



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, August 10, 2022 - 5:00 PM

Harbor Commission Members:

Steve Scully, Chair
Ira Beer, Vice Chair
Don Yahn, Secretary
Scott Cunningham, Commissioner
Marie Marston, Commissioner
Rudy Svrcek, Commissioner
Gary Williams, Commissioner

Staff Members:

Paul Blank, Harbormaster
Jennifer Biddle, Administrative Support Specialist

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

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Paul Blank, Harbormaster, 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) 270-8158 or pblank@newportbeachca.gov.

Questions and comments may be submitted in writing for the Harbor Commission's consideration by sending them to harborfeedback@newportbeachca.gov. To give the Harbor Commission adequate time to review your questions and comments, please submit your written comments no later than 5 p.m. the day prior to the Harbor Commission meeting. All correspondence will be made part of the record.

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. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Harbor Commission has the discretion to extend or shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

5) APPROVAL OF MINUTES

1. Minutes of the July 13, 2022 Harbor Commission Regular Meeting

[07-13-2022 Harbor Commission Regular Meeting Draft Minutes](#)

[07-13-2022 Harbor Commission Draft Minutes Chair Scully Comments](#)

[07-13-2022 Harbor Commission Draft Minutes Vice Chair Beer Comments](#)

6) **CURRENT BUSINESS**

1. **Ad Hoc Committee Updates**

Several ad hoc committees have been established to address short term projects outside of the Harbor Commission objectives. This is the time 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, Division 6, 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](#)

2. **Reassignment of Harbor Commission Current Objectives**

The Harbor Commission periodically conducts a review and updates its Objectives. With Commissioner Kenney now termed out and the appointment of Commissioner Svrcek, there is an opportunity to reassign and adjust assignment of the objectives across the newly convened Commission.

Recommendation:

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

2) Review and revise current Commission Objectives assignments.

[Staff Report](#)

[Attachment A - Harbor Commission Approved 2022 Objectives](#)

3. **Harbor Commission 2022 Objectives**

Each ad hoc committee studying their respective Functional Area within the Commission's 2022 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, Division 6, 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 2022 Objectives](#)

[Attachment B - Harbor Commission 2022 Objectives Tracking Sheet](#)

4. Harbormaster Update - July 2022 Activities

The Harbormaster oversees the City Harbor Department and is responsible for the management of the City's mooring fields, enforcement of the municipal code, events permitting, safety and rescue operations, the Marina Park Guest Marina, marine sanitation pump out equipment and public pier maintenance, impound and disposition of abandoned and unclaimed vessels and public relations and information dissemination on and about Newport Harbor.

This report will update the Harbor Commission on the Harbor Department's recent activities.

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 Department Statistics Infographic](#)

[6.4 Additional Material Presented at Meeting Staff Presentation 08-10-2022](#)

7) **MOTION FOR RECONSIDERATION**

A motion to reconsider the vote on any action taken by the Harbor Commission at either this meeting or the previous meeting may be made only by one of the Commission Members who voted with the prevailing side.

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

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

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

11) **DATE AND TIME FOR NEXT MEETING: Wednesday, September 14, 2022 at 5 p.m.**

12) **ADJOURNMENT**

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach, CA
Wednesday, July 13, 2022
5 p.m.

1) CALL MEETING TO ORDER

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

2) ROLL CALL

Commissioners: Steve Scully, Chair
Ira Beer, Vice Chair
Don Yahn, Secretary
Scott Cunningham, Commissioner
Marie Marston, Commissioner
Rudy Svrcek, Commissioner

Excused: Gary Williams, Commissioner

Staff Members: Paul Blank, Harbormaster
Chris Miller, Public Works Administrative Manager
Jennifer Biddle, Administrative Support Specialist

3) PLEDGE OF ALLEGIANCE – Commissioner Yahn

4) PUBLIC COMMENTS

Chuck Fancher, Water Quality Coastal Tidelands Committee (WQCTC) Member, shared that there have been discussions with staff and Secretary Scully about topics both the Harbor Commission and the WQCTC are interested in. Both groups are interested in the floating restrooms as well as sea level rise.

