to request a status update on the application but has received no response. He predicted that that Coast Guard will not take action until the temporary permit expires which is on September 7, 2021. He reported that the three patrol vessels will be properly registered by early July 2021 and August 2021. All three vessels now have a suitable ground tackle on board as well as tackle that can be used for other vessels. Vessels HD2 and HD3 are now equipped with depth sounders, GSP and AIS. With respect to requests for Large Vessel Anchorage Permits, one application has been received and processed. An alternative arrangement has been planned in case the Coast Guard does not approve the temporary permit. The vessel will be in the Harbor from June 25, 2021 to June 27, 2021 for an entertainment-style event. The Harbor Department requested a collaboration with the Newport Beach Police Department over the Memorial Day weekend. The Police Department was very receptive in establishing a protocol in which the Harbor Department can request uniformed armed support if needed over the weekend. Though the Police Department was never engaged, the Harbor Department was grateful to have their help and will be using that collaboration in the future. With respect to bridge jumping, City Council discussed the subject at length at their May 2021 meeting. The Harbor Department has established protocols and operations related to deterring and writing citations for bridge jumping. He advised the Commission to explore the inconsistencies between the original intent of onshoring moorings and the limitation for tying tenders to boats on offshore moorings. Onshore moorings permit a tender up to 18 feet and the original intent for onshoring moorings was to provide tenders to people who have offshore moorings. Title 17 limits tenders tied to permitted boats on offshore moorings to 14 feet. With respect to the purchasing efforts related to finding new mooring support and dock cleaning services, those services will be re-established on July 1, 2021. Council Member Muldoon has requested that the Commission evaluate improved experiences for residences and casual users within the harbor. Several harbor front residents have expressed concerns regarding causal or non-committed boaters using the harbor without the best intentions.

In answer to Vice Chair Cunningham's question regarding impacts to large vessel moorings outside of the temporary west anchorage, Harbormaster Blank explained that the local commander of the Scepter Long Beach/Los Angeles has verbally expressed that should additional requests for temporary large vessel anchorage reach her. She will approve them without further review with no special markings. Harbormaster Blank produced an application that followed the protocol for the three most recent successful applications and permit approvals but has heard no word when it will be approved or if it will be approved. Vice Chair

Cunningham mentioned that the Harbor Department has done studies on who owns the onshore moorings. It was determined that 90 percent of the current onshore mooring permittees do not have offshore moorings. The onshore moorings are being used primarily for boat storage.

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In reply to Chair Kenney's query regarding a vessel anchoring in the turning basin without the temporary west anchorage being marked, Harbormaster Blank expressed that harbor staff will indicate to the vessel that there are no boundaries marked, there may be challenges associated with the vessel staying in that area but the boat will not be asked to leave. Chair Kenney requested a status update on the City acquiring the tackle that was used by Invictus. Harbormaster Blank stated he is not involved in the negotiations but has heard no objections to the City acquiring the tackle. Chair Kenney mentioned it will be beneficial if the City controls the tackle. He observed that there have been 106 new cases of code violations in the month of May. In answer to Council Member Muldoon's request, he said that if the Harbor Department had a bigger budget and more staff. More staff could be on the water to manage boaters.

7) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEM)

Secretary Beer announced that Vice Chair Cunningham, Harbormaster Blank, and himself conducted depth readings at the lowest tied of the day just north of Newport Bridge. The area of concern is between markers 12 and 16 where the depth drops to 2 ½-feet at zero tide. He recommended a flashing light be placed on the shoal marker immediately, as well as a larger sign indicating there is a shallow depth. Also, to dredge that portion of the channel between marker 12 and marker 17.

Chair Kenney noted that Secretary Beer and himself spoke at the May 25, 2021 City Council meeting during which the Council voted unanimously to adopt and certify the Environmental Impact Report (EIR) for the CAD, as well as gave authority for the Commission to work with the public and staff on an alternative disposal method and site.

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

Chair Kenney requested an update on the status of issuance for the new Onshore and Offshore Mooring Permits, the appraisal for onshore and offshore moorings, and the hydro hoist at 940 Via Lido Soud. Ms. Jacobs reported that approximately 925 permits have been sent out electronically. Of the 925, 53 were in trust status, 109 have been completed, 106 permittees did not have an email or the email was not in service, and 31 permits don't have a permit at all. The Balboa Yacht Club permittees have individual permits and staff will be sending those permits out in the coming weeks. With respect to the appraisal, the City has received four proposals. Staff will be reviewing those proposals and will be making a recommendation to the Commission in July of 2021 and Council thereafter. Harbormaster Blank reported that the Harbor Department, the Department of Public Works, the City Manager's Office and the City Attorney's Office are conducting investigations regarding 940 Via Lido Soud. The homeowner has taken steps to address some of the concerns that have been expressed during the investigation.

Chair Kenney expressed that a charter fleet operator has informed him that California Air Resources Board is proposing amendments to engine changes that will be required on January 1, 2023. Harbormaster Blank shared he is not aware of any amendments. Commissioner Scully explained that the California Air Resources Board is raising the emission standards and the amendments pertain to highway equipment.

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

Commissioner Scully wanted an update regarding the *Caulerpa Prolifera* located in China Cove. Harbormaster Blank disclosed that the Fish and Wildlife Department is the lead agency and they are having discussions on the best methods and processes for eradication and disposal. After the method of eradication and disposal is agreed upon, discussions will happen regarding funding. The site is being very closely monitored, the *Caulerpa Prolifera* is not growing, and there are efforts in place to keep it in place.

Chair Kenney wanted an update on the new pump-out facility that will take bilge and grey water and an expanded hazmat facility.

10) **DATE AND TIME FOR NEXT MEETING: Wednesday, July 14, 2021 at 5 p.m.**

11) **ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:12 p.m.

DRAFT

Biddle, Jennifer

From: Marston, Marie
Sent: Friday, July 09, 2021 12:36 PM
To: Biddle, Jennifer
Subject: Re: Draft Minutes of the June 9, 2021 Harbor Commission Meeting

Hello Jennifer -

Here are my comments on the June minutes:

1. 1st paragraph on page 2 starting with "Code Enforcement..", the reference to code enforcement should be Code Enforcement Department. Subsequent references to "department" should be "Department".
2. It isn't clear how the last sentence of the 3rd paragraph (top of page 3) fits with the content of that paragraph.
3. Last sentence of 1st full paragraph on page 3 - "houses" should be "house".
4. Page 4, second paragraph, "code enforcement" should be capitalized since it is referring to the Department not the action. Likewise, again on Page 6 under functional area 1.
5. Top of Page 6, first paragraph. suggest changing to "...found that the problem does not appear to be as extensive as they originally thought when assembling the Ad Hoc Committee."
6. Page 7, bottom paragraph, there should be no period after "her" and "She" should not be capitalized.
7. Page 8, 3rd paragraph, there should be no period after "staff" (it should be a comma) and "More" should not be capitalized.
8. Item 7, 1st paragraph - "tied" should be "tide".
9. throughout the minutes, harbor is lower case and upper case.

From: Biddle, Jennifer <JBiddle@newportbeachca.gov>
Sent: Friday, July 2, 2021 9:11 AM
Subject: Draft Minutes of the June 9, 2021 Harbor Commission Meeting

Good morning Commissioners,

Attached please find the draft minutes from the Harbor Commission meeting of **06/09/2021** for your review.

The "track changes" option has been enabled. If you have any changes, please update and send back to me and I will include with the agenda for consideration at the July 14, 2021 meeting.

Happy 4th of July!



JENNIFER BIDDLE
City Manager's Office
Administrative Specialist to the Assistant City Manager
jbiddle@newportbeachca.gov
949-644-3003



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

July 14, 2021
Agenda Item No. 7.1

TO: HARBOR COMMISSION

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

TITLE: Residential Dock Reconfiguration at 605 Via Lido Soud

ABSTRACT:

The applicant at 605 Via Lido Soud is proposing to reconfigure the residential dock system by replacing the pier, pier platform, gangway and U-shaped float with a similar dock system including a single-finger float. The proposed float extends beyond the pierhead line, but less than the existing, permitted float. Because the applicant is proposing to position the float beyond the pierhead line, 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;
- 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 605 Via Lido Soud 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 it is the City Council’s general policy not to approve piers and floats beyond the pierhead line, but that the Harbor Commission may make exceptions to this rule if specific findings are made at a public hearing.

The applicant’s dock is located at 605 Via Lido Soud on Lido Isle. As depicted on the aerials (Attachment B), most of the dock structures along this section of Via Lido Soud extend beyond the pierhead line because in previous versions of Council Policy H-1, floats were permitted to extend 20-feet beyond the pierhead line.

Council Policy H-1 provides that the Harbor Commission shall consider for approval, conditional approval or denial of the application based on certain conditions being met. 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 shall make specific factual findings as to each of the categories of exceptions.

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 most current plans on file with the City for this dock and U-shaped float. In 2012, staff approved replacement of dry rot, framing and re-decking of the current configuration, but these plans were drawn on a 1966 plan request.

PROPOSED PROJECT

The Project conforms to the Harbor Design Criteria. The proposed float (Attachment D) extends 102-feet channelward which is 3-feet less than the existing distance. Regarding vessel berthing, the maximum distance a vessel may extend beyond the existing float is 11-feet because the inside width of the interior space of the U-shaped float is 11-feet. Therefore, for the Harbor Commission to adhere to Council Policy H-1, a vessel overhang restriction of 11-feet on the proposed single-finger float would be required. Without that restriction, it is conceivable that a vessel may overhang beyond the fingers by 18-feet as permitted by Newport Beach Municipal Code Section 17.25.020(C)(2).

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: Council Policy H-1(1). The existing pier or float is currently encroaching bayward beyond the pierhead line.

Facts in Support of Findings: The existing float currently encroaches bayward beyond the pierhead line.

Finding No. 2: Council Policy H-1(2). The existing pier or float was previously permitted to encroach bayward beyond the pierhead line.

Facts in Support of Findings: The existing dock configuration was approved by the City in 2012 to encroach bayward beyond the pierhead line as evidenced by Attachment C.

Finding No. 3: Council Policy H-1(3). The pier or float will not encroach any further bayward beyond the pierhead line than the existing encroachment beyond the pierhead line.

Facts in Support of Findings: As depicted by Attachment D, the proposed float encroaches bayward beyond the pierhead line a distance shorter than the existing float encroaches.

Finding No. 4: Council Policy H-1(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.

Facts in Support of Findings: The proposed float encroaches bayward beyond the pierhead line a distance shorter than the existing float encroaches. However, because the float configuration is changing from a U-shaped float to a single finger float, a vessel overhang restriction of 11-feet is required.

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 use and configuration are substantially the same as the existing use and configuration. U-shaped and single-finger floats are the most common float configurations in Newport Harbor.

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 to the harbor waterways and waterfront areas will be maintained because the proposed float extends bayward a distance less than the existing float extends.

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 605 Via Lido Soud, and maintains the required setbacks. Navigation will not be negatively impacted.

Finding No. 9: 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.

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 (721 square feet) is less than the existing overwater coverage (918 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, June 26, 2021 (Attachment E).

ATTACHMENTS:

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

HARBOR PERMIT POLICY

Background

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

Policy

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

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

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

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

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

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

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

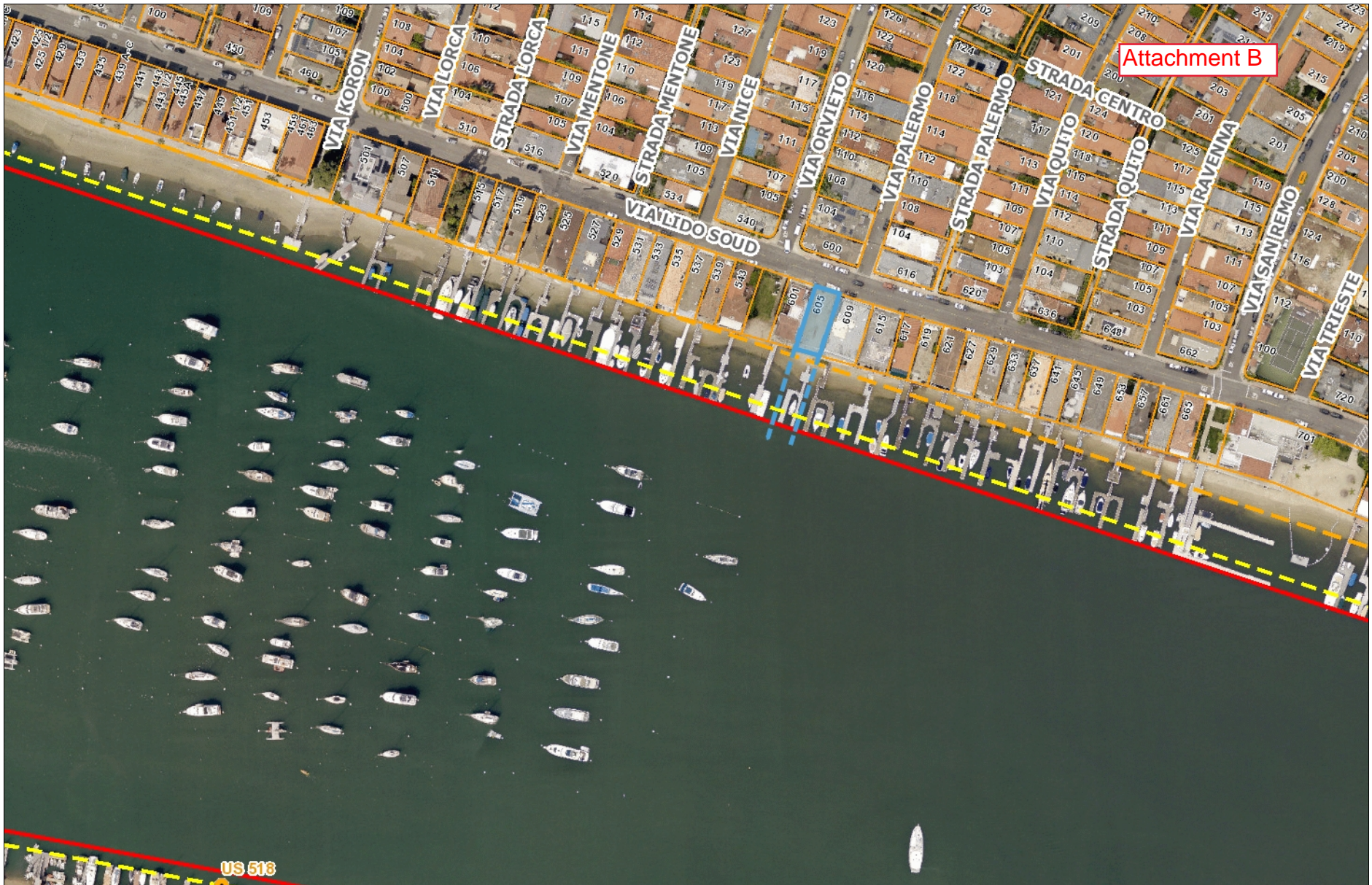
For those piers and floats in areas where pierhead lines do not exist or in areas not otherwise clearly defined by the criteria within this Policy, staff may consider approving those pier and float projects if the reconstruction is like-for-like, including any upgrades required to meet current code and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

History

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

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

Amended H-1 – 6-24-1991
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
Amended H-1 – 4-13-2004
Amended H-1 – 1-8-2008
Amended H-1 – 5-22-2018
Amended H-1 – 6-25-2019
Amended H-1 – 11-5-2019



NBGiS
NEWPORT BEACH



0 200 400
Feet

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.

7/7/2021



NBGIS
NEWPORT BEACH



A number line is shown with tick marks at 0, 100, and 200. The word "Feet" is written below the line. A horizontal bar is drawn above the line, starting at 0 and ending at 200. The bar is divided into two equal parts by a tick mark at 100. The part from 0 to 100 is shaded black, and the part from 100 to 200 is white.

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.

7/7/2021



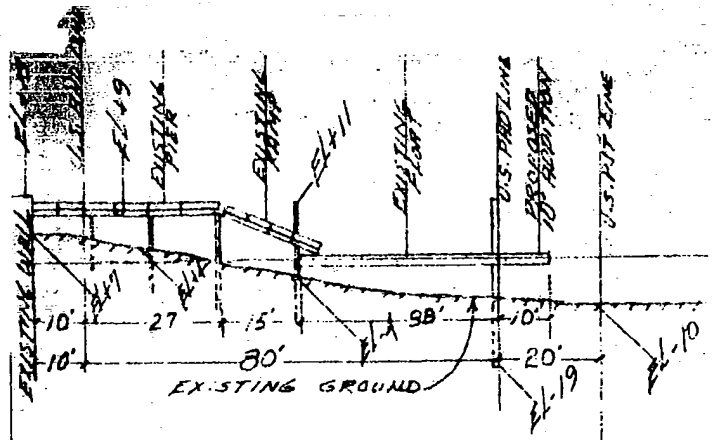
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NEWPORT BEACH



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Feet

Disclaimer:
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7/7/2021

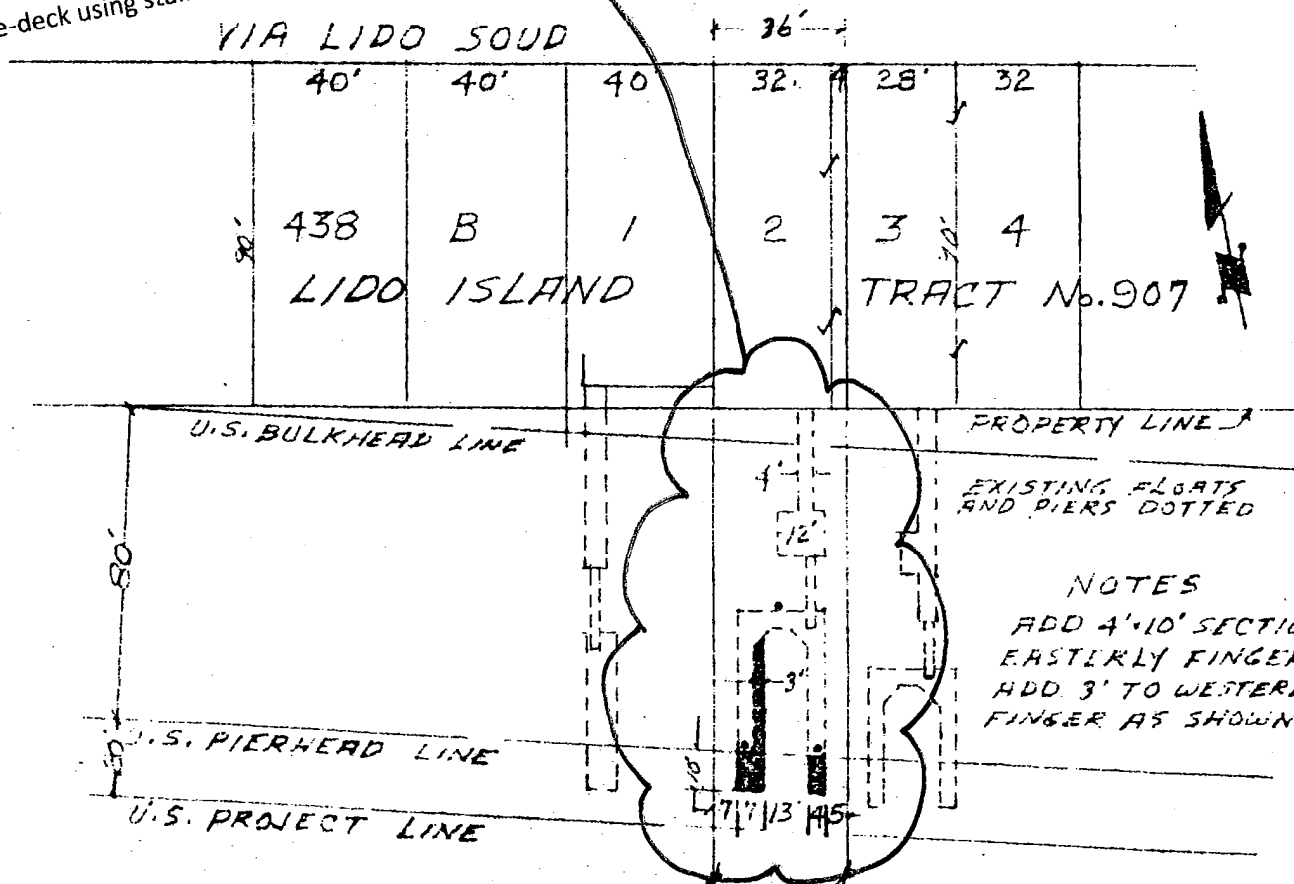


SOUNDINGS ARE EXPRESSED IN FEET AND DENOTE ELEVATIONS BASED ON MEAN LOWER LOW WATER.

SCOPE OF WORK:
Replace dry rot on right hand finger framing
Replace rotten posts on pier and side rail
Re-deck using stainless steel screws

**HARBOR RESOURCES DIV.
CITY OF NEWPORT BEACH**

Noted 10/16/12



APPLICANT'S NAME LORNA BARRY

JOB ADDRESS 605 Via Lido Sova

DATE 10.15.2012



SWIFT SLIP DOCK & PIER BUILDERS, INC.

6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121
Fax: (714) 509-0618
www.swiftslipdocks.com

CLIENT

CAMPBELL, ARGYLE

RO
DRAWN

CHECKED

2.0
REVISION

06/01/21
DATE

AMENDMENTS:

REV:	DESCRIPTION:	BY:	DATE:
-	----	-	-
-	----	-	-
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SITE

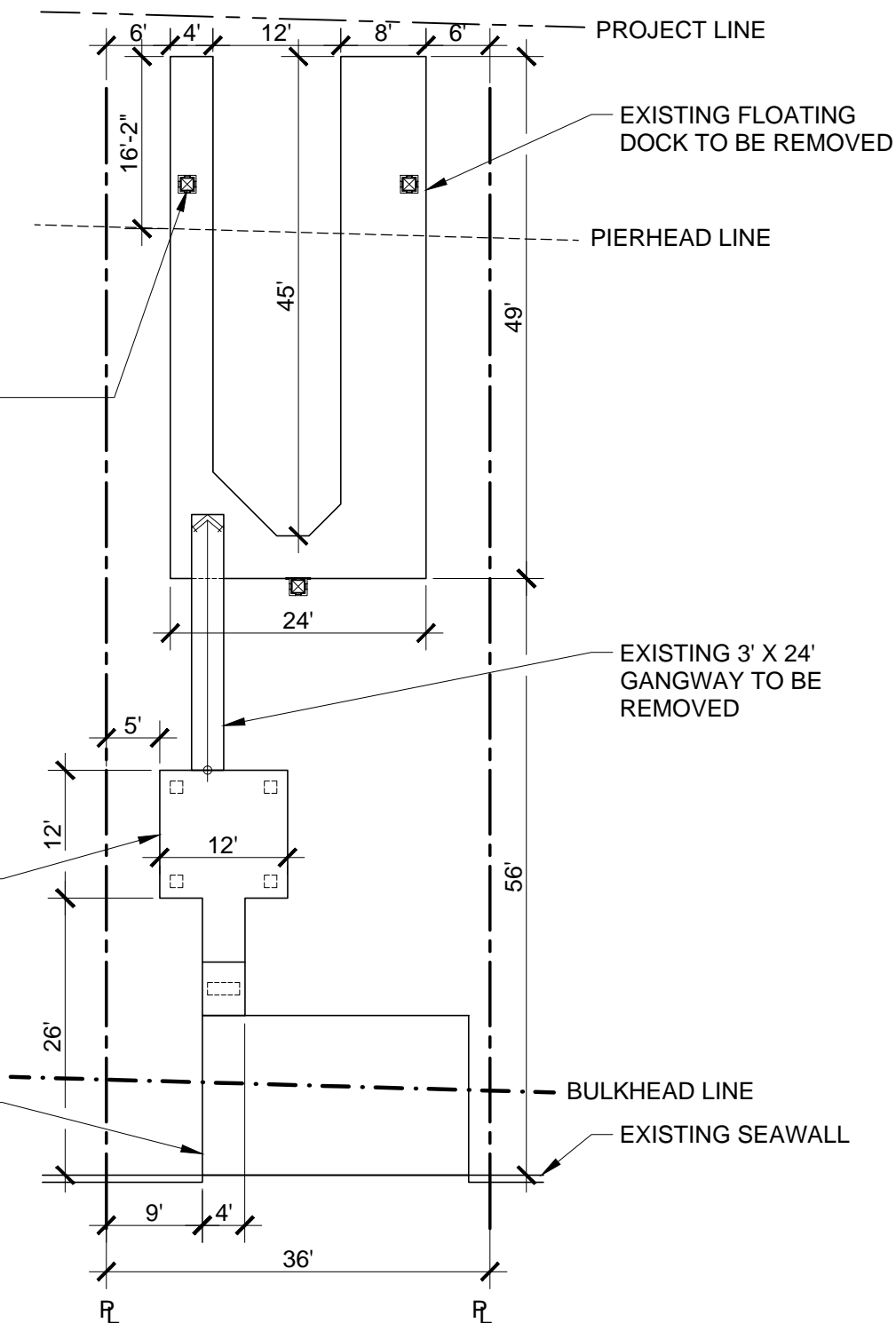
605 VIA LIDO SOUD, NEWPORT BEACH, CA 92663

DOCK AREA:	
TOTAL AREA	658 FT ²
GANGWAY AREA:	
3' X 24'	72 FT ²
TOTAL	72 FT ²
PIER AREA:	
TOTAL AREA	188 FT ²
TOTAL AREA:	918 FT²

EXISTING 14" GUIDE
PILE TO BE REMOVED
(3 TOTAL)

EXISTING PIER & PILE
SUPPORT TO BE
REMOVED

EXISTING DECK TO BE
REMOVED



EXISTING



SWIFT SLIP DOCK & PIER BUILDERS, INC.

6351 Industry Way, Westminster, CA 92683

Phone: (949) 631-3121

Fax: (714) 509-0618

www.swiftslipdocks.com

Attachment D

CLIENT

CAMPBELL, ARGYLE

RO
DRAWN

CHECKED

2.0
REVISION

06/01/21
DATE

AMENDMENTS:

REV:	DESCRIPTION:	BY:	DATE:
-	----	-	-
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SITE

605 VIA LIDO SOUD, NEWPORT BEACH, CA 92663

DOCK AREA:

TOTAL AREA 400 FT²

GANGWAY AREA:

3' X 24' 72 FT²

TOTAL 72 FT²

PIER AREA:

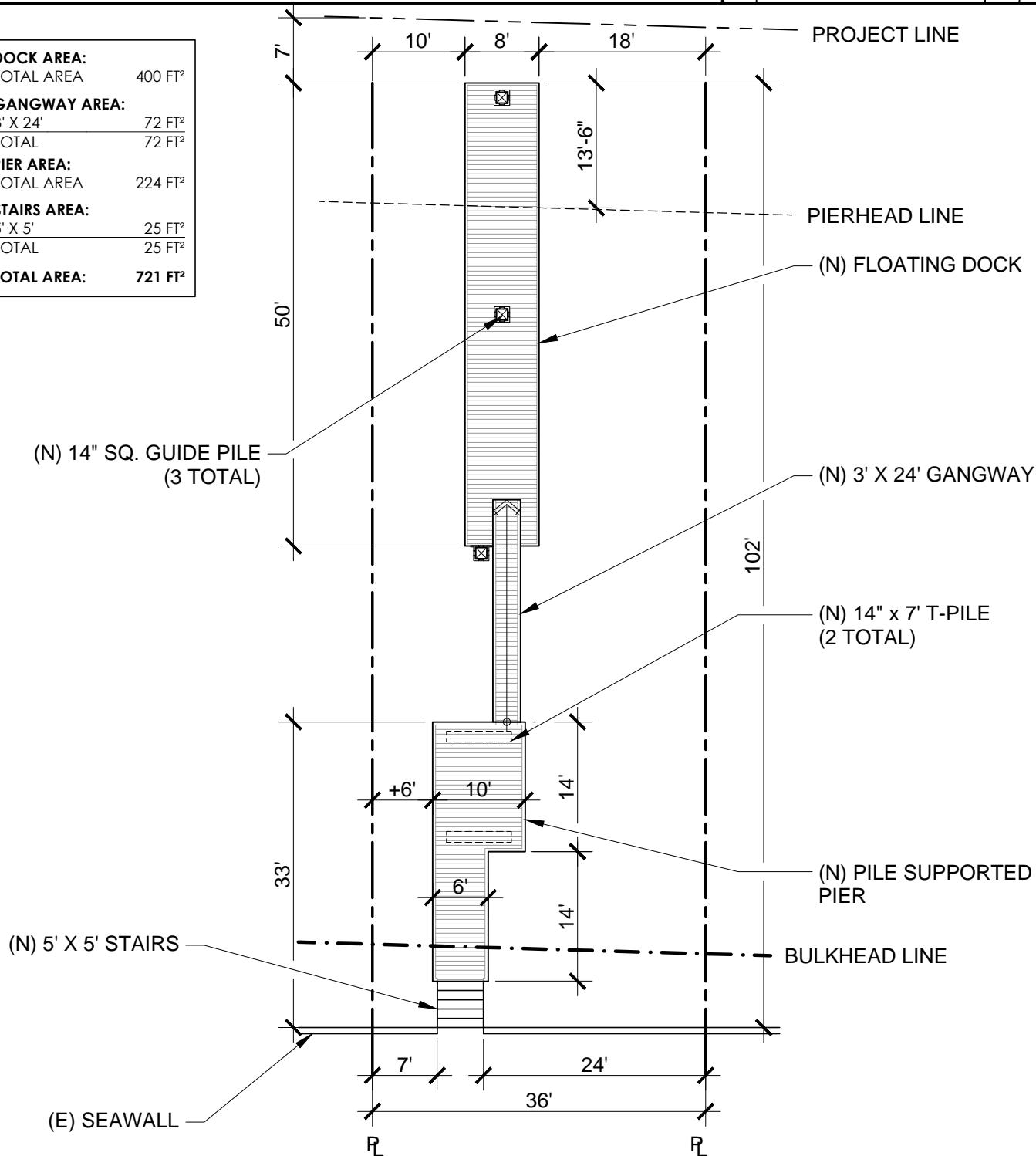
TOTAL AREA 224 FT²

STAIRS AREA:

5' X 5' 25 FT²

TOTAL 25 FT²

TOTAL AREA: 721 FT²



PROPOSED



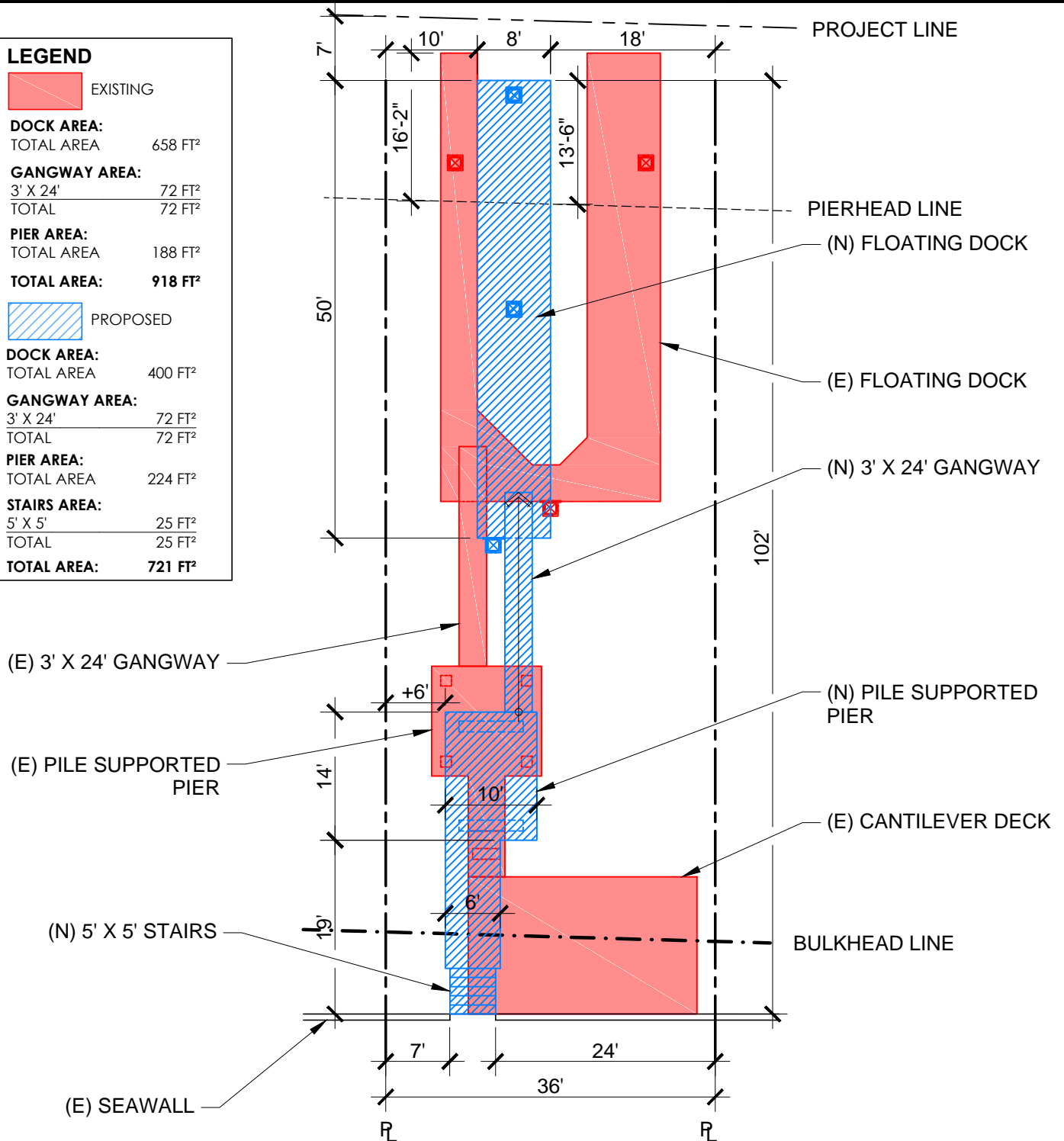
SWIFT SLIP DOCK & PIER BUILDERS, INC.

6351 Industry Way, Westminster, CA 92683
 Phone: (949) 631-3121
 Fax: (714) 509-0618
 www.swiftslipdocks.com

CLIENT	CAMPBELL, ARGYLE	RO DRAWN	CHECKED	2.0 REVISION	06/01/21 DATE	AMENDMENTS:			
SITE	605 VIA LIDO SOUD, NEWPORT BEACH, CA 92663					REV:	DESCRIPTION:	BY:	DATE:
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LEGEND

	EXISTING
DOCK AREA:	
TOTAL AREA	658 FT ²
GANGWAY AREA:	
3' X 24'	72 FT ²
TOTAL	72 FT ²
PIER AREA:	
TOTAL AREA	188 FT ²
TOTAL AREA:	918 FT²
	PROPOSED
DOCK AREA:	
TOTAL AREA	400 FT ²
GANGWAY AREA:	
3' X 24'	72 FT ²
TOTAL	72 FT ²
PIER AREA:	
TOTAL AREA	224 FT ²
STAIRS AREA:	
5' X 5'	25 FT ²
TOTAL	25 FT ²
TOTAL AREA:	721 FT²



EXISTING / PROPOSED



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

NOTICE IS HEREBY GIVEN that on **Wednesday, July 14, 2021**, at **5:00 p.m.** or soon thereafter as the matter shall be heard, public hearings 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 applications:

Residential Dock Reconfiguration Projects located at:

605 Via Lido Soud
633 Via Lido Soud

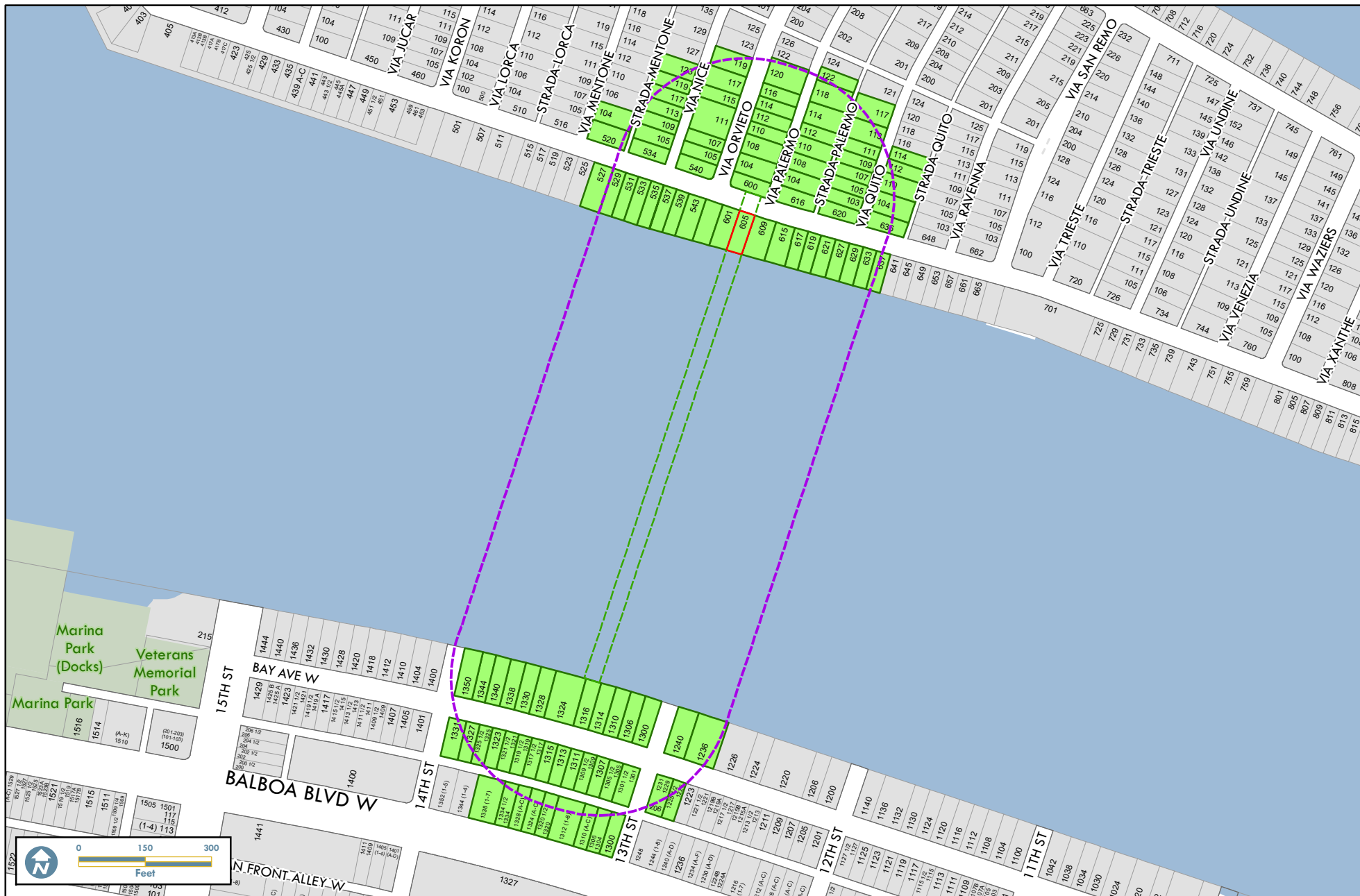
These projects are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because they have no potential to have significant effects on the environment. These projects will be located on the same site and location as the structures they replaced and will have substantially the same purpose, capacity and size as the structures replaced.

All interested parties may appear and present testimony in regard to these proposals. If you challenge these projects in court, you may be limited to raising only those issues you raised at the public hearings or in written correspondence delivered to the City at, or prior to, the public hearings. Administrative procedures for appeals are provided in the Newport Beach Municipal Code Chapter 17.65. These applications 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 reports, and corresponding documents will be available by end of business day on the Friday preceding the public hearing, and may be reviewed at the City Manager's Office (Bay E-2nd Floor), at 100 Civic Center Drive, Newport Beach, California, CA 92660 or at the City of Newport Beach website at www.newportbeachca.gov. Individuals not able to attend the meeting may contact the Public Works Department or access the City's website after the meeting to review the action on these applications. 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. 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.

For questions regarding these public hearing items, please contact Chris Miller, Public Works Administrative Manager, at cmiller@newportbeachca.gov

Project Files Nos.: **1018-2001 (605 Via Lido Soud)** and 0900-2021 (633 Via Lido Soud)



605 Via Lido Soud

- Prolongation of Lot Lines
- Buffer 300'
- 605 Via Lido Soud
- Notified Properties



City of Newport Beach
GIS Division
June 07, 2021

Biddle, Jennifer

Subject: FW: Addendum-605 Via Lido Soud Argyle Campbell
Attachments: 605 VIA LIDO SOUD, NB -ADDENDUM-071221.pdf

From: Miller, Chris <CMiller@newportbeachca.gov>
Sent: Monday, July 12, 2021 4:49 PM
To: Biddle, Jennifer <JBiddle@newportbeachca.gov>
Subject: FW: Addendum-605 Via Lido Soud Argyle Campbell

Hi Jennifer,
Please see below and attached.
Thank you,
Chris

From: Randy Ocampo <randy@swiftslipdocks.com>
Sent: Monday, July 12, 2021 4:34 PM
To: Miller, Chris <CMiller@newportbeachca.gov>
Subject: Addendum-605 Via Lido Soud Argyle Campbell

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

Good afternoon Chris,

Thanks for your time last Friday, please see the attached updated plans for Mr. Campbell's dock project. The change was moving the whole system (dock, gangway, pier & stairs) 2' to the southeast, 5 feet clear from the property line. Please let us know if there is anything else you may need for this Wednesday's meeting. Thank you.

Randy Ocampo
Swift Slip Dock & Pier Builders
6351 Industry Way
Westminster, CA 92683
Phone: (949) 631-3121



SWIFT SLIP DOCK & PIER BUILDERS, INC.

6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121
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www.swiftslipdocks.com

CLIENT

CAMPBELL, ARGYLE

RO
DRAWN

CHECKED

2.0
REVISION

07/08/21
DATE

AMENDMENTS:

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SITE

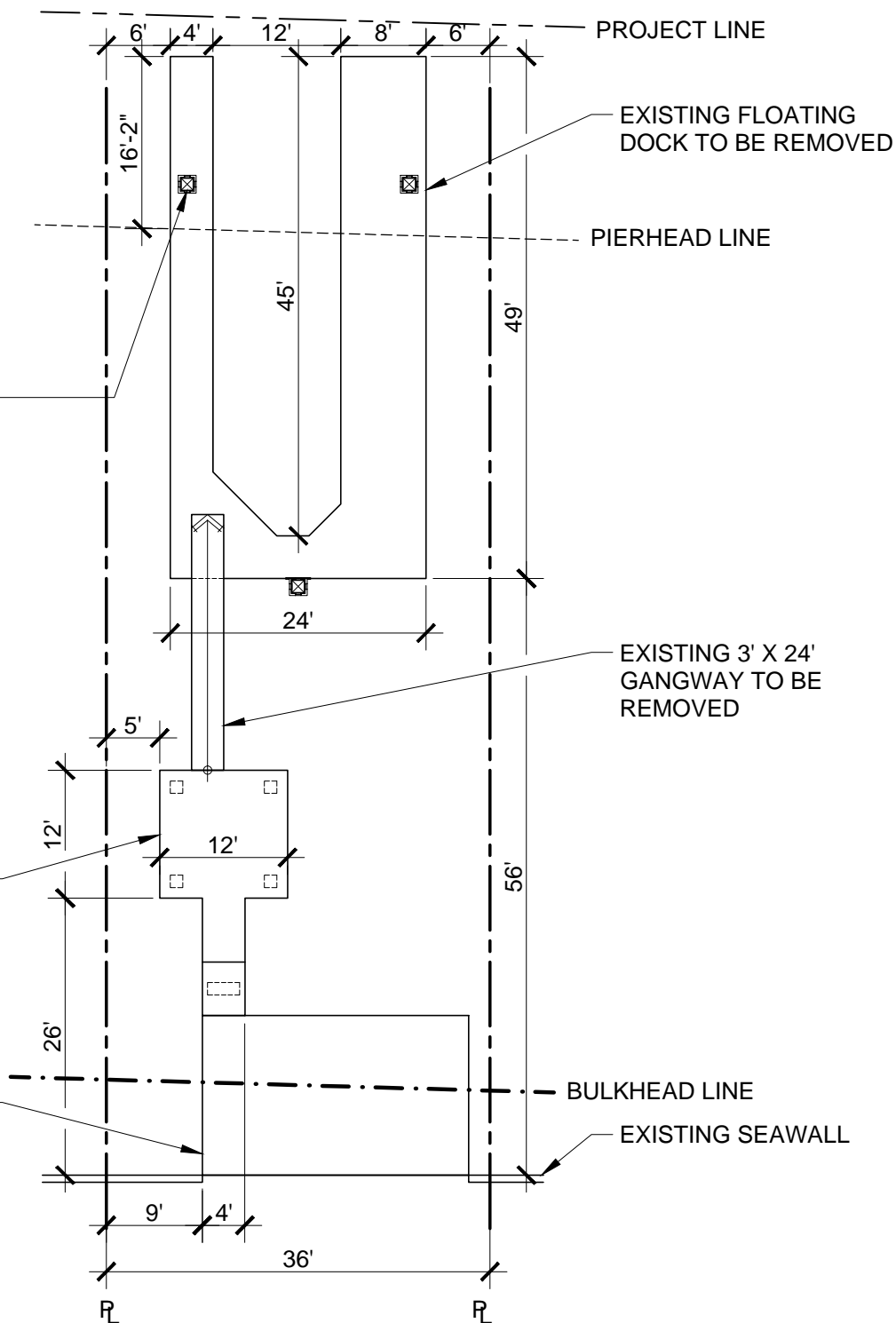
605 VIA LIDO SOUD, NEWPORT BEACH, CA 92663

DOCK AREA:	
TOTAL AREA	658 FT ²
GANGWAY AREA:	
3' X 24'	72 FT ²
TOTAL	72 FT ²
PIER AREA:	
TOTAL AREA	188 FT ²
TOTAL AREA:	918 FT²

EXISTING 14" GUIDE
PILE TO BE REMOVED
(3 TOTAL)

EXISTING PIER & PILE
SUPPORT TO BE
REMOVED

EXISTING DECK TO BE
REMOVED



EXISTING



SWIFT SLIP DOCK & PIER BUILDERS, INC.

6351 Industry Way, Westminster, CA 92683

Phone: (949) 631-3121

Fax: (714) 509-0618

www.swiftslipdocks.com

CLIENT

CAMPBELL, ARGYLE

RO
DRAWN

CHECKED

2.0
REVISION

07/08/21
DATE

AMENDMENTS:

REV:	DESCRIPTION:	BY:	DATE:
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SITE

605 VIA LIDO SOUD, NEWPORT BEACH, CA 92663

DOCK AREA:

TOTAL AREA 400 FT²

GANGWAY AREA:

3' X 24' 72 FT²

TOTAL 72 FT²

PIER AREA:

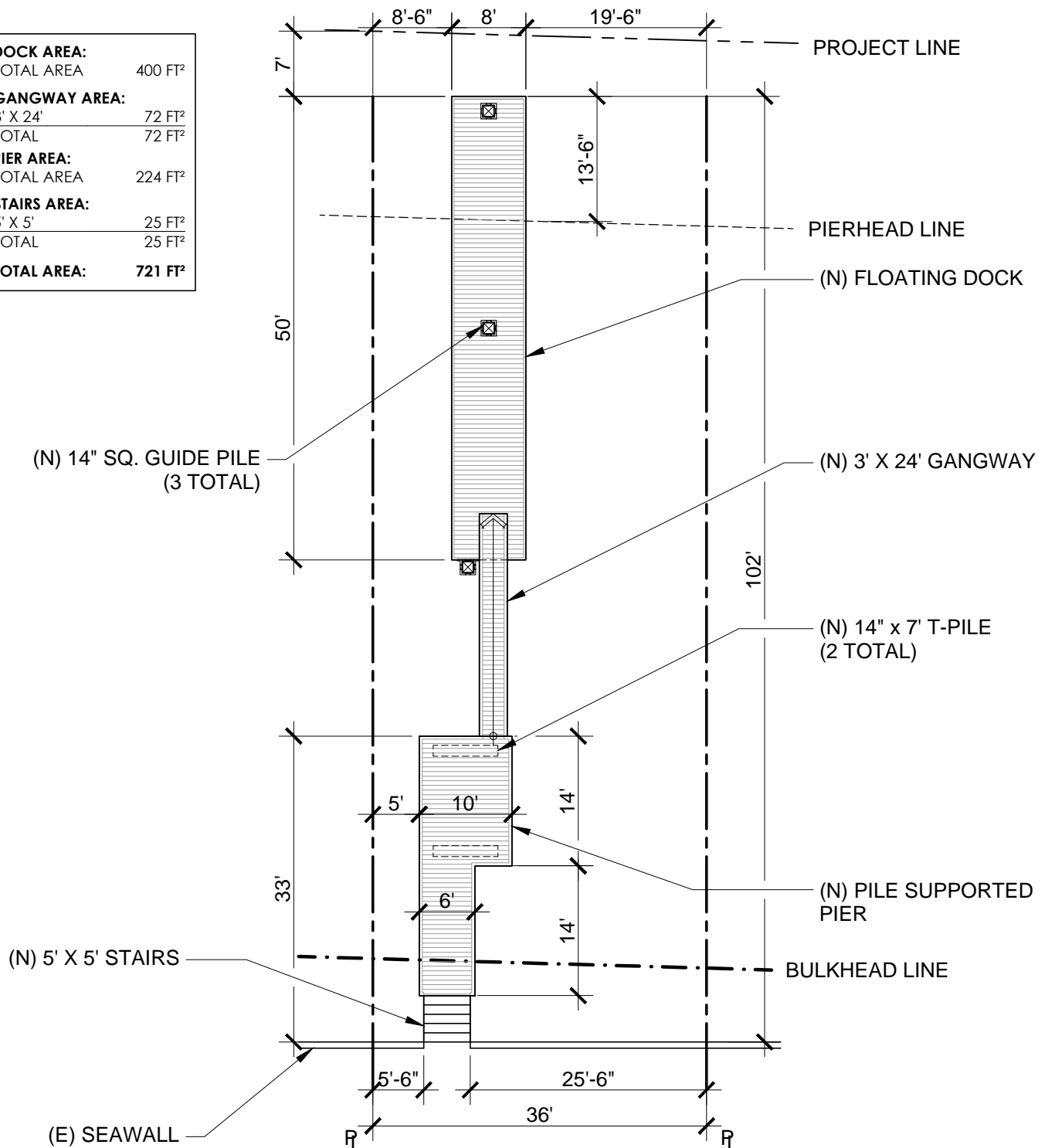
TOTAL AREA 224 FT²

STAIRS AREA:

5' X 5' 25 FT²

TOTAL 25 FT²

TOTAL AREA: 721 FT²



UPDATED PROPOSED



SWIFT SLIP DOCK & PIER BUILDERS, INC.