5) APPROVAL OF MINUTES

1. Minutes of June 8, 2022, Harbor Commission Regular Meeting

Vice Chair Beer noted that written comments were received from Secretary Scully and Commissioner Marston.

Commissioner Marston moved to approve the draft Minutes of the June 8, 2022 meeting as amended. Secretary Scully seconded the motion. The motion carried by the following roll call vote:

Ayes: Vice Chair Beer, Secretary Scully, Commissioner Cunningham, Commissioner Marston,
Commissioner Yahn

Nays: None

Abstaining: Commissioner Svrcek

Absent: Commissioner Williams

6) ELECTION OF OFFICERS

1. The Harbor Commission will Elect Officers for the 2022-23 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 in direct 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 in indirectly; and
- 2) Elect Chair; and
- 3) Elect Vice Chair; and
- 4) Elect Secretary

Vice Chair Beer summarized the process in which the Harbor Commission holds its elections.

Vice Chair Beer nominated Secretary Scully as Chair. Commissioner Cunningham seconded the motion. The motion carried by the following roll call vote:

Ayes: Vice Chair Beer, Commissioner Cunningham, Commissioner Marston, Commissioner Yahn
Nays: None
Abstaining: Commissioner Svrcek, Secretary Scully
Absent: Commissioner Williams

Commissioner Cunningham nominated Vice Chair Beer for the position of Vice Chair. Chair Scully seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Scully, Vice Chair Beer, Commissioner Cunningham, Commissioner Marston, Commissioner Svrcek, Commissioner Yahn
Nays: None
Abstaining: None
Absent: Commissioner Williams

Chair Scully nominated Commissioner Yahn for the position of Secretary. Vice Chair Beer seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Scully, Vice Chair Beer, Commissioner Cunningham, Commissioner Marston, Commissioner Svrcek, Commissioner Yahn
Nays: None
Abstaining: None
Absent: Commissioner Williams

7) **CURRENT BUSINESS**

1. **Floating Restroom Proposal**

Several concerns and complaints about public urination and private property trespass, mostly from boaters inexperienced with Newport Harbor have been voiced by harbor constituents, nearby residents, and community leaders. Efforts to improve education about the location and availability of public restrooms adjacent to the harbor have been somewhat successful. Challenges remain, especially with casual or experienced mariners on utilization of available tools for locating suitable facilities. Grant funding from the State is available for constructing, installing, and maintaining a floating restroom in Newport Bay. If awarded, the City match requirement is 25 percent.

Recommendation:

- 1) Determine the need and priority for additional public restroom facilities in Newport Harbor; and
- 2) If desired, formulate a recommendation on the pursuit of this project and funding to be considered by the City Council; and
- 3) 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.

Harbormaster Paul Blank acknowledged the complaints that have been received from residents regarding public urination and public discharge into the Harbor. There has been limited adoption of the My Newport Beach app Harbor layer which highlights where public restrooms are located. There are examples of successful floating restrooms on several lakes and rivers in the State of California as well as in the States

of Oregon and Washington. Grant funding is available to the City to install and assist with maintaining a floating restroom. The options that are available for a floating restroom are an Americans with Disabilities Act (ADA) compliant restroom that is attached to a public pier and the other is a free-floating restroom. Staff will provide signage indicating where the restroom is located, and an authorized local provider will provide service and maintenance to the restroom. Staff is seeking feedback from the Commission as well as the public on the locations of the floating restroom. Staff suggested the Commission consider a restroom be located either at the Central Avenue Pier, inside the H Mooring Field on a City permitted mooring, the Washington Street Pier or in the A Mooring Field on a City permitted mooring. If approved, the project will be added to the Capital Improvement Program (CIP). The recommendation will be presented to City Council who will enact the project be included in the CIP and direct staff to pursue eligible grant funds. The project will then go through a full City public hearing process. Staff has received concerns about having the restroom near residential homes. Folks have also recommended that more education and enforcement take place for Marine Activity Permit (MAP) holders. Concerns about cleanliness and security also has been raised.

[The Commission watched a short video showing evidence of folks using the Harbor as a restroom.]