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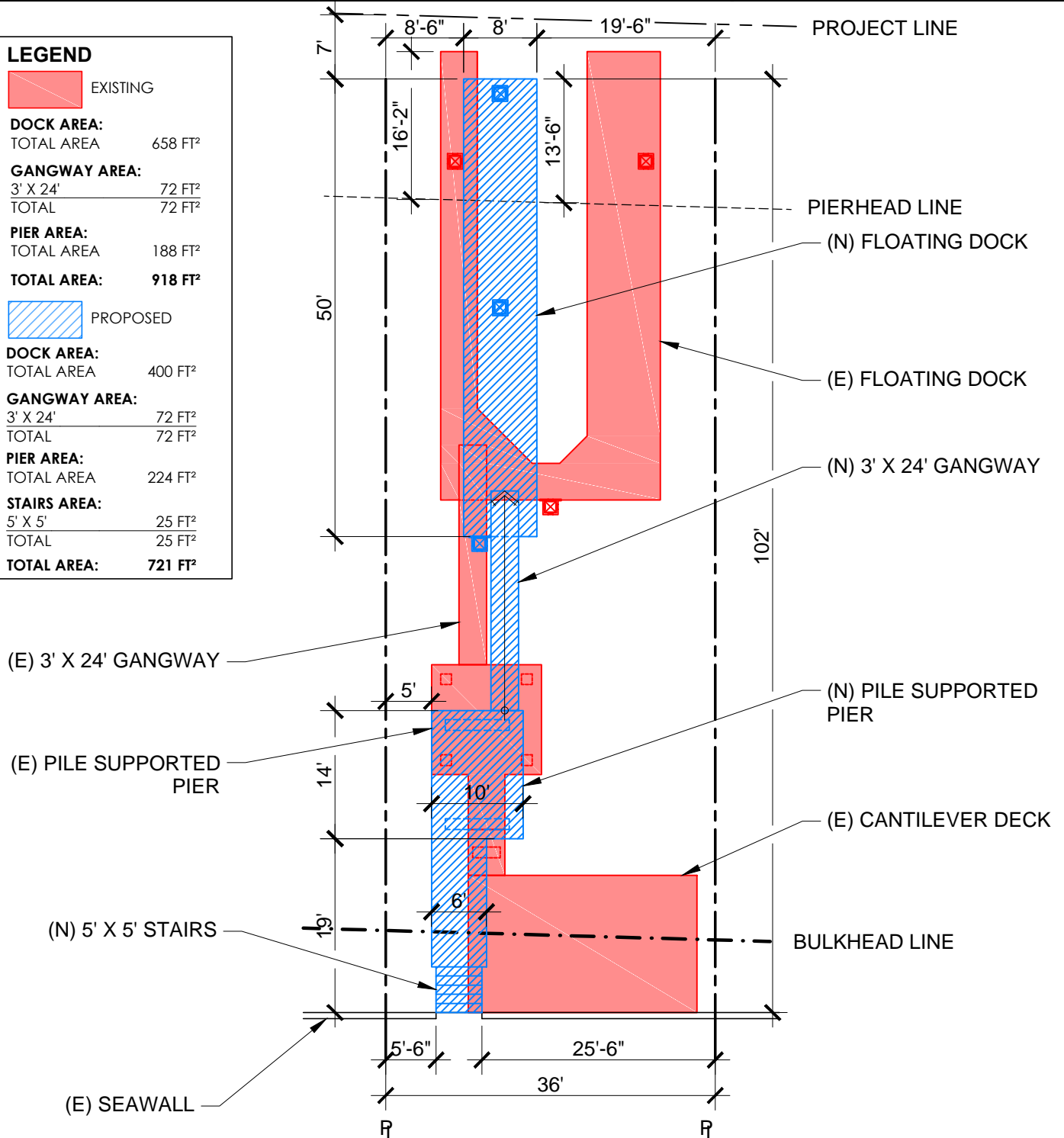
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605 VIA LIDO SOUD, NEWPORT BEACH, CA 92663

LEGEND

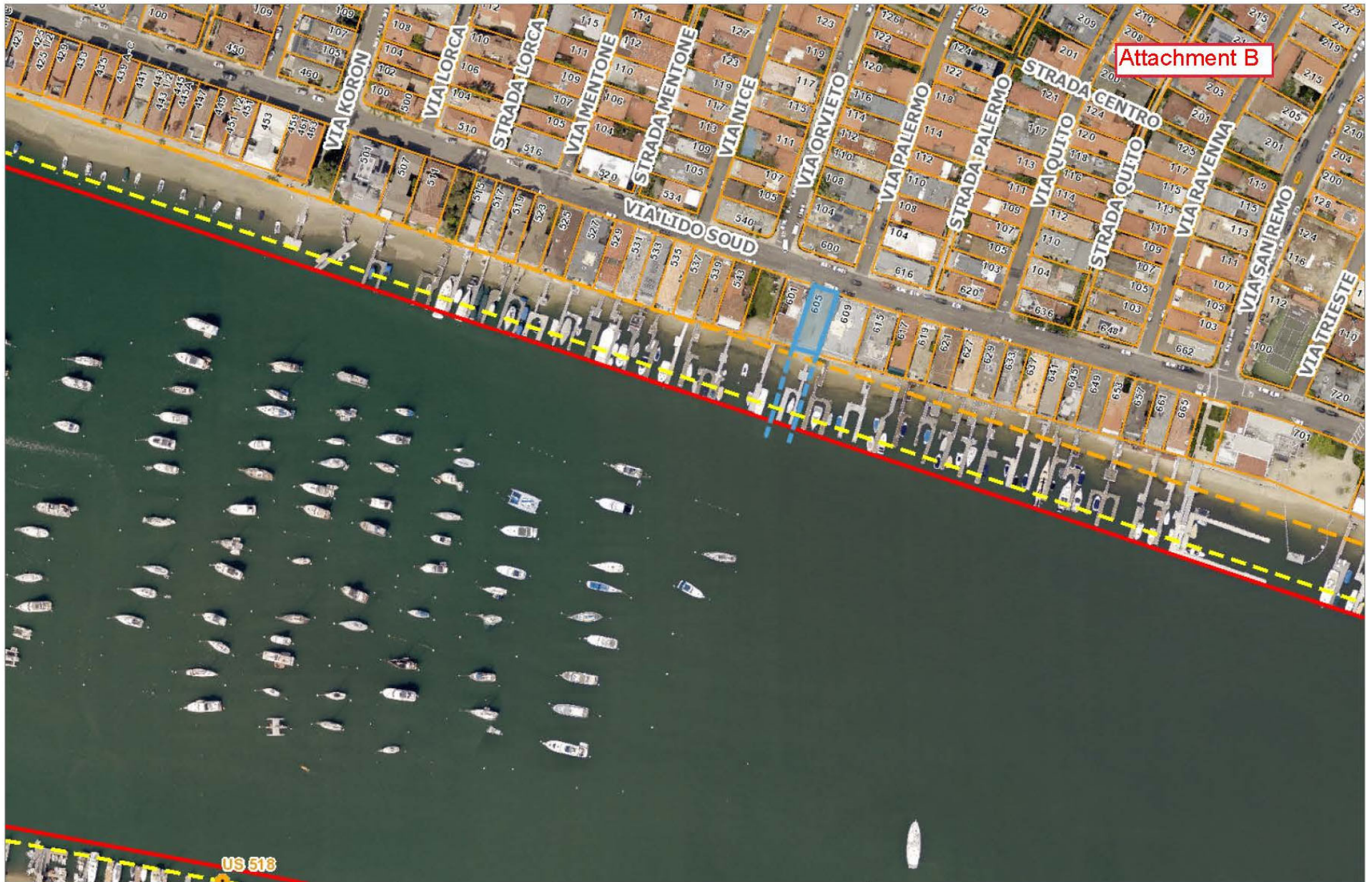
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DOCK AREA:	
TOTAL AREA	658 FT ²
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PIER AREA:	
TOTAL AREA	188 FT ²
TOTAL AREA:	918 FT²
	PROPOSED
DOCK AREA:	
TOTAL AREA	400 FT ²
GANGWAY AREA:	
3' X 24'	72 FT ²
TOTAL	72 FT ²
PIER AREA:	
TOTAL AREA	224 FT ²
STAIRS AREA:	
5' X 5'	25 FT ²
TOTAL	25 FT ²
TOTAL AREA:	721 FT²



EXISTING / UPDATED PROPOSED

Residential Dock Reconstruction at 605 Via Lido Soud

Harbor Commission
July 14, 2021



US 518



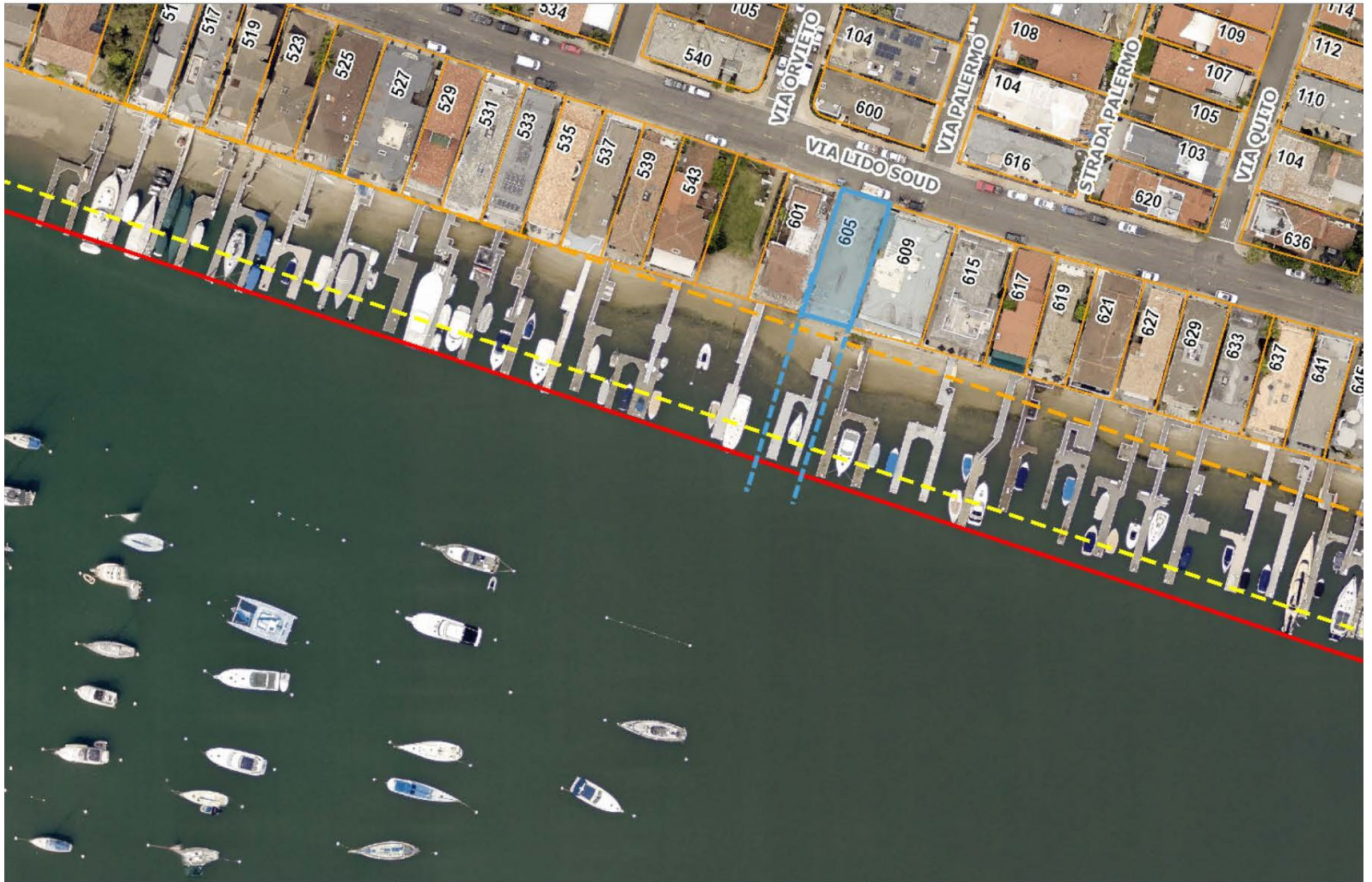
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NEWPORT BEACH



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Feet

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.

7/7/2021



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Feet

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Feet

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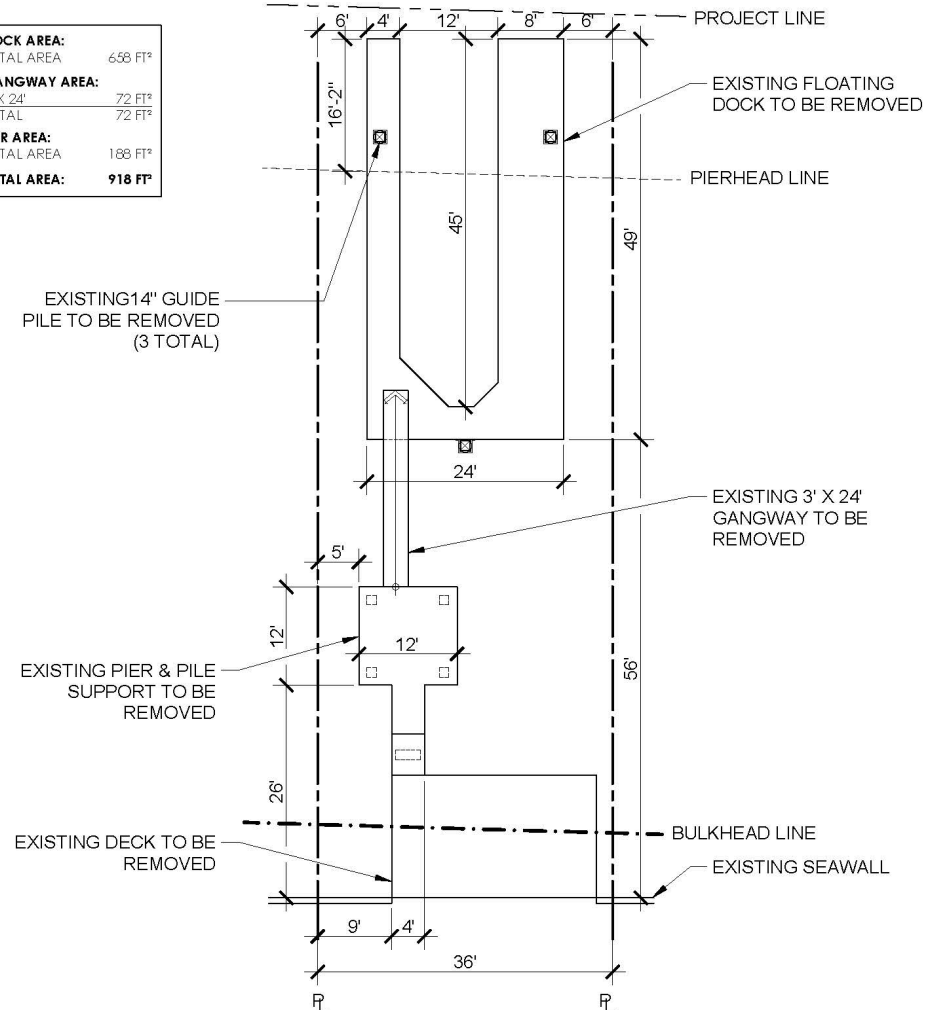
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605 VIA LIDO SOUD, NEWPORT BEACH, CA 92663

DOCK AREA:	
TOTAL AREA	658 FT ²
GANGWAY AREA:	
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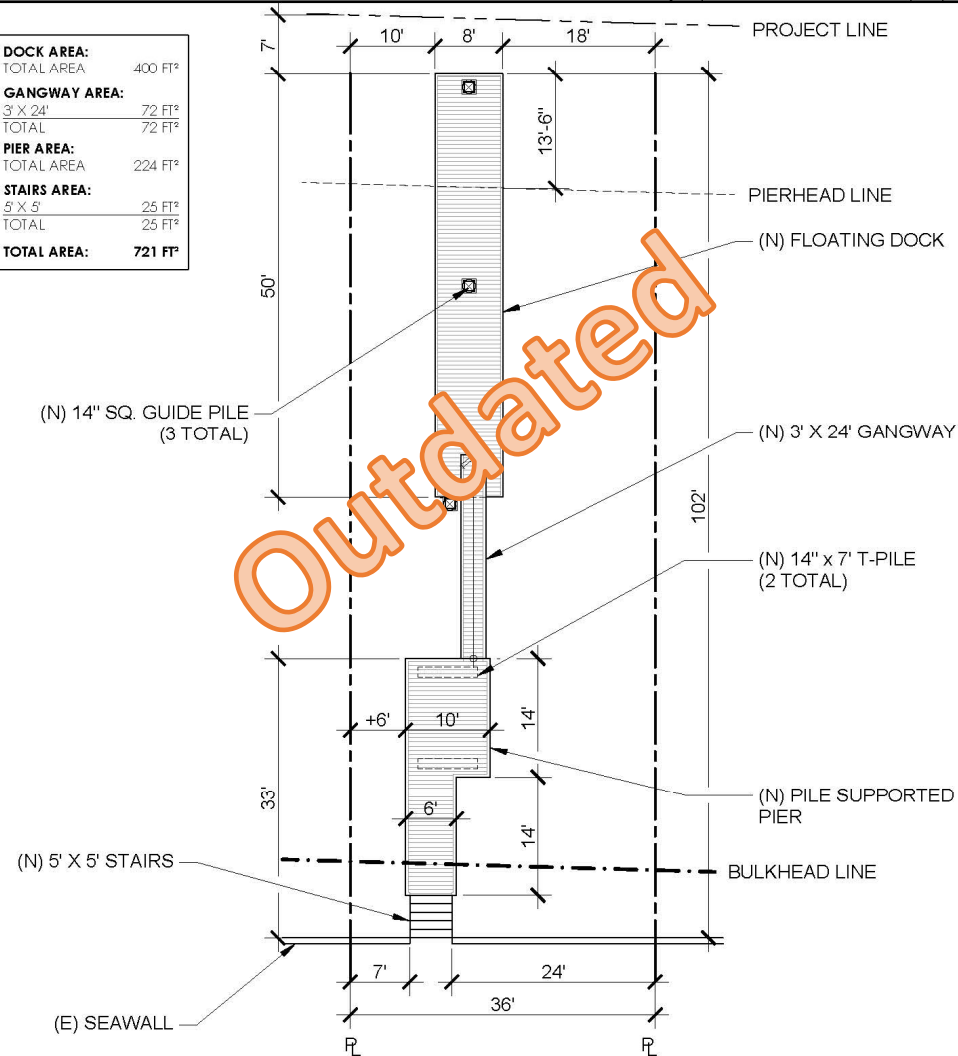
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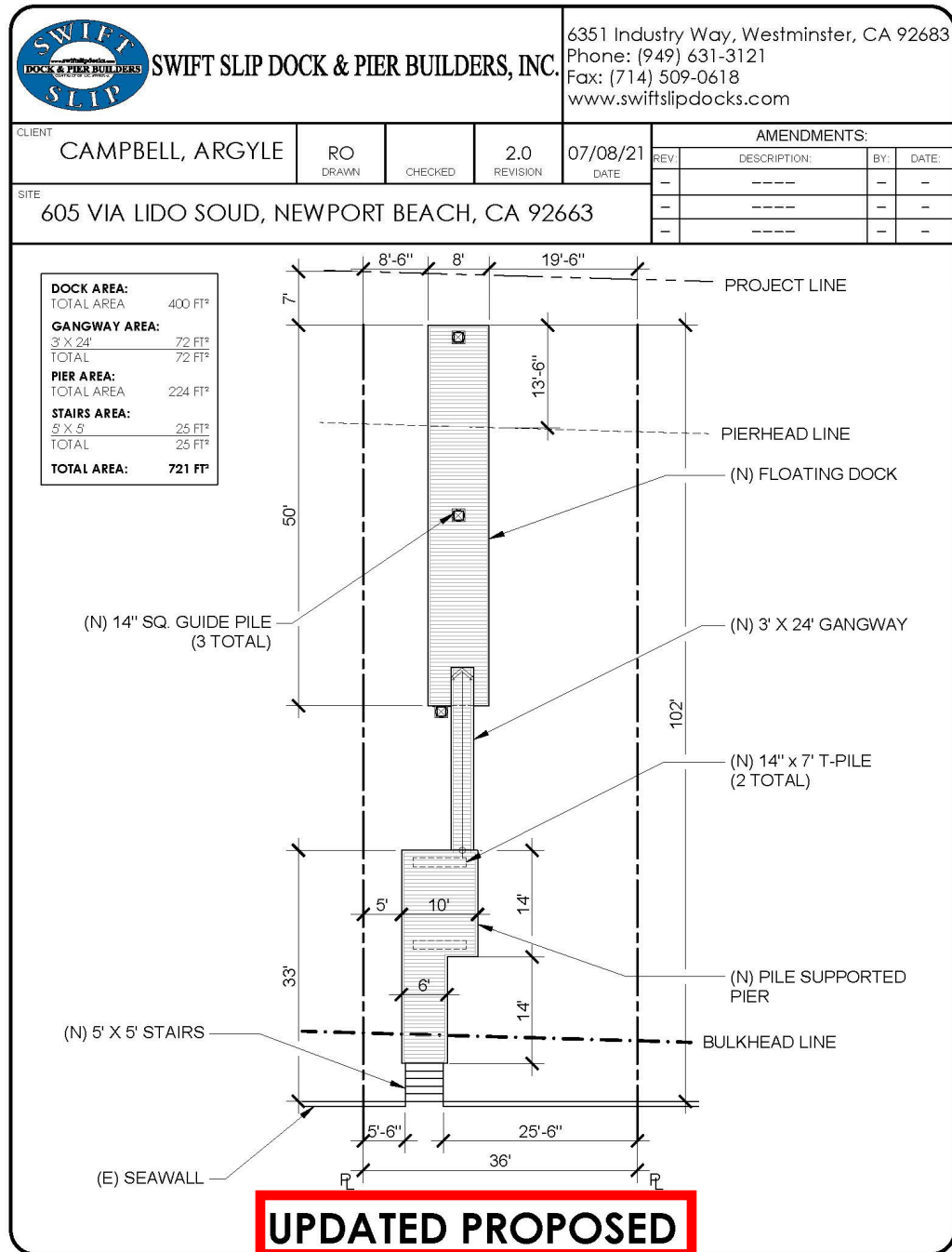
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TOTAL AREA	224 FT²
STAIRS AREA:	
5' X 5'	25 FT²
TOTAL	25 FT²
TOTAL AREA:	721 FT²