In answer to Commissioner Cunningham's questions, Harbormaster Blank answered there are six public restrooms adjacent to the Harbor. Public urination and unlawful discharge into the Harbor are two separate violations. The fine for public urination is \$542 and unlawful discharge into the Harbor is \$2,000. Harbor Department staff has to witness the action in order to issue a citation. Photographic evidence provided by Harbor users is not substantial evidence to issue a citation, but a Notice of Violation can be issued. Commissioner Cunningham commented that a restroom on the Harbor will be convenient for some folks but he predicted the lude acts would continue without more education. In response to Commissioner Cunningham's inquiry regarding if the problem mainly resides with rental boats, Harbormaster Blank confirmed yes but he has witnessed private boats doing it as well. Commissioner Cunningham recommended having more public restrooms available, better signage, more education and stiffer fines. He disclosed he has seen many violators in the act from his own home.

Secretary Yahn noted if a violator is caught in the act on Avalon Harbor, the boat is not allowed back in the Harbor for a year. In reply to Secretary Yahn's question regarding how many violations have been issued in the last year, Harbormaster Blank answered there has been a 50 percent increase in incidents from the year 2021 to 2022. The reason why the staff is exploring a floating restroom is that folks are trespassing on private property to access the public restroom on Lido Island. Secretary Yahn understood that Title 17 did not cover public urination and Harbormaster Blank clarified Title 17 covered human effluent discharge. In response to Secretary Yahn's inquiries regarding the net cost of the project and maps with the restrooms highlighted, Harbormaster Blank explained the project costs \$200,000. The grant will cover 75 percent or \$150,000 and the City will cover \$50,000. For ongoing maintenance, the cost is \$12,000 annual but the grant will cover \$9,000 with the City being responsible for \$3,000. If the City is awarded the grant, the City is obligated to provide the restroom for 10 years. Every MAP holder has charts of the Harbor that identify where the restrooms are located. Availability of resources has hindered the Harbor Department's ability to provide more education to MAP holders and their users.

In answer to Vice Chair Beer's question regarding did the \$200,000 apply to the free-floating restroom or the ADA-compliant restroom, Harbormaster Blank answered the amount is for the free-floating restroom. Vice Chair Beer suggested placing a restroom on the north side of the Federal Channel, possibly in the C or G Mooring Fields.

In response to Commissioner Marston's questions, Harbormaster Blank explained incidents are listed under illegal discharges, incidents or in the code enforcement statistics. With respect to areas that had higher incident activity, the top area is west Lido Reach between the east end of Lido Isle and the West Anchorage. Another is near the Harbor entrance between the ferry crossing and the Harbor entrance. Commissioner Marston commented that there are six public restrooms around the Harbor and there are no statistics that indicate that a floating restroom will solve the problem. She agreed the public is not aware of the restrooms that are available now. Harbormaster Blank assumed a floating restroom will be more obvious to folks not familiar with the existing restrooms.

Commissioner Svrcek shared he stopped at four public rental shops and inquired if they had maps identifying where the public restrooms are around the Harbor. One stated they did not have a map, the second one stated there are no public restrooms in the Harbor, the third had a map but it was not at the beach rental station and the fourth suggested he ask the dock staff.

In reply to Chair Scully understanding that staff is suggesting the Harbor have a free-floating restroom, Harbormaster Blank clarified it depended on the location of the restroom. It did not make sense to place an ADA-compliant restroom on a mooring. In answer to Chair Scully's questions, Harbormaster Blank answered the City will not be subject to a fine if there is no ADA-compliant restroom. There is a restroom at Balboa Yacht Basin and there is a place to park. The project is a joint effort between Public Works, Community Development, the Harbor Department and Public Works will be writing the grant. Chair Scully suggested the Harbor Department explore a sticker that can be attached to rental boats that advertises the Harbor App.

Hein Austin strongly supported the proposal and was happy to see the City addressing the problem at a human level instead of at a legal level. He believed the money will be better spent if the City uses portable toilets instead of placing one floating restroom in the Harbor. He suggested placing the portable toilets near the pump-out stations. He expressed concern about wakes tossing the floating restroom around while folks are using it.

Nancy Scarborough suggested staff consult the City attorney before placing an ADA non-compliant restroom on the Harbor. She encouraged staff to share the project with the Coastal Commission.

Wade Womack recommended Bayside Drive at the Orange County Park as well as the Fire House Station be added to the list of available restrooms. He recommended providing more outreach at the folks using the public launch at the Dunes. He mentioned the Boating Infrastructure Grant can be used for landside restrooms and he recommended staff explore adding more Harborside restrooms. One option is Lower Castaways and the other could be at the pending public pier at 29th Street and Lafayette Avenue. He echoed the concern about liability and ADA compliance.

Jim Mosher recalled it was mentioned at the WQCTC that someone in the San Bernardino Mountains was offering to give away several functional floating restrooms if the City arranged transportation. He suggested a restroom be placed at The Wedge near the Harbor entrance and a floating restroom be placed at West Jetty Park at the end of Channel Road with a gangway to it from the land.

Chuck Fancher suggested staff check with John Kepler and Robert Stein in the Public Works Department about information regarding the free restrooms Mr. Mosher mentioned. He agreed boaters have to be educated on where the restrooms are located and that folks cannot urinate in the Harbor. He asked if rental companies are aware that they are responsible to pay the fine if a renter is issued a citation.

Commissioner Cunningham suggested using the buoys near public piers to identify the nearby restrooms. He recommended an educational meeting be held with the owners of the rental companies. He agreed having more public restrooms in or around the Harbor will be useful.

Secretary Yahn appreciated Commissioner Svrcek's investigation and noted it indicates that there is a lack of education on where the public restrooms are in the Harbor. He liked the idea of using a sticker and suggested it include a QR code that takes you to a map that locates all the restrooms in the Harbor. He supported Mr. Austin's suggestion of placing the restrooms at the public piers.

Vice Chair Beer concurred that education is the biggest issue as well as enforcement of the fine to the rental agencies. He encouraged staff to explore drafting a new map that shows all the possible locations for a floating restroom. He commented that moorings are made to side-tie a vessel, not a floating restroom. He recommended engineering staff review the stability the restroom will have if it is tied to a mooring.

Commissioner Marston agreed there are many restrooms currently available, but they are not well used. She wanted to see their use maximized before locking the City into a 10-year grant.

Commissioner Svrcek mentioned the maps that rental companies use are multi-purpose which makes it hard to identify restrooms. He recommended drafting a map that only identifies public restrooms and include on the map the fines folks will be subject to if they do not use the available restrooms.

In answer to Chair Scully's inquiry regarding only code enforcement has the ability to write citations, Harbormaster Blank explained evidence collection can come from anyone within the Harbor Department but only personnel with special classifications can write citations. Chair Scully commented the Harbor Safety Committee may be able to help find a solution to the problem and he supported the idea of using a QR code. He asked the other Commissioners if they supported having two floating restrooms in the Harbor.

Commissioner Cunningham was not supportive of having a floating restroom.

Secretary Yahn, Vice Chair Beer and Commissioner Marston echoed Commissioner Cunningham's comment.

Commissioner Svrcek recommended starting an educational program.

Chair Scully proposed floating restrooms be an objective for the year 2023.

2. Create and Appoint Members to a Proposed Subcommittee for the Harbor and Beaches Master Plan

At the January 12, 2022 Harbor Commission meeting, the Commission deferred forming a subcommittee to review the Harbor and Beaches Master Plan ("PLAN") until at least mid-2022. Once convened, it is anticipated that the subcommittee will review the current Plan and make recommendations on potential changes, additions, deletions, and priorities in advance of the Harbor Commission review cycle.

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) Establish a subcommittee and appoint Harbor Commissioners to review and recommend revisions to the current Harbor and Beaches Master Plan. Identify up to three Harbor Commissioners to serve on the subcommittee.

Public Works Administrative Manager Chris Miller recommended the Harbor Commission establish a subcommittee to review the Harbor and Beaches Master Plan. The subcommittee will make their recommendation to the Harbor Commission in the fall of 2022.

Chair Scully reminded the Commission that when staff brings the Harbor and Beaches Master Plan to the Harbor Commission there is no time to adjust or make changes to it. Having a subcommittee review the program will allow time for staff to make changes.

Secretary Yahn requested to be on the subcommittee.

Commissioner Cunningham announced he'd like to be on the subcommittee as well.

Public Works Administrative Manager Miller commented that the Commission can utilize several meetings to discuss the plan if it is needed.