PROPOSED

Amended Proposal 7/12/21





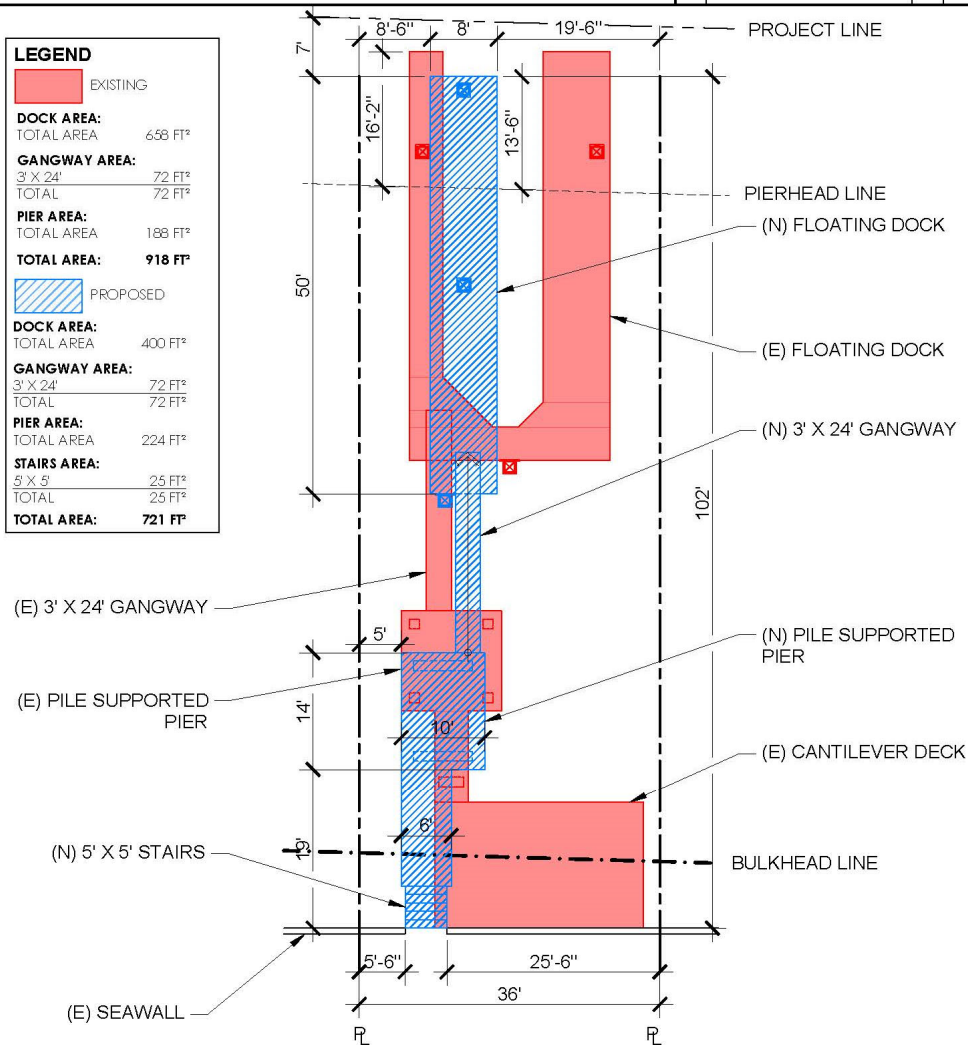
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CLIENT	CAMPBELL, ARGYLE	RO		2.0	07/08/21	AMENDMENTS:			
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SITE						-	----	-	-
605 VIA LIDO SOUD, NEWPORT BEACH, CA 92663						-	----	-	-
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**Amended
Proposal
7/12/21**

LEGEND	
	EXISTING
DOCK AREA:	
TOTAL AREA	658 FT ²
GANGWAY AREA:	
3' X 24'	72 FT ²
TOTAL	72 FT ²
PIER AREA:	
TOTAL AREA	188 FT ²
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STAIRS AREA:	
5' X 5'	25 FT ²
TOTAL	25 FT ²
TOTAL AREA:	721 FT²



EXISTING / UPDATED PROPOSED



Comments/Questions



Your **Public Works Department**

Protecting and Providing Quality
Public Improvements and Services



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

July 14, 2021
Agenda Item No. 7.2

TO: HARBOR COMMISSION

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

TITLE: Residential Dock Reconfiguration at 633 Via Lido Soud

ABSTRACT:

The applicant at 633 Via Lido Soud is proposing to reconfigure the residential dock system by replacing the pier, pier platform, gangway and float with a similar dock system. The proposed float extends beyond the pierhead line the same distance as the existing permitted float. Because the applicant is proposing to position the float beyond the pierhead line, 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;
- 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 633 Via Lido Soud 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 it is the City Council’s general policy not to approve piers and floats beyond the pierhead line, but that the Harbor Commission may make exceptions to this rule if specific findings are made at a public hearing.

The applicant’s dock is located at 633 Via Lido Soud on Lido Isle. As depicted on the aerials (Attachment B), many of the dock structures along this section of Via Lido Soud extend beyond the pierhead line because in previous versions of Council Policy H-1, floats were permitted to extend 20-feet beyond the pierhead line.

Council Policy H-1 provides that the Harbor Commission shall consider for approval, conditional approval or denial of the application based on certain conditions being met. 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 shall make specific factual findings as to each of the categories of exceptions.

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 most current plans on file with the City for this particular dock. This 1995 depicts the same dock configuration extending 115-feet beyond the pierhead line. The proposed float (Attachment D) also extends 115-feet.

PROPOSED PROJECT

The Project conforms to the Harbor Design Criteria.

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: Council Policy H-1(1). The existing pier or float is currently encroaching bayward beyond the pierhead line.

Facts in Support of Findings: The existing float currently encroaches bayward beyond the pierhead line.

Finding No. 2: Council Policy H-1(2). The existing pier or float was previously permitted to encroach bayward beyond the pierhead line.

Facts in Support of Findings: The existing dock configuration was approved in 1995 to encroach bayward beyond the pierhead line as evidenced by Attachment C.

Finding No. 3: Council Policy H-1(3). The pier or float will not encroach any further bayward beyond the pierhead line than the existing encroachment beyond the pierhead line.

Facts in Support of Findings: As depicted by Attachment D, the proposed float encroaches bayward beyond the pierhead line the same distance that the existing float encroaches.

Finding No. 4: Council Policy H-1(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.

Facts in Support of Findings: The proposed float encroaches bayward beyond the pierhead line the same distance that the existing float encroaches. The proposed float is a shorter distance to the side property line as the existing float. Therefore, a vessel berthed at the proposed float would not extend any further than existing conditions would allow based on the rule that vessels may not extend greater than their beam.

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 system, 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 to the harbor waterways and waterfront areas will be maintained because the proposed float extends the same distance as the existing float extends.

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 633 Via Lido Soud, and maintains the required setbacks. Navigation will not be negatively impacted.

Finding No. 9: 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.

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 (687 square feet) is less than the existing overwater coverage (818 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 Friday, January 1, 2021 (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:
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 - b. Maintain or enhance public access to the harbor waterways and waterfront areas;
 - c. Preserve or enhance the visual character of the harbor; and
 - d. Not negatively impact adjacent property owners, navigation and future harbor dredging.

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

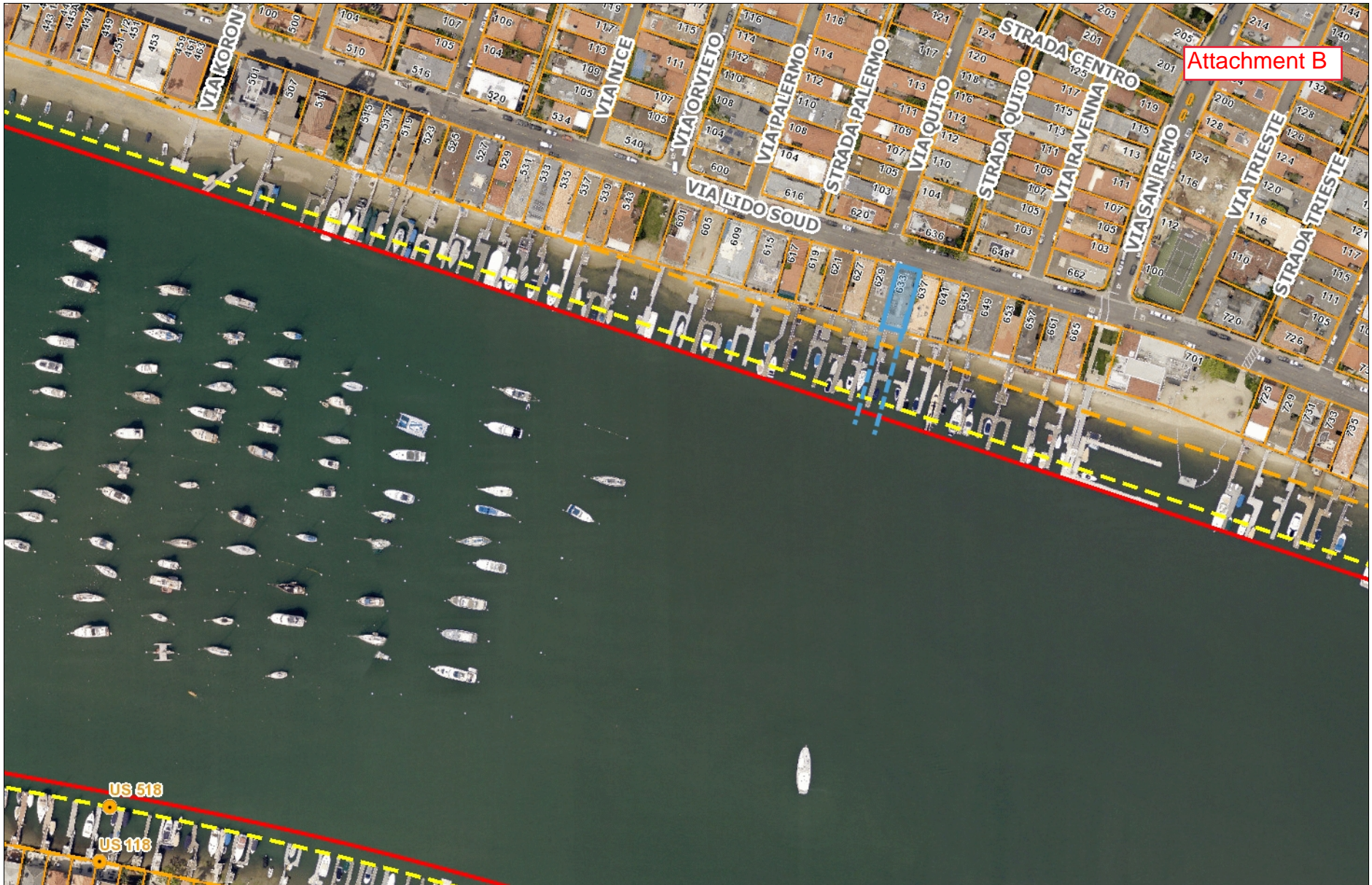
For those piers and floats in areas where pierhead lines do not exist or in areas not otherwise clearly defined by the criteria within this Policy, staff may consider approving those pier and float projects if the reconstruction is like-for-like, including any upgrades required to meet current code and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

History

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

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

Amended H-1 – 6-24-1991
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
Amended H-1 – 4-13-2004
Amended H-1 – 1-8-2008
Amended H-1 – 5-22-2018
Amended H-1 – 6-25-2019
Amended H-1 – 11-5-2019



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0 200 400
Feet

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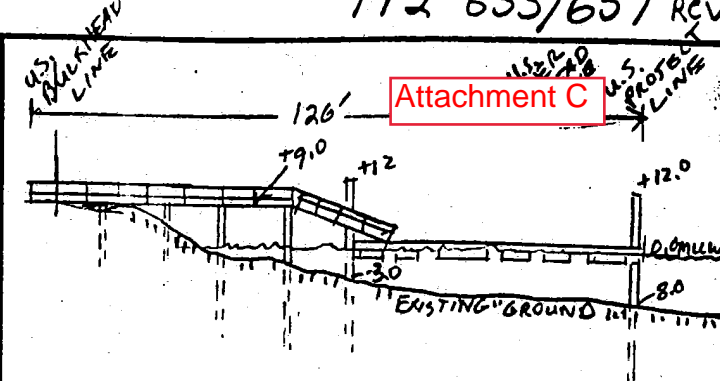


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7/7/2021


112 055/65 / REVISE
5-9



Attachment C

South Coast District Office

APPROVED 5-95-130
FBI TO DO.


 PROFILE 1" = 40' 6/16/95

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

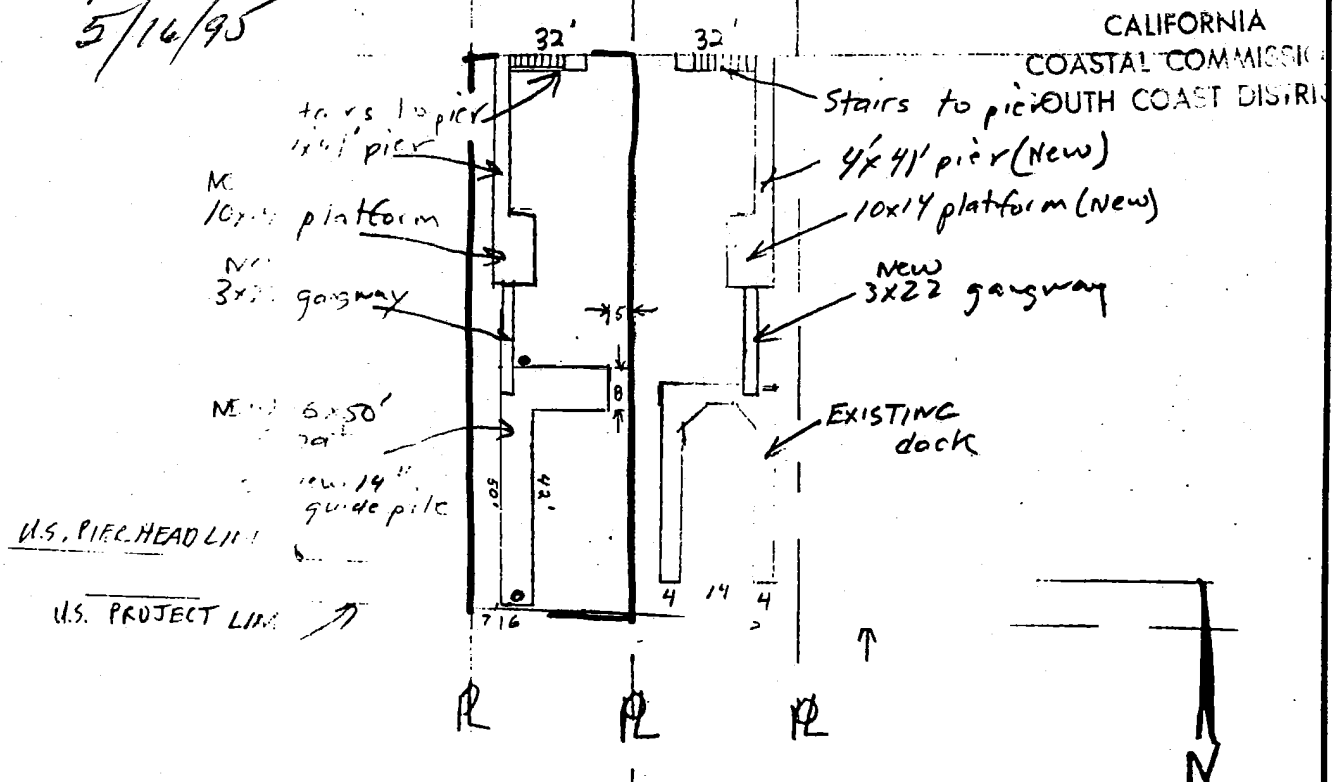
MARINE DEPARTMENT¹⁰

ISLAND

RECEIVED

MAY 23 1995

CALIFORNIA
COASTAL COMMISSION



PLAN VIEW 1" = 40'

APPLICANT'S NAME	James Collins	JOB ADDRESS	633-637 Via Lido Sound	DATE	1-3-95
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CLIENT

TEAM, DAVID

RO

DRAWN

CHECKED

1.0

REVISION

12/17/20

DATE

AMENDMENTS:

REV:	DESCRIPTION:	BY:	DATE:
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SITE

633 VIA LIDO SOUD, NEWPORT BEACH, CA 92663

DOCK AREA:

TOTAL AREA 412 FT²

GANGWAY AREA:

3' X 22' 66 FT²

TOTAL 66 FT²

PIER AREA:

TOTAL AREA 340 FT²

TOTAL AREA: 818 FT²

EXISTING
FLOATING DOCK
TO BE REMOVED

EXISTING PILE
SUPPORTED PIER
& T-PILES TO BE
REMOVED

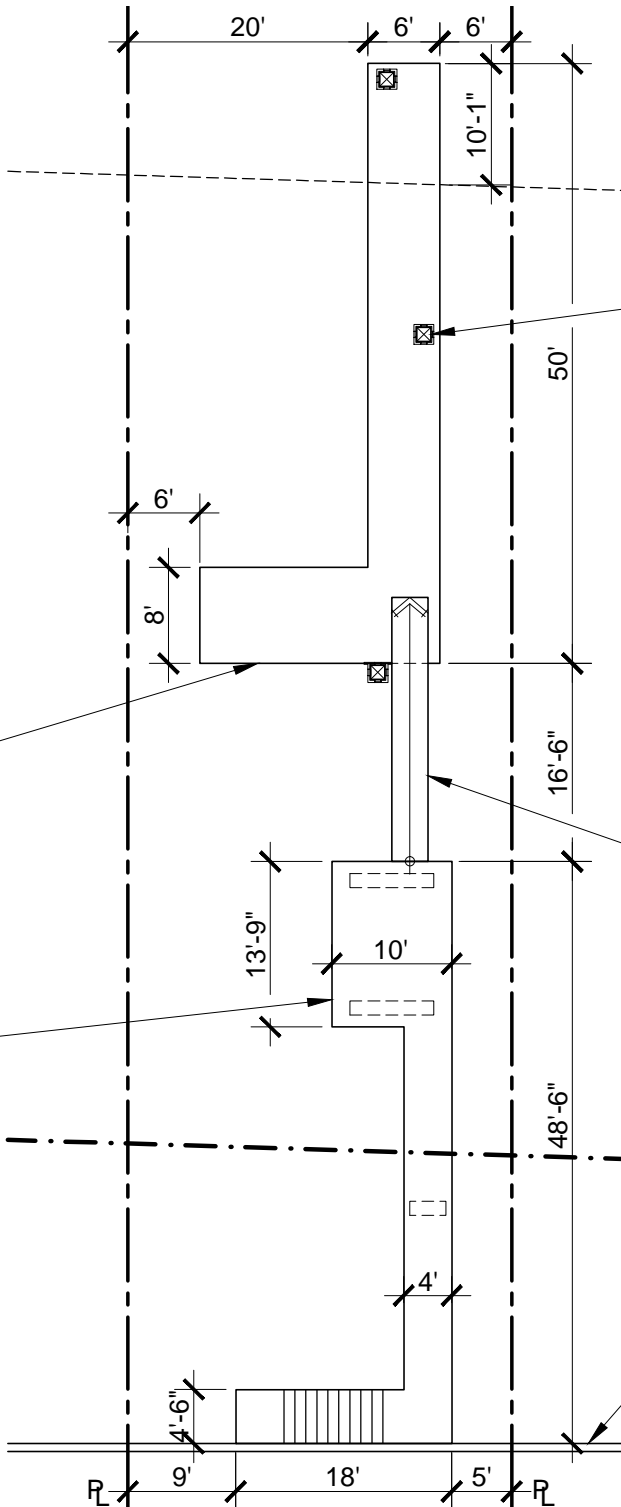
PIERHEAD LINE

EXISTING GUIDE PILE
TO BE REMOVED
(3 TOTAL)

EXISTING 3' X 22'
GANGWAY TO BE
REMOVED

BULKHEAD LINE

EXISTING SEAWALL



EXISTING



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Attachment D

CLIENT

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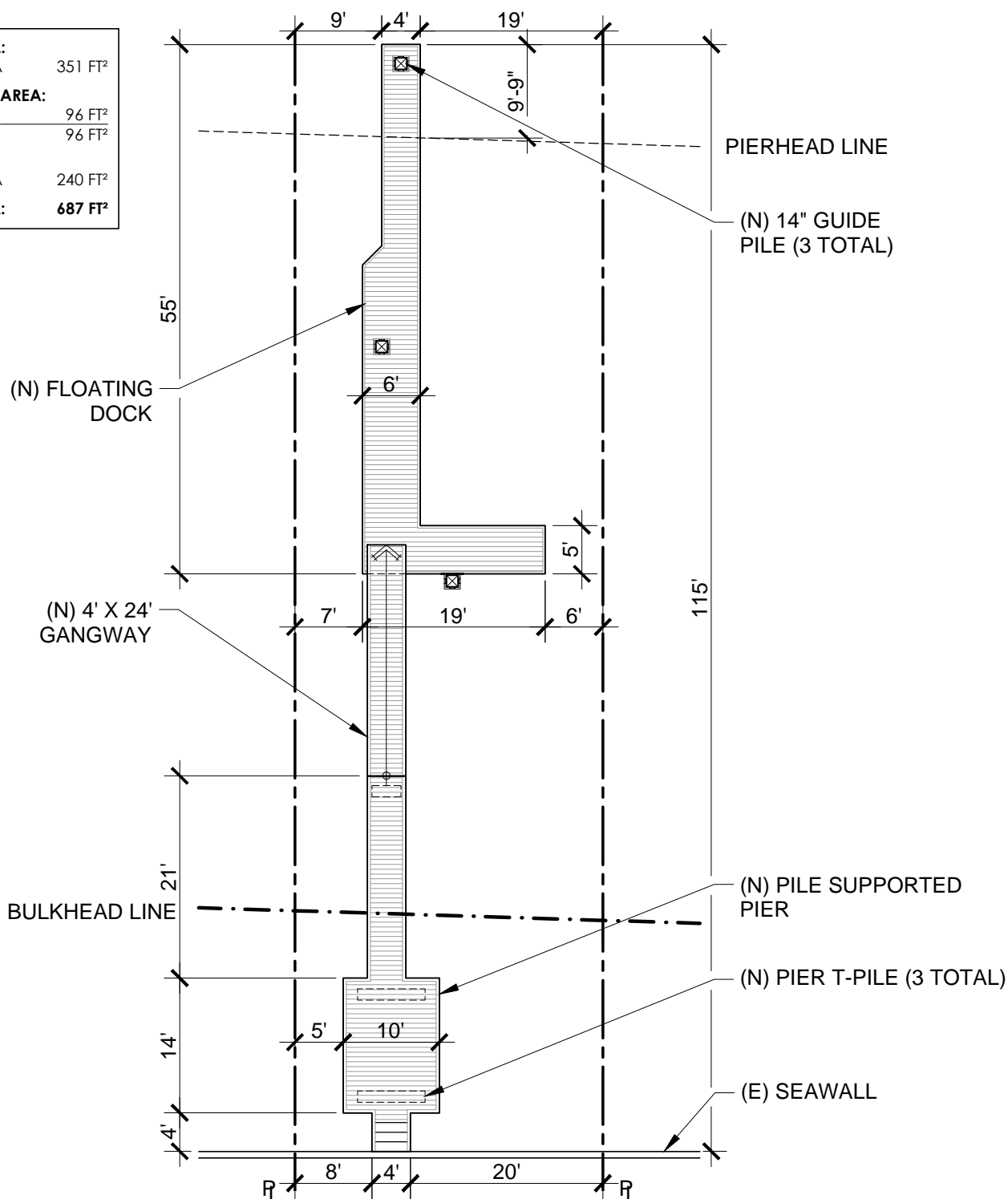
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TOTAL AREA	240 FT ²
TOTAL AREA:	687 FT²



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CHECKED

1.0
REVISION

12/17/20
DATE

AMENDMENTS:

REV:	DESCRIPTION:	BY:	DATE:
-	----	-	-
-	----	-	-
-	----	-	-

SITE

633 VIA LIDO SOUD, NEWPORT BEACH, CA 92663

LEGEND

 EXISTING

DOCK AREA:

TOTAL AREA 412 FT²

GANGWAY AREA:

3' X 22' 66 FT²

TOTAL 66 FT²

PIER AREA:

TOTAL AREA 340 FT²

TOTAL AREA: 818 FT²

 PROPOSED

DOCK AREA:

TOTAL AREA 351 FT²

GANGWAY AREA:

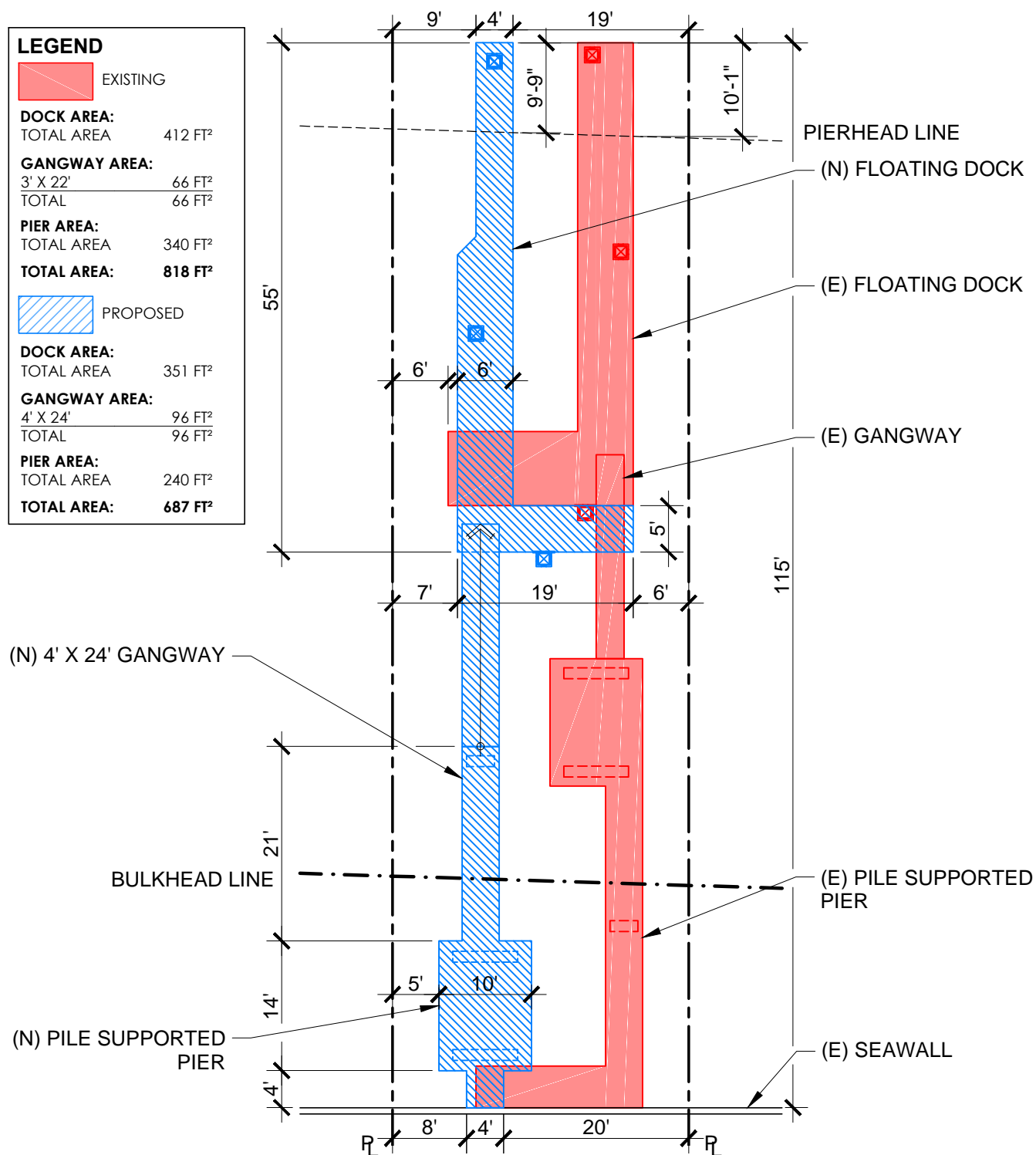
4' X 24' 96 FT²

TOTAL 96 FT²

PIER AREA:

TOTAL AREA 240 FT²

TOTAL AREA: 687 FT²



EXISTING/PROPOSED



CITY OF NEWPORT BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, July 14, 2021**, at **5:00 p.m.** or soon thereafter as the matter shall be heard, public hearings 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 applications:

Residential Dock Reconfiguration Projects located at:

605 Via Lido Soud

633 Via Lido Soud

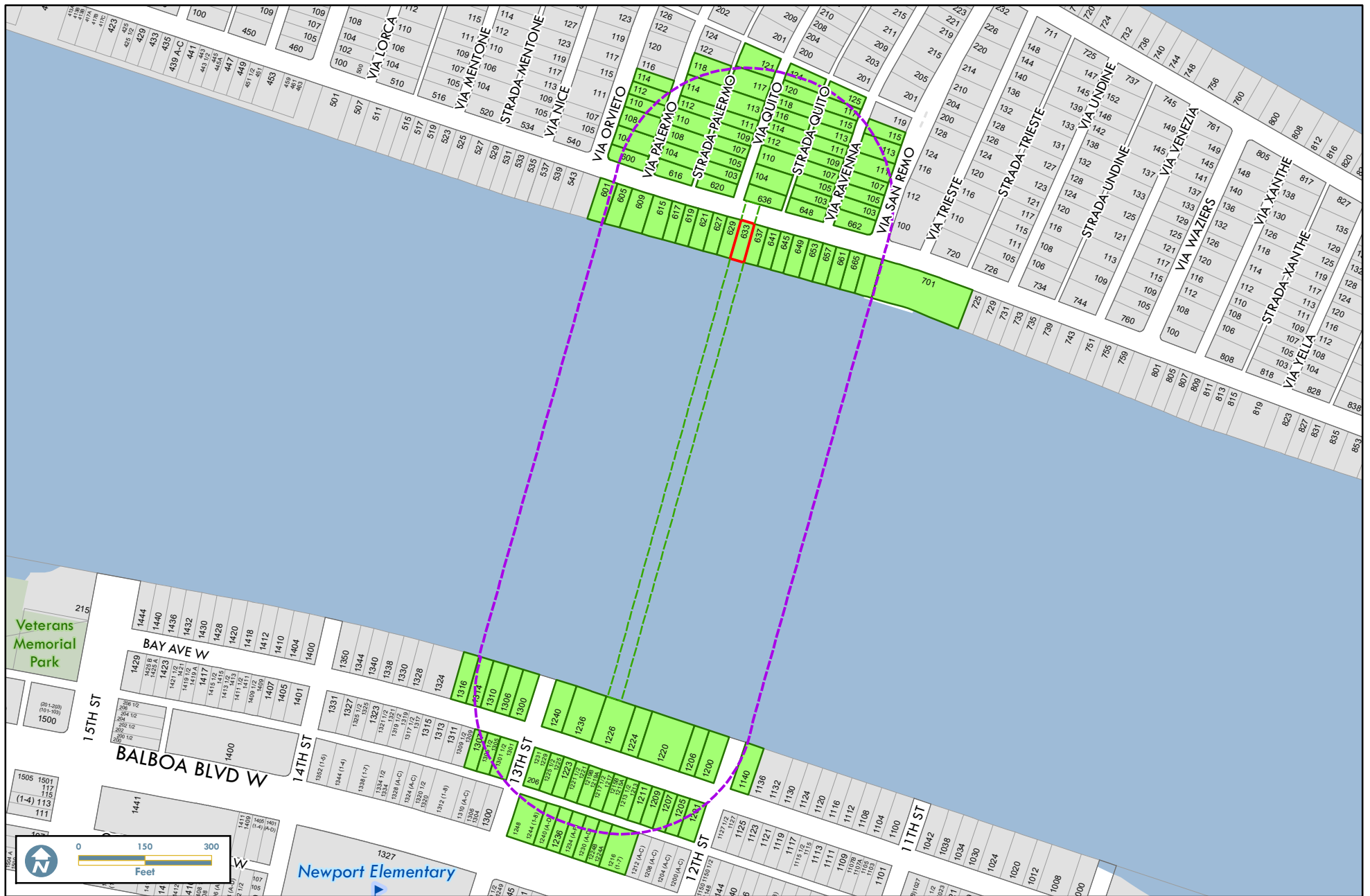
These projects are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because they have no potential to have significant effects on the environment. These projects will be located on the same site and location as the structures they replaced and will have substantially the same purpose, capacity and size as the structures replaced.

All interested parties may appear and present testimony in regard to these proposals. If you challenge these projects in court, you may be limited to raising only those issues you raised at the public hearings or in written correspondence delivered to the City at, or prior to, the public hearings. Administrative procedures for appeals are provided in the Newport Beach Municipal Code Chapter 17.65. These applications 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 reports, and corresponding documents will be available by end of business day on the Friday preceding the public hearing, and may be reviewed at the City Manager's Office (Bay E-2nd Floor), at 100 Civic Center Drive, Newport Beach, California, CA 92660 or at the City of Newport Beach website at www.newportbeachca.gov. Individuals not able to attend the meeting may contact the Public Works Department or access the City's website after the meeting to review the action on these applications. 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. 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.

For questions regarding these public hearing items, please contact Chris Miller, Public Works Administrative Manager, at cmiller@newportbeachca.gov

Project Files Nos.: 1018-2001 (605 Via Lido Soud) and **0900-2021 (633 Via Lido Soud)**



633 Via Lido Soud

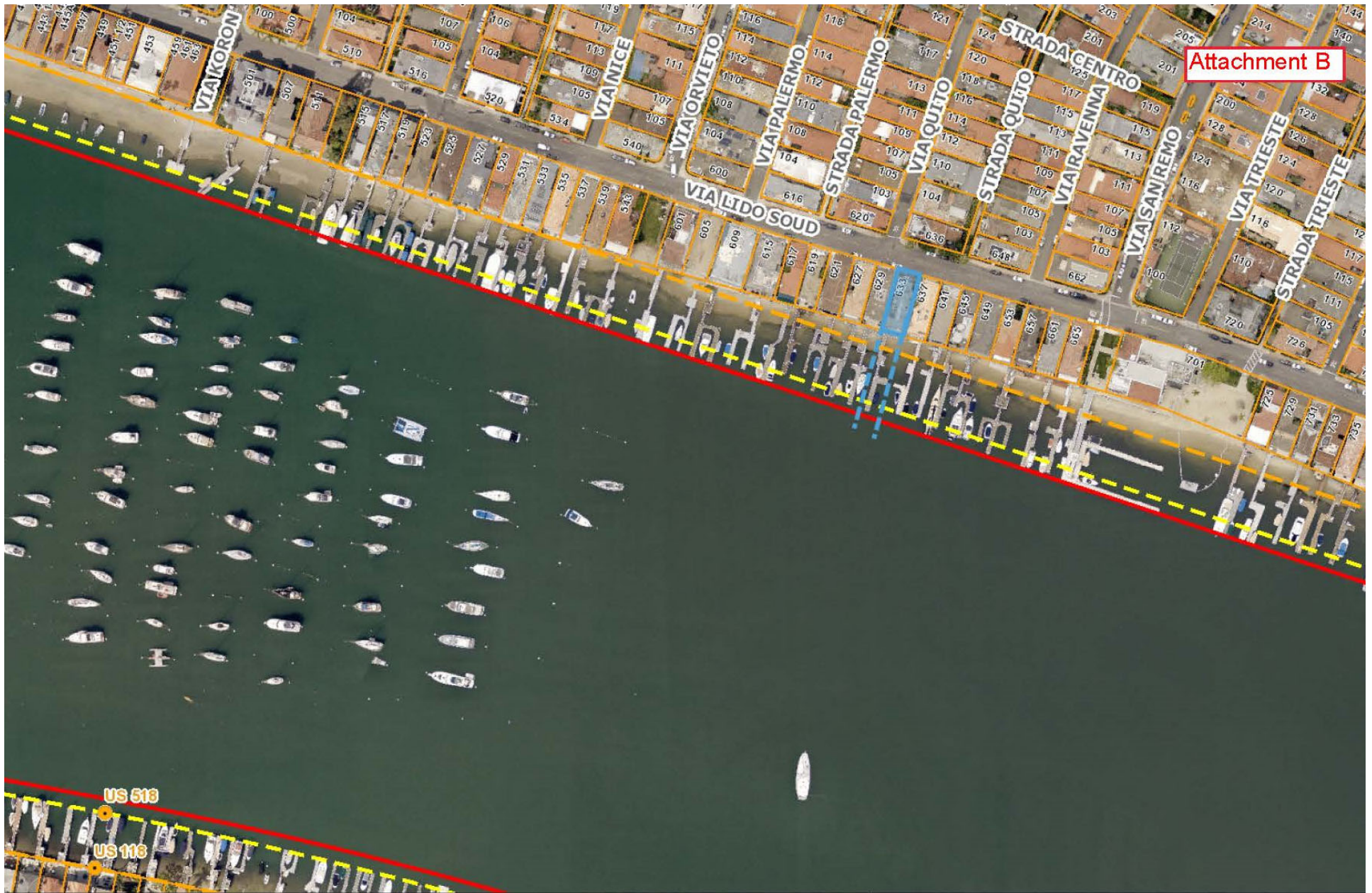
- Buffer 300'
- Prolongation of Lot Lines
- 633 Via Lido Soud
- Notified Properties



City of Newport Beach
GIS Division
June 08, 2021

Residential Dock Reconstruction at 633 Via Lido Soud

Harbor Commission
July 14, 2021



NBGiS
NEWPORT BEACH



0 200 400
Feet

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.

7/7/202



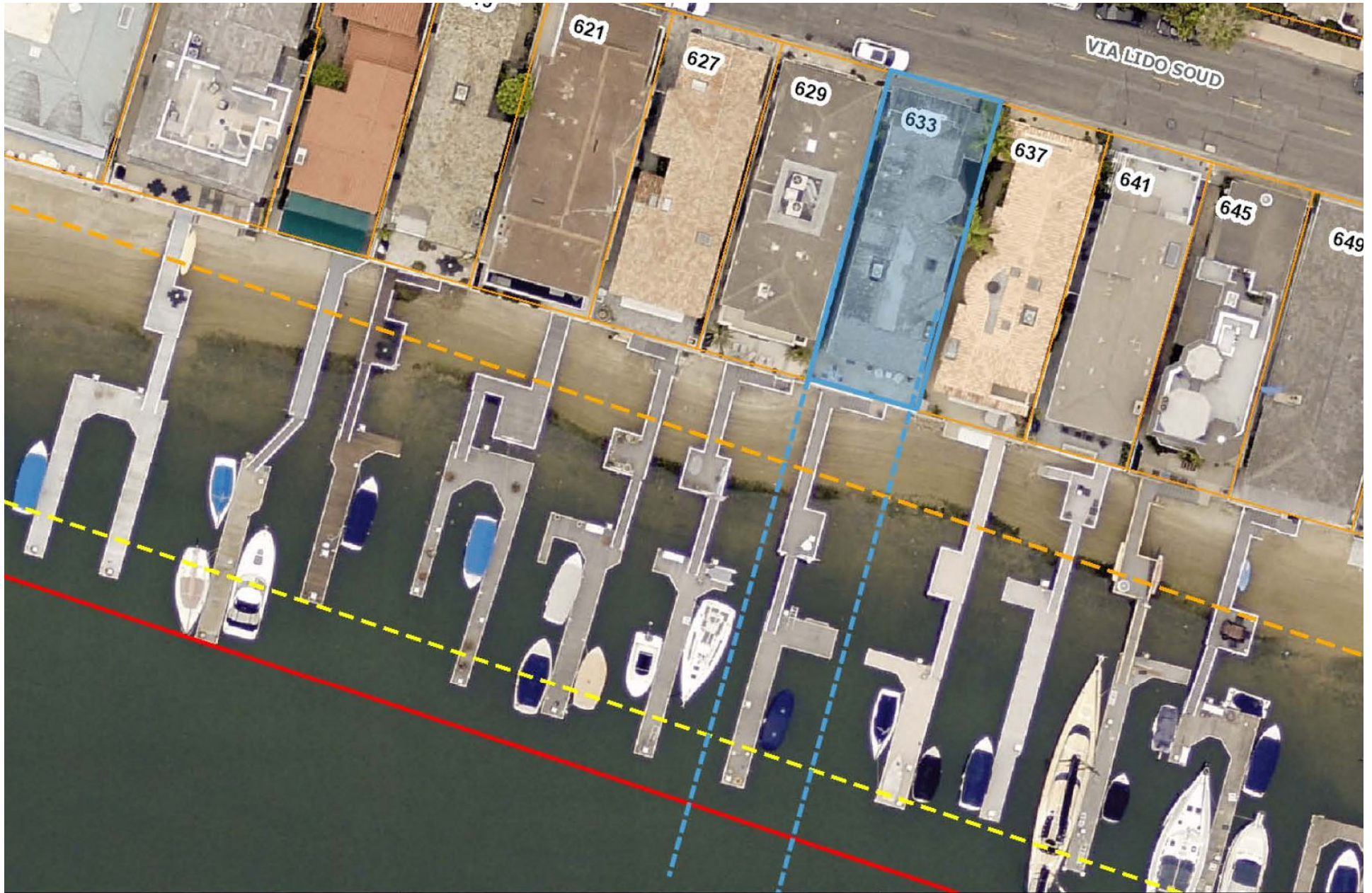
NBGiS
NEWPORT BEACH



0 100 200
Feet

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7/7/2021



NBGiS
NEWPORT BEACH



0 40 80
Feet

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7/1/21

CITY OF NEWPORT BEACH

SITE

WEST COAST HWY

UPPER NEWPORT BAY

EAST COAST HWY

BALBOA ISLAND

BALBOA BAY

BALBOA PIER

PENINSULA

PACIFIC OCEAN

NEWPORT PIER

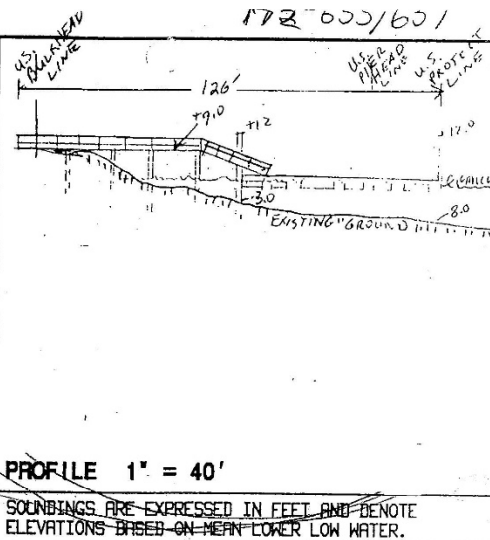
WEST JETTY

HARBOR ENTRANCE

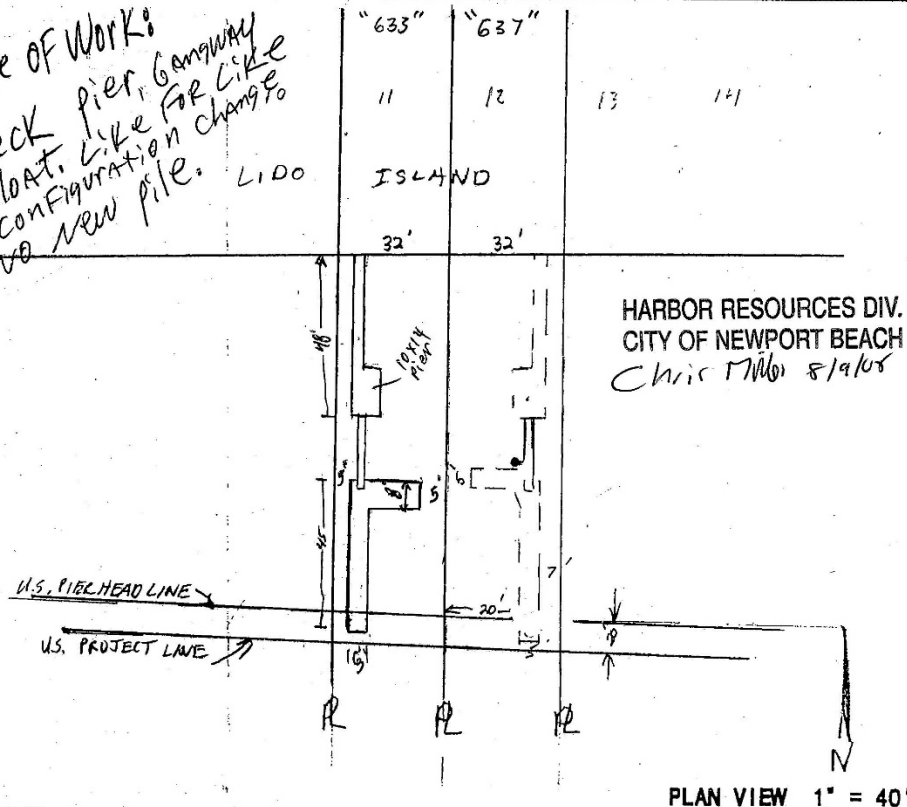
EAST JETTY

VICINITY MAP

NEWPORT BAY, CALIFORNIA



Scope of Work:
Redeck pier, Gangway
& Float. Like for like
No configuration change.
& no new pile. L. 00



HARBOR RESOURCES DIV.
CITY OF NEWPORT BEACH
Chris Miller 8/9/08

PLAN VIEW 1" = 40'

JOB ADDRESS 633 V/A Lido Soud | DATE 8-8-05

Drawn by: Emily Hill



SWIFT SLIP DOCK & PIER BUILDERS, INC.

6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121
Fax: (714) 509-0618
www.swiftslipdocks.com

CLIENT

TEAM, DAVID

RO
DRAWN

CHECKED

1.0
REVISION

12/17/20
DATE

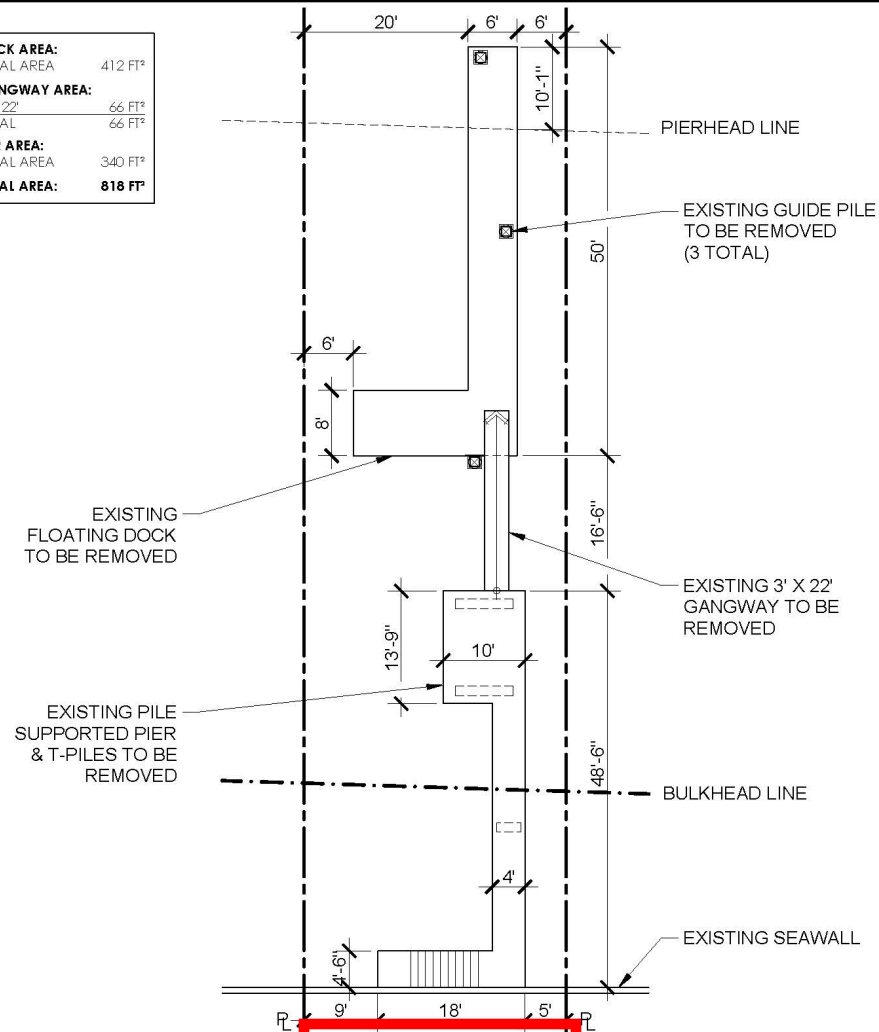
AMENDMENTS:

REV.	DESCRIPTION:	BY:	DATE:
-	----	-	-
-	----	-	-
-	----	-	-

SITE

633 VIA LIDO SOUD, NEWPORT BEACH, CA 92663

DOCK AREA:	
TOTAL AREA	412 FT ²
GANGWAY AREA:	
3' X 22'	66 FT ²
TOTAL	66 FT ²
PIER AREA:	
TOTAL AREA	340 FT ²
TOTAL AREA:	818 FT²



EXISTING



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CLIENT

TEAM, DAVID

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DRAWN

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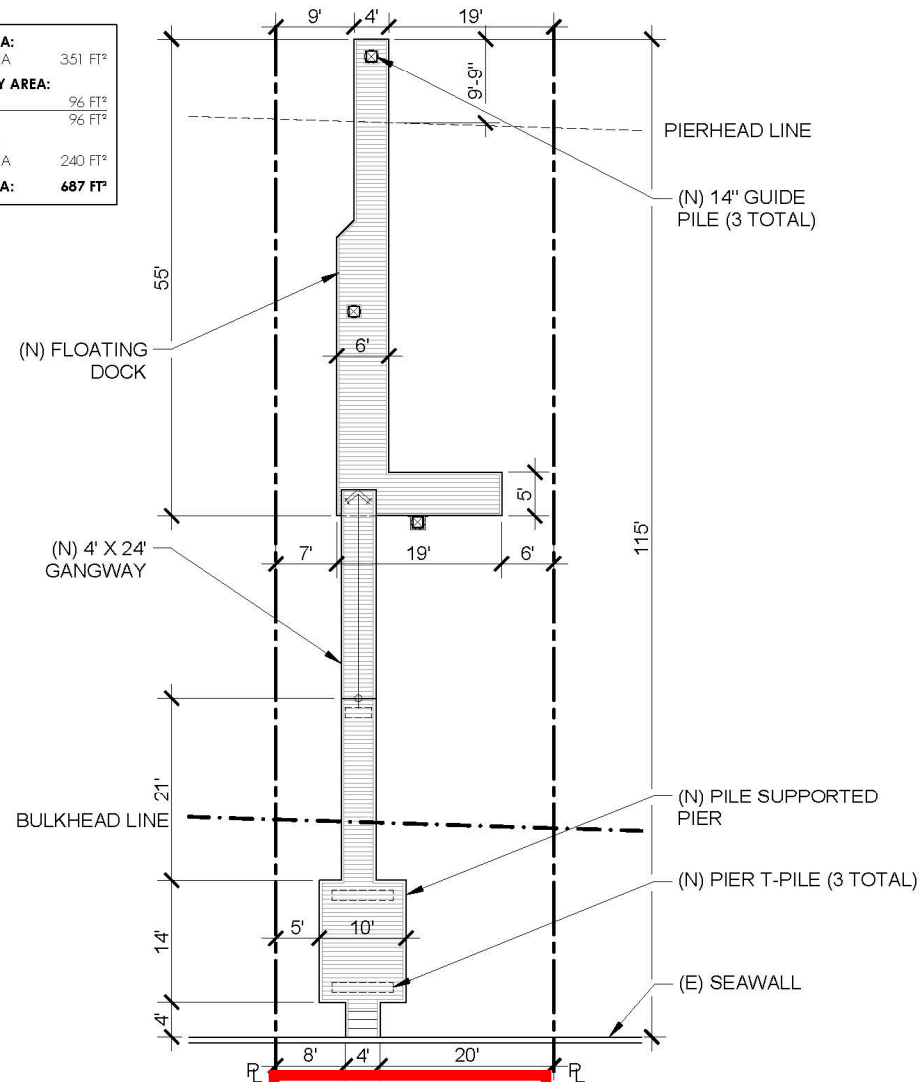
AMENDMENTS:

REV.	DESCRIPTION:	BY:	DATE:
-	----	-	-
-	----	-	-
-	----	-	-

SITE

633 VIA LIDO SOUD, NEWPORT BEACH, CA 92663

DOCK AREA:	
TOTAL AREA	351 FT ²
GANGWAY AREA:	
4' X 24'	96 FT ²
TOTAL	96 FT ²
PIER AREA:	
TOTAL AREA	240 FT ²
TOTAL AREA:	687 FT²



PROPOSED

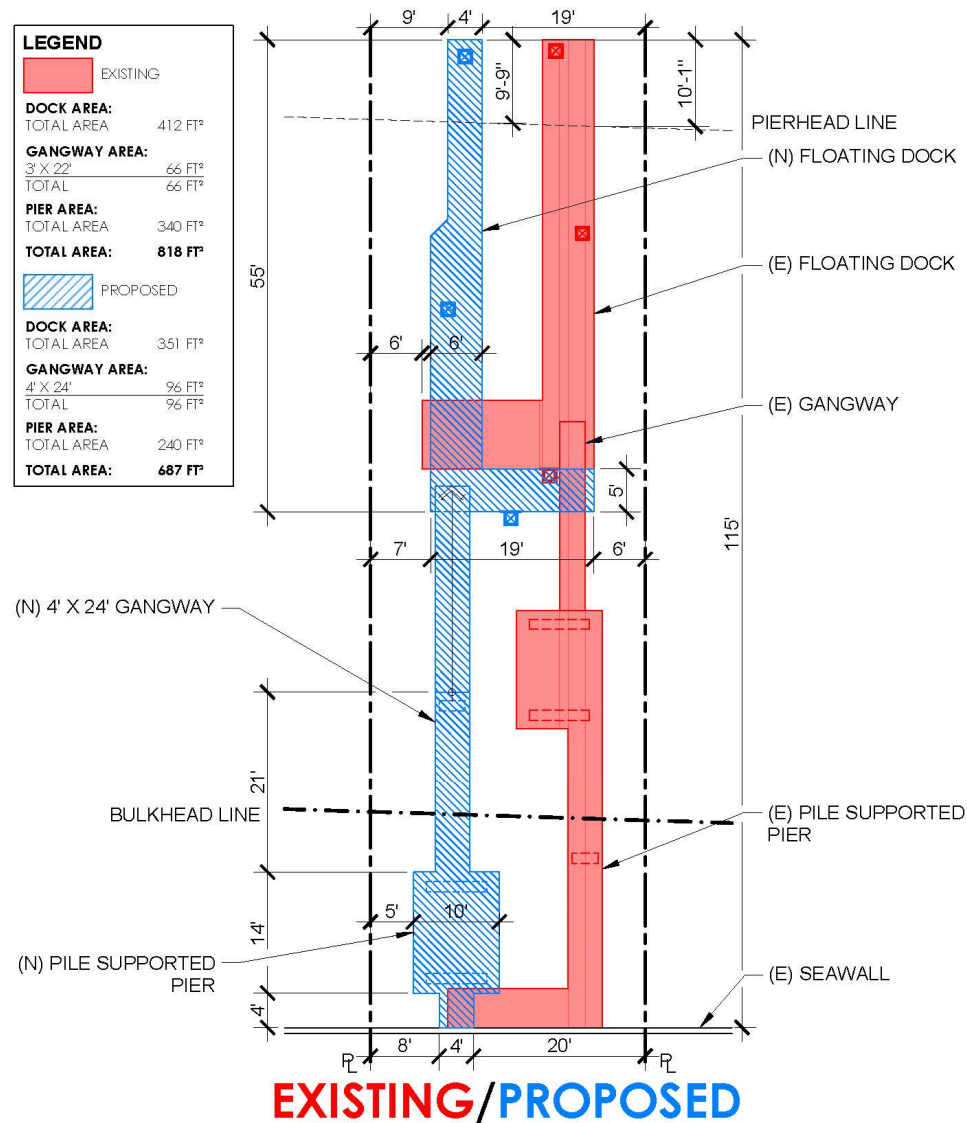


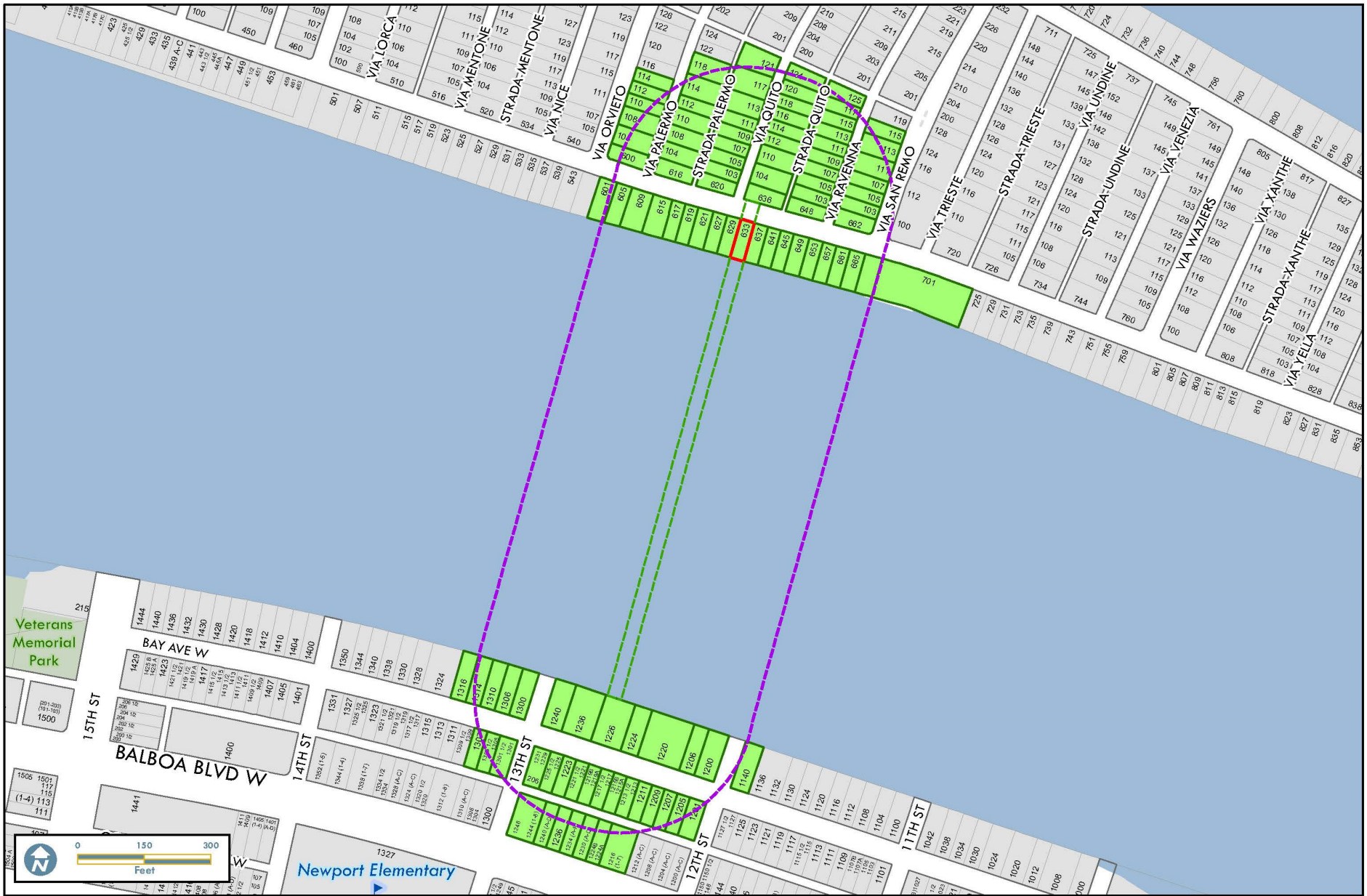
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CLIENT	TEAM, DAVID	RO DRAWN	CHECKED	1.0 REVISION	12/17/20 DATE	AMENDMENTS:			
SITE	633 VIA LIDO SOUD, NEWPORT BEACH, CA 92663					REV:	DESCRIPTION:	BY:	DATE:
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PIER AREA:	
TOTAL AREA	240 FT ²
TOTAL AREA:	687 FT²





633 Via Lido Soud

- Buffer 300'
- Prolongation of Lot Lines
- 633 Via Lido Soud
- Notified Properties

Comments/Questions



Your **Public Works Department**

Protecting and Providing Quality
Public Improvements and Services



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

July 14, 2021
Agenda Item No. 8.1

TO: HARBOR COMMISSION

FROM: Chris Miller, Administrative Manager 949-644-3043
cmiller@newportbeachca.gov

TITLE: Caulerpa in Newport Harbor

ABSTRACT:

The invasive algae, *Caulerpa prolifera*, was recently found growing in the Entrance Channel area of Newport Harbor. Staff will provide an update to the Harbor Commission on the current efforts to remove and eradicate the algae.

RECOMMENDATION:

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly and;
- 2) Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item aside from staff time dedicated to the coordination efforts.

DISCUSSION:

Caulerpa prolifera does not pose any danger to humans. Rather, it is an invasive algae species native to Florida and other tropical / subtropical regions, and it can grow quickly and overtake the underwater marine community. Other species of *Caulerpa* are well documented as having aggressively displaced native habitats when introduced in regions such as California, Mediterranean waters and Australia. The seriousness and acknowledged threat from its close relative, *Caulerpa taxifolia*, prompted effective and highly successful eradication efforts in Huntington Beach and Agua Hedionda Lagoon in northern San Diego county within the past 20 years.

Staff will update the Harbor Commission on the coordination and removal plans currently underway with the local, state and federal agencies.

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).

Caulerpa in Newport Harbor

Harbor Commission

July 14, 2021

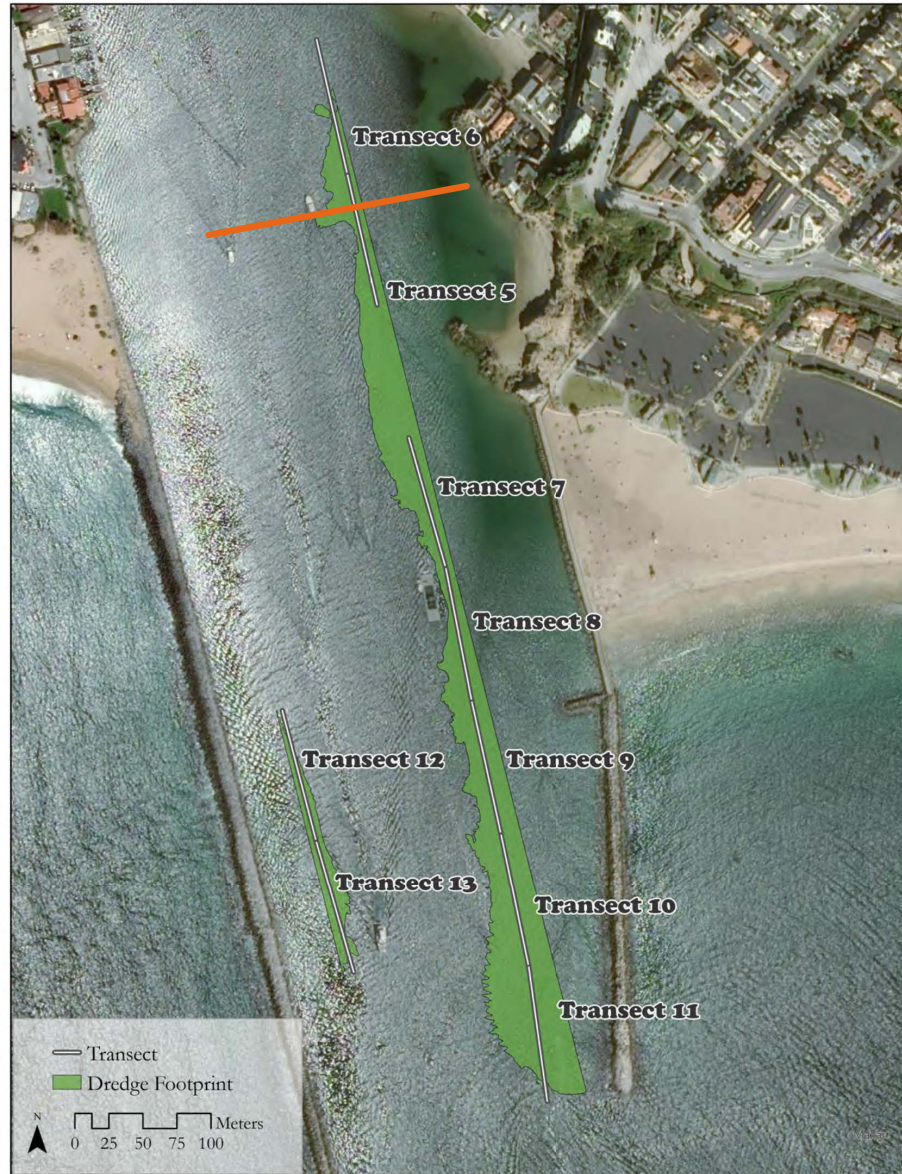
Caulerpa prolifera

- ▶ Closely related to *Caulerpa taxifolia*
 - ▶ Eradicated in Huntington Beach and Agua Hedionda Lagoon in the mid-2000's
- ▶ Southern California Caulerpa Action Team (SCCAT)
 - ▶ Collaboratively works to:
 - ▶ Approve surveys
 - ▶ Approve removal plans
 - ▶ Seeks funding





Surveys and Entrance Channel Dredging





Removal (July 6-15)

Removal (July 6-15)





Next Steps

- ▶ Surveys
 - ▶ ...and more surveys
 - ▶ ...and more surveys
- ▶ After a couple years...eradication declared



CITY OF NEWPORT BEACH

Harbor Commission Staff Report

July 14, 2021
Agenda Item No. 8.2

TO: HARBOR COMMISSION

FROM: Paul Blank, Harbormaster, (949) 270-8158 pblank@newportbeachca.gov

TITLE: Council Policy H-1 – Harbor Commission Review of Proposed Changes

ABSTRACT:

As a result of recent applications for dock extensions and reconfigurations brought before the City Council, the City Council raised a concern regarding the inability of the Harbor Commission to resolve applications. The City Council requested the Harbor Commission review the policy and recommend changes that may allow them to approve dock permit applications that cannot otherwise be approved by staff. The Harbor Commission established a subcommittee at the February 10, 2021 Harbor Commission meeting, to review City Council Policy H-1, Harbor Permit Policy, to clarify the Policy's intent and process in order to assist staff and the Harbor Commission when considering future applications. The City Council also directed the Harbor Commission to review the recent changes adopted in 2020 and to make recommendations to the City Council regarding any proposed revisions thereto.

RECOMMENDATION:

- 1) Determine that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it will not result in a physical change to the environment, directly or indirectly; and
- 2) Review modify and/or approve changes proposed by the Harbor Commission subcommittee to Council Policy H-1 and forward the recommendations to the City Council for consideration.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The City Council has established City Council policies to further clarify and provide guidance to staff on implementation of various city services and the Newport Beach Municipal Code. There are a series of policies that provide direction on issues of the Harbor. These are the Harbor and Beaches Policies or the H Policies.

The purpose of Policy H-1, Harbor Permit Policy is to provide guidance on Newport Beach Municipal Code Section 17.35.030(A) which states: "Piers and floats may not extend beyond the pierhead line unless approved in compliance with Council policy as may be amended from time to time". The policy is intended to layout the process for exceptions to this rule. The Council Policy was established in 1964 and has been revised 62 times since then. The City Council has

asked that the Harbor Commission review the policy and make recommendations on how and when exceptions may be made to the Newport Beach Municipal Code.

Council Policy H-1 (Attachment A) provides criteria for staff and the Harbor Commission when making decisions regarding piers and floats within Newport Harbor, specifically the distance they extend bayward throughout the harbor.

The proposed changes further clarify under what conditions a pier or float may extend past the pierhead line. In the recent past, the Harbor Commission has heard several appeals where there has been a difference between what is allowed according to the approved residential pier permit and what has actually been constructed. This has led to confusion about the pier/float when considering what should be allowed under a “like-for-like” reconstruction permit application.

In addition, the proposed policy provides guidance to those areas of the harbor in which there is no pierhead line.

Upon review at the June 9, 2021 Harbor Commission meeting, further revisions were made to the proposed, recommended policy. The revisions to H-1 reflect the changes the Commission agreed on at the June 9 meeting as well as clarifications and some reorganization:

- Organized into Parts A and B. A is the main part; B addresses the unusual or outlier parts of the Harbor (the “like-for-like” reconstruction language).
- Gives Commission more flexibility/discretion to approve structures that were not built exactly in accordance with the permit but have been encroaching for some time. This is achieved with the “or in substantial conformance” language in Finding #2.
- Added the discretionary criteria of preserving harbor views and being aesthetically compatible with the surroundings.
- Title of policy has been changed to more accurately reflect its purpose.
- Latter part of Part B is added to provide clarify like for like reconstruction.
- Added a clarification that approval under H-1 may not be enough to move forward with the project. There may be other applicable requirements under Title 17, such as having to get a harbor development permit, which would require the Commission make the specific findings for such permit.

ENVIRONMENTAL REVIEW:

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

NOTICING:

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

ATTACHMENTS:

- Attachment A - Council Policy H-1 – Redline
- Attachment B - Council Policy H-1 – Final

HARBOR PERMIT POLICY PIER AND FLOAT EXTENSIONS BEYOND THE PIERHEAD LINE

Background

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

Policy

Part A of this Policy sets forth the criteria and procedure for approving piers and floats to extend bayward beyond the pierhead line.

~~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 to approve such exceptions ~~exist to NBMC Section 17.35.030(A)~~ 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 Approvals shall be based upon making all the~~ specific factual findings set forth in Part A.~~as to each of the categories of exceptions.~~

Part B of this Policy sets forth the criteria by which staff may approve the reconstruction of piers and floats located in those parts of Newport Harbor where the bayward extension of those structures is not clearly governed by the pierhead line or where the pierhead line is not delineated.

Appeals and calls for review of decisions under this Policy shall be in accordance with NBMC Chapter 17.65. ~~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.~~

In addition to any approval obtained under this Policy, piers and floats shall also comply

with all other applicable requirements of Title 17, such as obtaining a harbor development permit.

PART A

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 after making all of the following findings ~~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 or is in substantial conformance with the City-issued permit;
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 the line established under the City-issued permit, ~~at which the vessel would currently be allowed,~~ whichever is greater ~~less~~; 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, harbor views, navigation and future harbor dredging; and
 - e. Be aesthetically consistent and compatible with its surroundings.

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.

PART B

For those piers and floats in areas where the pierhead lines does not exist or where the bayward extension of those structures is not clearly limited by the pierhead line, in areas not otherwise clearly defined by the criteria within this Policy, staff may ~~consider approving these~~ approve pier and float reconstruction projects if the existing pier or float is in substantial conformance with the City-issued permit and the reconstruction is ~~like-for-like~~ of exactly the same square footage or less, and substantially similar configuration, including ~~any upgrades~~ updates required to ~~meet~~ conform to current code and building standards, ~~and if the existing pier or float configuration was previously permitted.~~ Projects that do not meet the criteria for staff approval shall be reviewed in accordance with the other provisions of Title 17.

History

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

Amended H-1 – 10-26-1976
 Amended H-1 – 11-22-1976
 Reaffirmed H-1 – 1-24-1977
 Amended H-1 – 5-23-1977
 Amended H-1 – 5-22-1978
 Amended H-1 – 12-11-1978
 Amended H-1 – 3-12-1979
 Amended H-1 – 6-25-1979
 Amended H-1 – 6-9-1980
 Amended H-1 – 6-23-1980
 Amended H-1 – 11-23-1981
 Amended H-1 – 6-28-1982
 Amended H-1 – 10-12-1982
 Amended H-1 – 10-25-1982
 Amended H-1 – 6-27-1983
 Amended H-1 – 1-14-1985
 Amended H-1 – 3-25-1985
 Amended H-1 – 6-24-1985
 Amended H-1 – 6-22-1987
 Amended H-1 – 6-13-1988
 Amended H-1 – 11-28-1988
 Amended H-1 – 6-26-1989
 Amended H-1 – 9-25-1989
 Amended H-1 – 11-27-1989
 Amended H-1 – 5-14-1990
 Amended H-1 – 6-25-1990
 Amended H-1 – 4-8-1991
 Amended H-1 – 6-24-1991
 Amended H-1 – 10-28-1991
 Reaffirmed H-1 – 1-24-1994
 Amended H-1 – 6-27-1994
 Amended H-1 – 6-26-1995
 Amended H-1 – 3-25-1996
 Amended H-1 – 06-8, 1998
 Amended H-1 – 12-14-1998
 Amended H-1 – 5-8-2001
 Amended H-1 – 9-10-2002
 Amended H-1 – 10-28-2003
 Amended H-1 – 4-13-2004
 Amended H-1 – 1-8-2008

Amended H-1 – 5-22-2018

Amended H-1 – 6-25-2019

Amended H-1 – 11-5-2019

PIER AND FLOAT EXTENSIONS BEYOND THE PIERHEAD LINE***Background***

Newport Beach Municipal Code (NBMC) Section 17.35.030(A) provides that piers and floats may not extend bayward beyond the pierhead line unless pursuant to this Council policy.

Policy

Part A of this Policy sets forth the criteria and procedure for approving piers and floats to extend bayward beyond the pierhead line.

The proper procedure for determining whether to approve such exceptions to NBMC Section 17.35.030(A) 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. Approvals shall be based upon making all the specific factual findings set forth in Part A.

Part B of this Policy sets forth the criteria by which staff may approve the reconstruction of piers and floats located in those parts of Newport Harbor where the bayward extension of those structures is not clearly governed by the pierhead line or where the pierhead line is not delineated.

Appeals and calls for review of decisions under this Policy shall be in accordance with NBMC Chapter 17.65.

In addition to any approval obtained under this Policy, piers and floats shall also comply with all other applicable requirements of Title 17, such as obtaining a harbor development permit.

PART A

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 after making all of the following 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 or is in substantial conformance with the City-issued permit;

3. The pier or float will not encroach any further bayward beyond the pierhead line than the existing encroachment;
4. Any vessel utilizing the pier or float will not extend bayward beyond the project line or the line established under the City-issued permit, whichever is less; 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;
 - d. Not negatively impact adjacent property owners, harbor views, navigation and future harbor dredging; and
 - e. Be aesthetically consistent and compatible with its surroundings.

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.

PART B

For those piers and floats in areas where the pierhead line does not exist or where the bayward extension of those structures is not clearly limited by the pierhead line, staff may approve pier and float reconstruction projects if the existing pier or float is in substantial conformance with the City-issued permit and the reconstruction is of exactly the same square footage or less, and substantially similar configuration, including updates required to conform to current code and building standards. Projects that do not meet the criteria for staff approval shall be reviewed in accordance with the other provisions of Title 17.

History

Adopted H-1 - 6-1-1964

Amended H-1 – 10-19-1964
Amended H-1 – 10-26-1964
Amended H-1 – 4-27-65
Reaffirmed H-1 – 8-30-1966
Amended H-1 – 1-9-1967
Amended H-1 – 7-24-1967
Amended H-1 – 6-24-1968
Amended H-1 – 8-19-1968
Amended H-1 – 12-23-1968
Amended H-1 – 1-26-1970
Reaffirmed H-1 – 3-9-1970
Reaffirmed H-1 – 2-14-1972
Amended H-1 – 8-14-1972
Amended H-1 – 6-25-1973
Reaffirmed H-1 – 12-10-1973
Amended H-1 – 12-17-1973
Amended H-1 – 6-10-1974
Reaffirmed H-1 – 11-11-1974
Amended H-1 – 3-10-1975
Amended H-1 – 4-28-1975
Amended H-1 – 5-27-1975
Amended H-1 – 10-28-1975
Amended H-1 – 12-8-1975
Amended H-1 – 5-10-1976
Amended H-1 – 10-26-1976
Amended H-1 – 11-22-1976
Reaffirmed H-1 – 1-24-1977
Amended H-1 – 5-23-1977
Amended H-1 – 5-22-1978
Amended H-1 – 12-11-1978
Amended H-1 – 3-12-1979
Amended H-1 – 6-25-1979
Amended H-1 – 6-9-1980
Amended H-1 – 6-23-1980
Amended H-1 – 11-23-1981
Amended H-1 – 6-28-1982
Amended H-1 – 10-12-1982
Amended H-1 – 10-25-1982
Amended H-1 – 6-27-1983
Amended H-1 – 1-14-1985

Amended H-1 – 3-25-1985
Amended H-1 – 6-24-1985
Amended H-1 – 6-22-1987
Amended H-1 – 6-13-1988
Amended H-1 – 11-28-1988
Amended H-1 – 6-26-1989
Amended H-1 – 9-25-1989
Amended H-1 – 11-27-1989
Amended H-1 – 5-14-1990
Amended H-1 – 6-25-1990
Amended H-1 – 4-8-1991
Amended H-1 – 6-24-1991
Amended H-1 – 10-28-1991
Reaffirmed H-1 – 1-24-1994
Amended H-1 – 6-27-1994
Amended H-1 – 6-26-1995
Amended H-1 – 3-25-1996
Amended H-1 – 06-8, 1998
Amended H-1 – 12-14-1998
Amended H-1 – 5-8-2001
Amended H-1 – 9-10-2002
Amended H-1 – 10-28-2003
Amended H-1 – 4-13-2004
Amended H-1 – 1-8-2008
Amended H-1 – 5-22-2018
Amended H-1 – 6-25-2019
Amended H-1 – 11-5-2019



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

July 14, 2021
Agenda Item No. 8.3

TO: HARBOR COMMISSION

FROM: Carol Jacobs, Assistant City Manager,
cjacobs@newportbeachca.gov

TITLE: Affordable Access Project – Creation of Subcommittee

ABSTRACT:

As part of the Harbor Commission's review of harbor activities, Chairman William Kenney has requested the Harbor Commission's consideration of creating a subcommittee to consider affordable access to the harbor.

RECOMMENDATION:

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- 2) Determine if there is interest in creating a subcommittee and if so, who will be on the committee.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The Harbor Commission will discuss the possible scope and membership of an Affordable Access Committee.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council 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 City Council considers the item).



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

July 14, 2021
Agenda Item No. 8.4

TO: HARBOR COMMISSION

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

TITLE: Ad Hoc Committee Updates

ABSTRACT:

Several ad hoc committees have been established to address short term projects outside of the 2021 Harbor Commission objectives. The ad hoc committees will provide an update on their projects.

RECOMMENDATION:

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

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The Harbor Commission has established three Ad Hoc Committees to provide further review of issues that have arisen outside the adoption of the 2021 Objectives or at the request of City Council. This is the time the Ad Hoc Committees will update the Harbor Commission on their progress.

The Ad Hoc Committees are:

- Floats attached to docks and piers – Commissioners Marston and Yahn (1/31/21)

- Review of Council Policy H-1, Harbor Permit Policy – Chair Kenney and Commissioners Williams and Yahn (2/10/21).
- Lower Newport Bay Confirmed Aquatic Disposal site – Secretary Beer and Commissioner Yahn (4/14/21).

ENVIRONMENTAL REVIEW:

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

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

Floats Attached to Docks, Piers and Moorings

Additional Material Presented at Meeting
Commissioner Presentation - 7/14/2021 HC Meeting

Overview

As part of the Ad Hoc Committee for “Floats Attached to Docks and Piers” this is a summary of our current status.

In response to a proliferation of the installation of floats attached to docks, piers and moorings, Harbor Commissioners Kenney, Marston and Yahn set out to firsthand witness the status of the floats on the harbor on June 1st and July 7th.

The Commissioners observed the following floats categories:

- Floats attached to docks
- Floats attached to moorings
- Floats as vessels



Floats Attached to Docks, Piers and Moorings

Common Floats and Hoists in Use on Docks– Group 1

Group 1 - Common Floats and Hoists in Use on Dock

Group 2 - Concerns We Noted

Group 3 - Potential Concerns



Floats Attached to Docks, Piers and Moorings

Common Floats and Hoists in Use on Docks– Group 1



City of Newport Beach

Harbor Commission



Floats Attached to Docks, Piers and Moorings

Common Floats and Hoists in Use on Docks– Group 1



Floats Attached to Docks, Piers and Moorings

Common Floats and Hoists in Use on Docks- Group 1



Floats Attached to Docks, Piers and Moorings

Floats on Dock (Concerns)- Group 2



Floats Attached to Docks, Piers and Moorings

Floats on Dock (Concerns)– Group 2



Floats Attached to Docks, Piers and Moorings

Floats on Dock (Potential Concerns) – Group 3



Floats Attached to Docks, Piers and Moorings

Shore Moorings (Potential Concerns) – Group 3



Floats Attached to Docks, Piers and Moorings

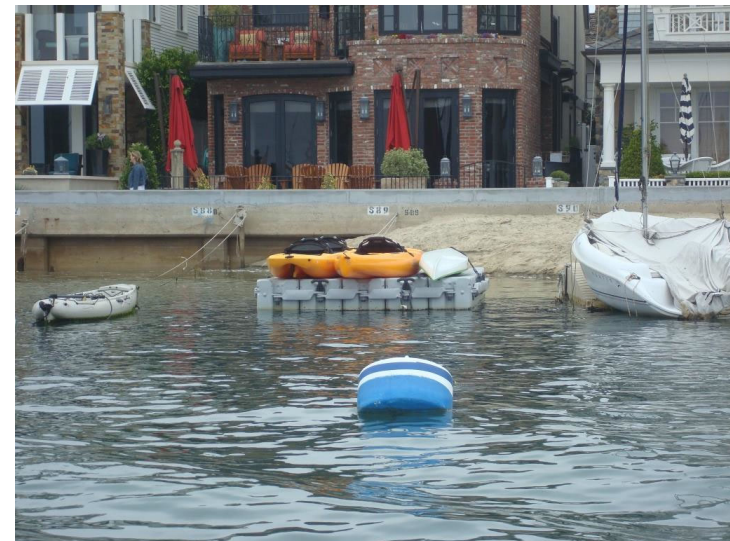
Common Floats In Use on Moorings – Group 5

Group 5 - Common Floats and Hoists in Use on Moorings

Group 6 - Concerns We Noted

Group 7 - Potential Concerns

Group 8 – Float Type Vessels



Floats Attached to Docks, Piers and Moorings

Common Floats In Use on Moorings – Group 5



Floats Attached to Docks, Piers and Moorings

Common Floats In Use on Moorings – Group 5



Floats Attached to Docks, Piers and Moorings

On Shore/Off Shore Moorings (Concerns)- Group 6



Floats Attached to Docks, Piers and Moorings

Shore Moorings (Potential Concerns) – Group 7



Floats Attached to Docks, Piers and Moorings

Vessels – Group 8



Floats Attached to Docks, Piers and Moorings

Potential Issues/Questions

Common Floats and Hoists in Use on Docks

Group 1 - Common Floats and Hoists in Use on Docks

Group 2 - Concerns We Noted

Group 3 - Potential Concerns

Considerations for Harbor Commission:

1. When they appear permanent rather than removable and temporary
2. Vessels tied off to vessels
3. Floats far larger than needed for the vessel?
4. Hoists extending well past the dock?
5. Oversized hoists
6. Define the meaning of temporary and permanent
7. Determine if beam width if boat tied to end of dock would allow for the hoist width to be slightly wider
8. Should there be a limit as to the number of floats allowed to tie to a dock?
9. Should there be a limit on the width of the hoist or float allowed?

Potential Issues/Question

Floats on Moorings

Group 5 - Common Floats In Use on Moorings

Group 6 - Concerns We Noted

Group 7 – Potential Concerns

Group 8 – Float Type Vessels

Considerations for Harbor Commission:

1. What should allowable width of float be?
2. Should shore moorings without a boat be removed?
3. Floats tied to shore moorings with seemingly no access except jumping over the seawall



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

July 14, 2021
Agenda Item No. 8.5

TO: HARBOR COMMISSION

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

TITLE: Harbor Commission 2021 Objectives

ABSTRACT:

Each ad hoc committee studying their respective Functional Area within the Commission's 2021 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; and
- 2) Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

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

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

ATTACHMENTS:

Attachment A – Harbor Commission 2021 Objectives

Attachment B – Harbor Commission 2021 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

Approved January 12, 2021

2021 Objectives	Functional Area
<ol style="list-style-type: none"> 1. Conduct an annual review of Title 17 and recommend updates to the City Council where necessary. (Yahn) 2. Conduct an annual review of the Marine Activities Permits and recommend updates thereto as necessary. (Williams, Yahn) 3. Review the onshore and offshore mooring permit forms and recommend updates as necessary. (Beer, Cunningham) 4. Study and provide recommendations to the transfer permit policy for onshore and offshore moorings. (Beer, Cunningham) 5. Work with City staff on an update of the market rent to be charged for onshore and offshore moorings. (Beer, Cunningham) 	<p>1. Harbor Operations (Kenney)</p> <p><i>Matters pertaining to the Management, Policies, Codes, Regulations, and Enforcement.</i></p>
<ol style="list-style-type: none"> 1. Evaluate potential enhancements and/or services to City amenities which will improve the operation and enjoyment of the Harbor for mooring permittees, residents, commercial slip holders, and visitors. (Scully) 2. With the assistance of Staff, continue the process for establishing a permanent anchorage at the west end of Lido Island. (Beer) 3. Finalize a new Harbor Policy H-3 to set guidelines for approving mooring extension requests by mooring permittees, and better defining the rows and fairways within the mooring fields for improved navigation, safety and optimization of space. (Beer) 4. Review the On-shore mooring vessel specifications providing a long-term plan with the goal of insuring adequate spacing between moorings, residential docks, and street ends. (Cunningham, Scully) 5. Evaluate options for additional City Moorings and/or Multi Vessel Mooring Systems (MVMS) for temporary use by visiting mariners or long-term mooring permittees. (Williams) 	<p>2. Harbor Viability (Beer)</p> <p><i>Matters pertaining to Assets, Amenities, and Access.</i></p>

2021 Objectives	Functional Area
<p>6. Complete evaluation for establishing day moorings off Big Corona beach and harbor moorings. (Williams)</p> <p>7. Evaluate and make recommendations for Lower Castaways. (Marston)</p>	
<p>1. Secure timely closure of RGP54 permit renewal with emphasis on a more streamlined process.</p> <p>2. Recommend a long-term plan for harbor beach enhancements, which includes the option of eliminating shore mooring tackle on our most popular beaches. (Marston, Scully)</p> <p>3. Support Staff to obtain funding and approval to dredge the federal navigational channels to its authorized design depth.</p> <p>4. Kick off fine grain sediment disposal study in near shore waters. Evaluate sustainable dredging options for beneficial reuse along the Newport Beach shoreline. (Marston)</p>	<p>3. Harbor Infrastructure (Cunningham)</p> <p><i>Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches.</i></p>
<p>1. Develop a plan to communicate and assist Stakeholders required to complete and meet the newly defined Marine Activities Permit program. Work with Harbor Department staff to identify all Stakeholders within the Harbor who will require a Marine Activities permit and assist Stakeholders in obtaining the same. (Marston)</p> <p>2. Develop a communication outreach program for all Stakeholders within Newport Harbor to ensure that all Residential, Recreational and Commercial users have a voice in the management and development of Newport Harbor. (Marston)</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 all charter and commercial boat operations in Newport Harbor with particular attention to vessel sizes, number of vessels, noise and pollution control/compliance and long-range plans for berthing. (Williams)</p>	<p>4. Harbor Stakeholders (Scully)</p> <p><i>Matters pertaining to Residential, Recreational, and Commercial Users.</i></p>

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

	1.1 Conduct an annual review of Title 17 and recommend updates to the City Council where necessary. (Yahn)	1.2 Conduct an annual review of the Marine Activities Permits and recommend updates thereto as necessary. (Williams, Yahn)	1.3 Review the onshore and offshore mooring permit forms and recommend updates as necessary. (Beer, Cunningham)	1.4 Study and provide recommendations to the transfer permit policy for onshore and offshore moorings. (Beer, Cunningham)	1.5 Work with City staff on an update of the market rent to be charged for onshore and offshore moorings. (Beer, Cunningham)		
January 13, 2021	Proposed changes to 17.10 were discussed and approved with additional clarifying language. Second reading will take place at the 01/26 City Council meeting.	Nothing to report.	Waiting for update from City Attorney. The Ad Hoc anticipates providing updates at the next Commission meeting.	The Ad Hoc is reviewing the transfer permit policy and anticipates public outreach to begin soon.	The Ad Hoc continues to work with staff on this objective.		
February 10, 2021	No activity has taken place on this objective. The Ad Hoc plans on working on this later in the year.	Work will continue on this objective once the MAPs have been implemented.	Recommendations were made to the Harbor Department concerning the new Mooring Permits. The Harbormaster is working with the City Attorney’s Office and the City Attorney wanted to make sure that the requirements contained in the permit conform to the Municipal Code	The Ad Hoc continues to work on drafting a permit policy.	Staff will discuss having an appraisal and notes the Commission is in support and feels it is overdue.		
March 10, 2021	No activity has taken place on this objective. The Ad Hoc plans on working on this later in the year.	City Council has reviewed the MAP forms. The Ad Hoc is reviewing to make sure no additional changes are needed.	The Ad Hoc has submitted the mooring permit forms and has received approval from the City Attorney and Manager and is waiting for information on the roll out of the permits to the mooring holders.	The Ad Hoc continues to review and work on a permit policy. Public outreach meetings will be scheduled before recommendations are made to the Harbor Commission.	The Ad Hoc Committee has provide their input to the City Manager.		
April 14, 2021	Nothing to Report.	Nothing to report.	New mooring permits starting to go out, beginning with the K Field.	Nothing to report.	Nothing to report.		
May 12, 2021	Nothing to report.	Nothing to report.	New mooring permits continue to go out. The ad hoc will revisit the objective once feedback has been received.	The ad hoc will be reviewing the transfer permit policy soon. Public outreach is anticipated.	The ad hoc has provided input on the scope of work for the appraisal to staff.		
June 9, 2021	The Ad Hoc will revisit this objective later in the year.	Code Enforcement has made great progress with the implementation of this objective.	Staff has made good progress with starting this objective. Mooring permits continue to go out and be updated.	The Ad Hoc is waiting for feedback from mooring permittees.	4 proposals were received. Staff is currently reviewing and will bring back to the Harbor Commission at a future date.		
July 14, 2021							
August 11, 2021							
September 8, 2021							
October 13, 2021							
November 10, 2021							
December 6, 2021							

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

	2.1 Evaluate potential enhancements and/or services to City amenities which will improve the operation and enjoyment of the Harbor for mooring permittees, residents, commercial slip holders, and visitors. (Scully)	2.2 With the assistance of Staff, continue the process for establishing a permanent anchorage at the west end of Lido Island. (Beer)	2.3 Finalize a new Harbor Policy H-3 to set guidelines for approving mooring extension requests by mooring permittees, and better defining the rows and fairways within the mooring fields for improved navigation, safety and optimization of space. (Beer)	2.4 Review the On-shore mooring vessel specifications providing a long-term plan with the goal of insuring adequate spacing between moorings, residential docks, and street ends. (Cunningham, Scully)	2.5 Evaluate options for additional City Moorings and/or Multi Vessel Mooring Systems (MVMS) for temporary use by visiting mariners or long-term mooring permittees. (Williams)	2.6 Complete evaluation for establishing day moorings off Big Corona beach and harbor moorings. (Williams)	2.7 Evaluate and make recommendations for Lower Castaways. (Marston)
January 13, 2021	The Ad Hoc has begun compiling a list that will be refined, prioritized and presented to the Commission at a future meeting.	The outreach for the west anchorage has been completed and is being compiled by Harbormaster Borsting.	Nothing to report.	The Ad Hoc is working with our GIS to review distances between private piers on Balboa Island.	Quite a bit of work has been done. Nothing new to report. Need to collaborate w/staff.	Nothing to report.	As a result of meeting with City staff onsite to discuss improvements, plans to improve the human powered launch area are underway. Discussions with the Outrigger Club for volunteer help is underway.
February 10, 2021	Nothing to report.	The west anchorage proposal has been submitted and is under review by the US Coast Guard.	The Ad Hoc noted that the key tasks that remained were to review the current mooring extension requests, finalize the mooring field layouts, rewrite Policy H-3 to reflect the changes, conduct public outreach, and then prepare final drafts that will be presented to the Harbor Commission	The Ad Hoc is reviewing the spacing for shore moorings and will seek Commissioner feedback.	The Ad Hoc announced this objective is in the early stages of draft proposals.	Nothing to report.	Meeting has been scheduled with staff and Ad Hoc to discuss next steps for this objective.
March 10, 2021	Nothing to report.	The application process is a lengthy one and we are just waiting to hear about the next steps. The Harbormaster will be requesting a temporary use of the West Anchorage.	Finalizing the mooring field layouts. Changes were made to accommodate the outstanding mooring extension requests. Begin outreach to determine validity of requests.	Outreach has begun. The Ad Hoc contacted the Balboa Island Improvement Association (BIIA) to let them know about the objective and what they are looking to do. The Ad Hoc also reached out to the GIS Department to begin discussions on what this would look like to begin the drafting process	Nothing to report.	Nothing to report.	Nothing to report.
April 14, 2021	Nothing to report.	Nothing to report.	The Ad Hoc continues work on the mooring extension requests and revisions to Council Policy H-3.	Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.
May 12, 2021	Nothing to report.	Temporary West Anchorage will be installed at the end of the month for temporary use.	Evaluation of mooring fields for a good baseline is in process. Good progress is being made.	Ad Hoc has reached out to the Balboa Island Improvement Association. Good conversation was had and the ad hoc is working on an outline to lay the groundwork for a long-term strategy on shore moorings with in the Harbor.	MVMS systems will be addressed after objective 2.3 is completed.	Nothing to report.	The Outrigger Canoe Club performed a beach cleanup on the south ramp and a new ramp has been fabricated to be installed there.
June 9, 2021	Nothing to report.	Delay in installation of the West Anchorage due to not receiving final written approval from US Coast Guard.	Working with GIS to resolve discrepancies in mapping.	The ad hoc will continue to reach out to the Balboa Island Improvement Association and engage in further discussion on shore moorings.	Staff is working with an engineering firm to come up with design specification for a multi-vessel mooring. More information will be forthcoming.	Nothing to report.	Nothing to report.

July 14, 2021							
August 11, 2021							
September 8, 2021							
October 13, 2021							
November 10, 2021							
December 6, 2021							

3. Harbor Infrastructure (Cunningham) - Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches.

	3.1 Secure timely closure of RGP54 permit renewal with emphasis on a more streamlined process.	3.2 Recommend a long-term plan for harbor beach enhancements, which includes the option of eliminating shore mooring tackle on our most popular beaches. (Marston, Scully)	3.3 Support Staff to obtain funding and approval to dredge the federal navigational channels to its authorized design depth.	3.4 Kick off fine grain sediment disposal study in near shore waters. Evaluate sustainable dredging options for beneficial reuse along the Newport Beach shoreline. (Marston)			
January 13, 2021	The Ad Hoc reported that every two years an eelgrass study takes place. The study was just completed and showed an 8 acre increase. RGP54 was renewed and signed off by the Army Corps of Engineers.	Ideas in the works. Nothing to report.	Discussions continued in Washington D.C, and the announcement of the Army Corps of Engineers Work Plan was predicted to be announced in the next couple of weeks.	Nothing to report.			
February 10, 2021	Nothing to report.	Nothing to report.	The Army Corps of Engineers is proceeding with the dredging of the entrance channel up to the ferry. The Ad Hoc is continuing to explore ways to cover the deficit for this project.	Nothing to report.			
March 10, 2021	The Army Corps of Engineers and Water Board have approved the 5 year extension. Still working with the Coastal Commission as the permit doesn't end at the same time. Requesting Coastal Commission renewal to be set the same as the Army Corps of Engineers and Water Board.	Long term look at better way to moore boats along shoreline. Dovetail into other objectives.	Army Corps of Engineers has a contract to begin dredging the end of March or beginning of April. Entrance to Harbor to about the Ferry. Bait barge will need to relocate temporarily during dredging.	Nothing to report.			
April 14, 2021	Work continues on all objectives. A detailed report on all objectives will be provided at the May meeting.						
May 12, 2021	Still needs to be reviewed by the Coastal Commission. Expects to close this objective out soon.	Ad hoc recommends combining with shore mooring objective at a later date as it morphs to fit with that objective.	DEIR being submitted to Council for approval.	University of California, Irvine (UCI) are conducting a study on putting fine grains off the nearshore and what will happen to it. Ad hoc planson reaching out to them for more information regarding their study.			
June 9, 2021	Ad hoc reported that the Coastal Commission should complete review and approve the RGP54 by the end of the year.	Ad hoc anticipates this objective will be combined with Objective 2.4.	Dredging has begun and continues to move forward smoothly.	Nothing to report.			
July 14, 2021							
August 11, 2021							
September 8, 2021							
October 13, 2021							
November 10, 2021							
December 6, 2021							

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. Work with Harbor Department staff to identify all Stakeholders within the Harbor who will require a Marine Activities permit and assist Stakeholders in obtaining the same. (Marston)	4.2 Develop a communication outreach program for all Stakeholders within Newport Harbor to ensure that all Residential, Recreational and Commercial users have a voice in the management and development of Newport Harbor. (Marston)	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 all charter and commercial boat operations in Newport Harbor with particular attention to vessel sizes, number of vessels, noise and pollution control/compliance and long-range plans for berthing. (Williams)				
January 13, 2021	Nothing to report.	Nothing to report.	More discussion will take place at the next Ad Hoc meeting.				
February 10, 2021	The Ad Hoc is working with staff to identify businesses that do not have a MAP, including 6-pack operators.	The Ad Hoc has been having discussions and a large database will need to be drafted that lists residential, recreational, and commercial users in the harbor.	Progress has been slow but a significant portion of work has been done through the Harbor Attendance Study.				
March 10, 2021	Ad Hoc continues to work with Harbormaster Borsting and Code Enforcement Supervisor Cosylion to identify smaller operators and inform them of the MAP process.	Nothing to report.	Not much progress has been made on this objective. The Ad Hoc had one instance of a Charter operation that was working through the MAP process, but ultimately was unable to comply.				
April 14, 2021	Code Enforcement is making great progress with MAPs. The Ad Hoc anticipates this objective will be completed by the end of the year.	Nothing to report.	Nothing to Report.				
May 12, 2021	Overall Marine Activity Permit (MAP) effort is going very well with 47 completed permits and 13 permits in progress.	For 4.2 and 4.3: a process has begun to build a database that identifies charter fleets and other commercial operators in the harbor. The ad hoc advised the Commission to think long-term about how to communicate with harbor stakeholders as well as how to move to a living database where all parties have access to it.					
June 9, 2021	Nothing to report. Everything was covered in the Code Enforcement report that was presented.	Nothing to report.	The ad hoc continues to identify charter operators within the Harbor. They will be reaching out in the coming months to 3-5 charter operators to begin discussion on this objective.				
July 14, 2021							
August 11, 2021							
September 8, 2021							
October 13, 2021							
November 10, 2021							
December 6, 2021							



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

July 14, 2021
Agenda Item No. 8.6

TO: HARBOR COMMISSION

FROM: Paul Blank, Harbormaster, (949) 270-8158 pblank@newportbeachca.gov

TITLE: Harbormaster Update - June 2021 Activities

ABSTRACT:

The Harbormaster is responsible for the management of the City's mooring fields, the Marina Park Guest Marina, a variety of Harbor activities and Harbor on-the-water City code enforcement. This report will update the Commission on the Harbor Department's activities for June 2021.

RECOMMENDATION:

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- 2) Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

Status of West Lido Channel Temporary Anchorage

We received word June 11, 2021 that the permit application for the buoys marking the boundaries of the West Anchorage was finally approved. The buoys were put in place on June 18 and the anchorage has been open and operating since with good utilization.

The buoys marking the boundaries of both anchorages now have signage attached indicating the Harbor Department can be reached on VHF channel 19A, via phone at 949.270.8159 and via the MyNB app. Similar signage will be placed on the public piers and City owned/maintained pump-out docks soon.

There is a possibility that the anchorage will stay in place past the originally permitted date in September.

Registration and Identification of Department Patrol Boats

All three Harbor Department patrol boats now have temporary operating permits (CA DMV registrations). Identifying stickers are in process and should be applied within the next 60 to 90 days.

In addition, bold City colored stripes now adorn the fronts of the center consoles on all three patrol boats to better identify them as part of the City Harbor Department fleet. Similar stripes will be placed on the sides of the vessels when time and opportunity permit.

The patrol vessels now also sport proper, forward facing American flag decals on the starboard sides and proper ensigns. The ensigns are affixed with Charlevoix clips and are brought in daily at the end of watch with other equipment.

Large Vessel Anchorage Permit

A Special Event took place at Lido Marina Village June 26. The event included an aerial performance from the end of a spinnaker pole from a vessel anchored just off the docks. We wrote a Harbor Events Permit for the performance and provided some traffic control and safety patrol during the performance. All indications were that the event was a success and had lots of visibility. The event organizer has reached out to discuss future such events and possible locations.

I received communication from the US Coast Guard Sector Long Beach/LA Commander indicating they no longer have an interest in reviewing such permit applications. The Commander recommended reaching out to the US Army Corp of Engineers and coordinate with them on such matters which we will do.

NBPD Uniformed Support Arrangement continues

We continue to stay in contact with Deputy Chief Rasmussen and Lieutenant Carpentieri in the NBPD. We renewed our arrangement for calling out for uniformed support if necessary, in anticipation of the busy July 4th holiday weekend. We still have not yet called out for service, but it is very comforting to know that we can. We are very pleased to count on them as our partners.

Related to one vessel of concern, some excellent cooperation and great detective work led to identification of the vessel and a meeting with the owner. Better behavior and compliance were noted over the July 4th weekend from that vessel

Support deterring Bridge Jumping

We continue to issue warnings and, in some cases administrative citations to people jumping off bridges and the navigations markers. Compliance has been generally polite and contrite. Feedback from folks in the Balboa Coves/Newport Island has been very positive and very prolific. On patrol in that area, the Harbor Services Workers are greeted with large smiles and expressions of appreciation by the residents.

Going forward we are coordinating schedules with the Lifeguards who have a dedicated resource at the Lido Bridge seven days per week and at the 38th Street Bridge Friday through Sunday.

Contracts finalized for various services to the Harbor

A new contract with Tidal Marine to do City owned mooring overhauls and maintenance is now in place.

A new contract with Swift Slip is now in place for City owned dock/pier/float repair.

New contacts with Perry and VesselAssist/TowBoatUS are in place for vessel removal and destruction.

MAPs and SHORs

As the Department statistics report indicates, there has been significant progress in identifying those businesses and commercial enterprises operating on Newport Harbor which require a Marine Activities Permit (MAP) or Small Harbor Operator Registration (SHOR). In addition to those already granted, there are seven more in process at the end of June.

Progress on VTIP grant program

A majority of the vessel owners on our VTIP interest list were contacted. Several of them indicated they no longer had their vessels. Authorized demolition and disposal contractors were sent out to provide bids on removal of seven vessels. We expect to have those seven vessels removed in July and then will continue down the list until the money runs out.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council 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 City Council considers the item).

ATTACHMENTS:

Attachment A – Harbor Stats – Year to Date

Attachment B – Harbor Stats – Year over Year Comparison

Attachment C – Harbor Stats – Definitions

Harbor Department Statistics														
Fiscal Year 2020 - 2021														
	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	April	May	June		YTD
Anchorage	32	58	64	14	-	3	7	-	12	5	14	8		217
Anchorage Dye tab											14	12		26
Assisting Vessels Over 20'	11	6	8	6	1	-	1	-	1	1	4	2		41
Assisting Vessels under 20'	4	14	6	3	2	4	-	4	3	2	2			44
Bridge Jumpers	128	27	23	7	-	-	1	-	-	8	5	14		213
Daily Anchorage Check	165	219	147	140	62	59	90	54	55	73	49	55		1,168
Discharge/Pollution	-	3	4	2	-	2	1	-	-	-	5			17
Dock/Pier/Bridge Issue	5	3	4	-	-	-	-	3	3	-	-	9		27
Emergency	-	-	-	-	-	1	-	-	-	-	1	1		3
General Assist	26	47	12	29	18	23	27	23	13	21	19	40		298
Hazards/Debris	12	6	3	10	15	9	14	8	3	2	9	2		93
Impound	5	11	20	20	9	13	3	3	6	10	3	5		108
Incident	7	11	7	4	5	7	9	2	5	2	9	12		80
Mooring Assist	25	17	11	10	11	17	24	6	9	9	20	11		170
Mooring Check	200	224	142	227	180	209	198	160	146	171	135	219		2,211
Noise	1	6	2	4	1	-	-	-	-	-	2			16
Paddleboard/Kayak	16	22	1	3	4	-	1	-	-	2	14	34		97
Public Contact	59	44	30	57	11	15	15	20	14	10	23	9		307
Public Dock Enforcement	498	184	342	585	570	750	770	655	650	624	518	449		6,595
Pump Out	31	11	31	3	2	1	2	9	23	7	12	13		145
Registration & Insurance	14	53	22	28	27	21	45	40	39	-	49	58		396
Sea Lions	11	33	22	21	22	4	10	2	4	10	19	15		173
Speeding	48	57	93	73	34	28	17	25	14	22	21	27		459
Swim Line	1	1	-	1	-	1	1	-	-	-	3	1		9
Trash	76	7	14	36	122	102	268	83	133	28	71	57		997
Rentals - Marina Park Slips	167	166	170	129	61	86	69	64	92	134	133	159		1,430
# of nights	593	422	547	366	258	327	241	207	260	396	407	409		4,433
Rentals - MP Sand Lines	19	24	30	30	19	10	16	15	10	9	18	10		210
# of nights	41	43	52	69	64	39	36	37	31	33	64	30		539
Mooring Sub-permittee	59	49	87	42	27	34	17	9	32	48	59	44		507
# of nights	271	176	320	236	221	202	126	97	202	261	304	239		2,655
Code Enforcement														
New Cases	54	84	90	111	154	110	145	100	116	73	106	68		1,211
Closed Cases	46	38	50	79	93	87	92	97	103	56	42	47		830
Verbal Warning	21	27	28	15	12	9	14	22	29	25	30	14		246
Warning Notices	50	75	87	95	137	89	134	80	83	44	76	37		987
Admin Cites	10	10	12	12	10	14	4	3	-	1	9	18		103
MAPS Issued	1	1	1	1	6	10	7	8	2	2	4	4		47

Harbor Department Statistics Comparison Year over Year																										
	Jul -19	Jul -20	Aug -19	Aug -20	Sep -19	Sep -20	Oct -19	Oct -20	Nov -19	Nov -20	Dec -19	Dec -20	Jan-20	Jan-21	Feb -20	Feb -21	Mar - 20	Mar - 21	April-20	April-21	May- 20	May- 21	June-20	June-21	YTD-19-20	YTD- 20-21
Anchorage	45	32	26	58	7	64	9	14	13	0	13	3	6	7	9	-	8	12	37	5	133	14	40	8	346	217
Anchorage Dye Tab																							12		-	12
Assisting Vessels Over 20'	4	11	5	6	4	8	1	6	-	1	3	-	2	1	-	-	2	1	1	1	-	4	4	2	26	41
Assisting Vessels under 20'	24	4	19	14	5	6	3	3	8	2	50	4	4	-	3	4	1	3	17	2	5	2	6	-	145	44
Bridge Jumpers	6	128	68	27	6	23	2	7	1	-	1	-	-	1	1	-	-	-	4	8	73	5	133	14	295	213
Daily Anchorage Check	141	165	257	219	140	147	112	140	109	62	39	59	41	90	41	54	60	55	158	73	255	49	161	55	1,514	1,168
Discharge/Pollution	3	-	9	3	6	4	3	2	-	-	2	2	1	1	1	-	3	-	-	-	1	5	1	-	30	17
Dock/Pier/Bridge Issue	14	5	16	3	12	4	10	-	7	-	6	-	-	-	8	3	3	3	31	-	-	-	9	9	116	27
Emergency	-	-	1	-	-	-	-	-	-	-	-	1	-	-	1	-	1	-	-	-	-	1		1	3	3
General Assist	35	26	41	47	15	12	11	29	19	18	7	23	7	27	11	23	51	13	38	21	28	19	34	40	297	298
Hazards/Debris	22	12	58	6	8	3	10	10	15	15	32	9	11	14	5	8	6	3	5	2	4	9	8	2	184	93
Impound	15	5	16	11	4	20	4	20	5	9	5	13	10	3	2	3	5	6	2	10	3	3	15	5	86	108
Incident	10	7	4	11	13	7	7	4	4	5	4	7	3	9	1	2	6	5	7	2	14	9	6	12	79	80
Mooring Assist	30	25	13	17	10	11	6	10	13	11	88	17	5	24	8	6	19	9	17	9	17	20	32	11	258	170
Mooring Check	229	200	581	224	220	142	171	227	211	180	123	209	198	198	154	160	205	146	363	171	195	135	248	219	2,898	2,211
Noise	3	1	-	6	6	2	-	4	-	1	-	-	-	-	-	-	-	-	1	-	-	2	1	-	11	16
Paddleboard/Kayak	247	16	179	22	8	1	1	3	3	4	-	-	32	1	-	-	28	-	5	2	59	14	35	34	597	97
Public Contact	147	59	156	44	89	30	36	57	33	11	13	15		15	24	20	18	14	55	10	116	23	100	9	787	307
Public Dock Enforcement	345	498	371	184	294	342	522	585	562	570	183	750	438	770	396	655	145	650	10	624	63	518	528	449	3,857	6,595
Pump Out	13	31	21	11	11	31	7	3	7	2	6	1	19	2	6	9	5	23	2	7	13	12	23	13	133	145
Registration & Insurance	-	14	242	53	199	22	46	28	119	27	28	21	162	45	62	40	33	39	43	-	33	49	23	58	990	396
Sea Lions	36	11	88	33	122	22	49	21	21	22	5	4	15	10	16	2	29	4	36	10	32	19	11	15	460	173
Speeding	87	48	58	57	41	93	5	73	9	34	9	28	13	17	16	25	5	14	17	22	72	21	46	27	378	459
Swim Line	1	1	3	1	4	-	1	1	1	-	1	1	1	1	-	-	1	-	-	-	2	3	1	1	16	9
Trash	247	76	283	7	278	14	176	36	238	122	391	102	140	268	111	83	44	133	77	28	215	71	44	57	2,244	997
																								-	0	0
Rentals - Marina Park Slips	143	167	147	166	107	170	99	129	43	61	54	86	33	69	28	64	36	92	34	134	125	133	123	159	972	1,430
# of nights	370	593	399	422	295	547	297	366	132	258	238	327	116	241	86	207	136	260	103	396	293	407	288	409	2,753	4,433
Rentals - MP Sand Lines	9	19	9	24	7	30	10	30	6	19	10	10	1	16	1	15	4	10	8	9	5	18	12	10	82	210
# of nights	43	41	32	43	28	52	59	69	34	64	41	39	11	36	2	37	4	31	14	33	15	64	23	30	306	539
Mooring Sub-permittee	61	59	54	49	48	87	28	42	38	27	31	34	14	17	12	9	14	32	28	48	44	59	20	44	392	507
# of nights	404	271	392	176	350	320	219	236	303	221	268	202	85	126	99	97	110	202	107	261	128	304	92	239	2,557	2,655

Harbor Department Definitions

Anchorage	Anchorage Check of vessels in anchorage each day
Anchorage Dye Tab	Board vessel and place dye tablets in head (toilet). Ensure marine sanitation system does not leak
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 June 2021 Activities

Presentation to Harbor Commission

July 14, 2021

Paul Blank
Harbormaster

A blue ink signature of Paul Blank, written in a cursive style.

West Lido Channel Temporary Anchorage – Status Update

- Finally approved June 11, 2021 and operational June 18.
- Good utilization so far
- Related signage on buoys, public piers, City maintained pump-out docks and Lido Bridge



Harbor Department Activities Report

Anchorage, Pier and Bridge Signage



Harbor Department Activities Report

Safety and Registration of Department Patrol Boats

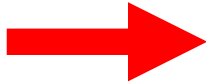
- All of the three patrol vessels are now properly registered with Temporary Operating Permits.
- All patrol vessels are now more easily identifiable as part of the City Harbor Department



Harbor Department Activities Report

Safety, Cleanliness and Patrol

- Cooperative effort with Public Works for graffiti removal
- Safety and crowd control at a couple of special events



Harbor Department Activities Report

Requests for Large Vessel Anchorage Permits

- Special Event at Lido Marina Village June 26 a success
- USCG has indicated no further need to involve them in such permitting



Harbor Department Activities Report

Bridge Jumping Deterrent Efforts

- Additional patrol focus at the 38th Street Bridge
- Began writing administrative citations with financial penalties June 5
- Coordinating effort with City Lifeguards



Harbor Department Activities Report

Department Stats - YTD

Harbor Department Statistics														
Fiscal Year 2020 - 2021														
	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	April	May	June		YTD
Anchorage	32	58	64	14	-	3	7	-	12	5	14	8		217
Anchorage Dye tab											14	12		26
Assisting Vessels Over 20'	11	6	8	6	1	-	1	-	1	1	4	2		41
Assisting Vessels under 20'	4	14	6	3	2	4	-	4	3	2	2			44
Bridge Jumpers	128	27	23	7	-	-	1	-	-	8	5	14		213
Daily Anchorage Check	165	219	147	140	62	59	90	54	55	73	49	55		1,168
Discharge/Pollution	-	3	4	2	-	2	1	-	-	-	5			17
Dock/Pier/Bridge Issue	5	3	4	-	-	-	-	3	3	-	-	9		27
Emergency	-	-	-	-	-	1	-	-	-	-	1	1		3
General Assist	26	47	12	29	18	23	27	23	13	21	19	40		298
Hazards/Debris	12	6	3	10	15	9	14	8	3	2	9	2		93
Impound	5	11	20	20	9	13	3	3	6	10	3	5		108
Incident	7	11	7	4	5	7	9	2	5	2	9	12		80
Mooring Assist	25	17	11	10	11	17	24	6	9	9	20	11		170
Mooring Check	200	224	142	227	180	209	198	160	146	171	135	219		2,211
Noise	1	6	2	4	1	-	-	-	-	-	2			16
Paddleboard/Kayak	16	22	1	3	4	-	1	-	-	2	14	34		97
Public Contact	59	44	30	57	11	15	15	20	14	10	23	9		307
Public Dock Enforcement	498	184	342	585	570	750	770	655	650	624	518	449		6,595
Pump Out	31	11	31	3	2	1	2	9	23	7	12	13		145
Registration & Insurance	14	53	22	28	27	21	45	40	39	-	49	58		396
Sea Lions	11	33	22	21	22	4	10	2	4	10	19	15		173
Speeding	48	57	93	73	34	28	17	25	14	22	21	27		459
Swim Line	1	1	-	1	-	1	1	-	-	-	3	1		9
Trash	76	7	14	36	122	102	268	83	133	28	71	57		997
Rentals - Marina Park Slips	167	166	170	129	61	86	69	64	92	134	133	159		1,430
# of nights	593	422	547	366	258	327	241	207	260	396	407	409		4,433
Rentals - MP Sand Lines	19	24	30	30	19	10	16	15	10	9	18	10		210
# of nights	41	43	52	69	64	39	36	37	31	33	64	30		539
Mooring Sub-permittee	59	49	87	42	27	34	17	9	32	48	59	44		507
# of nights	271	176	320	236	221	202	126	97	202	261	304	239		2,655
Code Enforcement														
New Cases	54	84	90	111	154	110	145	100	116	73	106	68		1,211
Closed Cases	46	38	50	79	93	87	92	97	103	56	42	47		830
Verbal Warning	21	27	28	15	12	9	14	22	29	25	30	14		246
Warning Notices	50	75	87	95	137	89	134	80	83	44	76	37		987
Admin Cites	10	10	12	12	10	14	4	3	-	1	9	18		103
MAPS Issued	1	1	1	1	6	10	7	8	2	2	4	4		47



Harbor Department Activities Report

Department Stats - YOY

Harbor Department Statistics Comparison Year over Year																										
	Jul -19	Jul -20	Aug -19	Aug -20	Sep -19	Sep -20	Oct -19	Oct -20	Nov -19	Nov -20	Dec -19	Dec -20	Jan -20	Jan -21	Feb -20	Feb -21	Mar -20	Mar -21	April -20	April -21	May -20	May -21	June -20	June -21	YTD-19-20	YTD-20-21
Anchorage	45	32	26	58	7	64	9	14	13	0	13	3	6	7	9	-	8	12	37	5	133	14	40	8	346	217
Anchorage Dye Tab																								12	-	12
Assisting Vessels Over 20'	4	11	5	6	4	8	1	6	-	1	3	-	2	1	-	-	2	1	1	1	-	4	4	2	26	41
Assisting Vessels under 20'	24	4	19	14	5	6	3	3	8	2	50	4	4	-	3	4	1	3	17	2	5	2	6	-	145	44
Bridge Jumpers	6	128	68	27	6	23	2	7	1	-	1	-	-	1	1	-	-	-	4	8	73	5	133	14	295	213
Daily Anchorage Check	141	165	257	219	140	147	112	140	109	62	39	59	41	90	41	54	60	55	158	73	255	49	161	55	1,514	1,168
Discharge/Pollution	3	-	9	3	6	4	3	2	-	-	2	2	1	1	1	-	3	-	-	-	1	5	1	-	30	17
Dock/Pier/Bridge Issue	14	5	16	3	12	4	10	-	7	-	6	-	-	-	8	3	3	3	31	-	-	-	9	9	116	27
Emergency	-	-	1	-	-	-	-	-	-	-	-	1	-	-	1	-	1	-	-	-	-	1	-	1	3	3
General Assist	35	26	41	47	15	12	11	29	19	18	7	23	7	27	11	23	51	13	38	21	28	19	34	40	297	298
Hazards/Debris	22	12	58	6	8	3	10	10	15	15	32	9	11	14	5	8	6	3	5	2	4	9	8	2	184	93
Impound	15	5	16	11	4	20	4	20	5	9	5	13	10	3	2	3	5	6	2	10	3	3	15	5	86	108
Incident	10	7	4	11	13	7	7	4	4	5	4	7	3	9	1	2	6	5	7	2	14	9	6	12	79	80
Mooring Assist	30	25	13	17	10	11	6	10	13	11	88	17	5	24	8	6	19	9	17	9	17	20	32	11	258	170
Mooring Check	229	200	581	224	220	142	171	227	211	180	123	209	198	198	154	160	205	146	363	171	195	135	248	219	2,898	2,211
Noise	3	1	-	6	6	2	-	4	-	1	-	-	-	-	-	-	-	-	1	-	-	2	1	-	11	16
Paddleboard/Kayak	247	16	179	22	8	1	1	3	3	4	-	-	32	1	-	-	28	-	5	2	59	14	35	34	597	97
Public Contact	147	59	156	44	89	30	36	57	33	11	13	15	15	15	24	20	18	14	55	10	116	23	100	9	787	307
Public Dock Enforcement	345	498	371	184	294	342	522	585	562	570	183	750	438	770	396	655	145	650	10	624	63	518	528	449	3,857	6,595
Pump Out	13	31	21	11	11	31	7	3	7	2	6	1	19	2	6	9	5	23	2	7	13	12	23	13	133	145
Registration & Insurance	-	14	242	53	199	22	46	28	119	27	28	21	162	45	62	40	33	39	43	-	33	49	23	58	990	396
Sea Lions	36	11	88	33	122	22	49	21	21	22	5	4	15	10	16	2	29	4	36	10	32	19	11	15	460	173
Speeding	87	48	58	57	41	93	5	73	9	34	9	28	13	17	16	25	5	14	17	22	72	21	46	27	378	459
Swim Line	1	1	3	1	4	-	1	1	1	-	1	1	1	1	-	-	1	-	-	-	2	3	1	1	16	9
Trash	247	76	283	7	278	14	176	36	238	122	391	102	140	268	111	83	44	133	77	28	215	71	44	57	2,244	997
																								-	0	0
Rentals - Marina Park Slips	143	167	147	166	107	170	99	129	43	61	54	86	33	69	28	64	36	92	34	134	125	133	123	159	972	1,430
# of nights	370	593	399	422	295	547	297	366	132	258	238	327	116	241	86	207	136	260	103	396	293	407	288	409	2,753	4,433
Rentals - MP Sand Lines	9	19	9	24	7	30	10	30	6	19	10	10	1	16	1	15	4	10	8	9	5	18	12	10	82	210
# of nights	43	41	32	43	28	52	59	69	34	64	41	39	11	36	2	37	4	31	14	33	15	64	23	30	306	539
Mooring Sub-permittee	61	59	54	49	48	87	28	42	38	27	31	34	14	17	12	9	14	32	28	48	44	59	20	44	392	507
# of nights	404	271	392	176	350	320	219	236	303	221	268	202	85	126	99	97	110	202	107	261	128	304	92	239	2,557	2,655



Harbor Department Activities Report



City Harbormaster Report June 2021 Activities

Presentation to Harbor Commission

Paul Blank
Harbormaster

A handwritten signature in blue ink, appearing to read "Paul", is written over the word "Harbormaster".

Mooring Permit Update – July 2021

Category	June	July
Total Permits Issued	929	929
Permits in Process	470	364
Waiting for Review	137	64
Completed	109	316
Further Review	53	113
No Email/Undeliverable	106	29 updated
Follow Up Emails	N/A	244
No Permit on file	31	31
BYC to send out	76	76



Harbor Department