Chair Scully noted that during Harbor Commission meetings, Commissioners can provide recommendations to the subcommittee. Public Works Administrative Manager Miller confirmed that is correct.

Commissioner Svrcek expressed his interest to be part of the subcommittee.

Wade Womack asked if the subcommittee meetings can be made public.

Chair Scully restated the topic will be discussed every month at the regular Harbor Commission meetings and he invited the public to provide comments at that time.

Mr. Womack wanted to see more transparency and public involvement.

In reply to Commissioner Marston's question regarding a record of the comments made on the program at a prior Harbor Commission meeting, Public Works Administrative Manager Miller confirmed he could provide those comments to the subcommittee. In answer to Commissioner Marston's question regarding if the subcommittee will be evaluating the fiscal year of implementation, Public Works Administrative Manager Miller explained the document assigns values to an infrastructure project that needs to be replaced. Those figures are reviewed and worked into the budget.

Commissioner Yahn moved the matter is exempt from CEQA and proposed the three members of the newly created Ad Hoc Committee, Commissioner Cunningham, Secretary Yahn and Commissioner Svrcek, be now formed. Vice Chair Beer seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Scully, Vice Chair Beer, Secretary Yahn, Commissioner Cunningham, Commissioner Marston, Commissioner Svrcek,
Nays: None
Abstaining: None
Absent: Commissioner Williams

3) Ad Hoc Committee Updates

Several ad hoc committees have been established to address short term projects outside of the Harbor Commission objectives. This is the time 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- 2) Receive and file.

Secretary Yahn announced the community meeting at Marina Park was well attended and the community provided good feedback. The next step is to share the feedback with the Harbor Department and then report to the Commission.

Chair Scully shared the Ad Hoc Committee tasked with reviewing City Council Policy H-1 is working on blending Public Works Administrative Manager Miller and Harbormaster Blank's draft versions with the existing policy. The Ad Hoc Committee has provided a rough draft to Public Works Administrative Manager Miller with the request he provide his thoughts and comments on it.

4) Harbor Commission 2022 Objectives

Each ad hoc committee studying their respective Functional Area within the Commission's 2022 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, Division 6, 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: Secretary Yahn stated the only Title 17 revision update under consideration concerns floats and lifts.

Functional Area 2: Vice Chair Beer stated there is no report with respect to Objective 2.1 and Objective 2.4. With respect to the mooring field initiative, Vice Chair Beer received feedback from the engineering firm and will provide a more comprehensive update at the next meeting.

Functional Area 3: Commissioner Cunningham announced there is no report.

Functional Area 4: Chair Scully remarked the ad hoc committee is focused on the floating restrooms. With respect to Lower Castaways, the ad hoc committee will make a presentation to City Council Members to encourage more interest in moving forward with a plan. Commissioner Marston shared she discussed Lower Castaways with the Parks, Beaches and Recreation Commission (PB&R) and confirmed PB&R has no future projects for the site. She recommended a joint effort be made between the Harbor Commission and the PB&R Commission on the matter. With respect to Objective 4.3, Chair Scully informed that Commissioner Williams and himself discussed the item with code enforcement supervisor Matt Cosylon. Also, they reviewed all the maps that identify the different types of business on the Harbor that should be involved in the Newport Harbor Safety Committee. The goal is to hold the first meeting of the Newport Harbor Safety Committee in the third quarter of 2022. With respect to 4.3.2, Chair Scully indicated he fixed his errors regarding the heights of several vessels and the final report will be placed on the Harbor Department's website.

Wade Womack asked what Lower Castaways is zoned for and what the plan for the site is. Chair Scully answered it is zoned as commercial marina and there is no plan at this time.

Commissioner Cunningham invited Commissioner Svrcek to help him with Objectives 3.1 and 3.2.

Harbormaster Blank interjected that because the objectives were established by a motion and public discourse. Any reassignment of the objectives will require a motion and will have to happen at the next Harbor Commission meeting.

Chair Scully agreed to review the objectives where Commissioner Kenney was involved and realign the objectives to include Commissioner Svrcek. He encouraged the Commission to consider how the current objectives are written and if there are objectives that need to be removed or included.

5) Harbormaster Update June 2022 Activities

The Harbormaster oversees the City Harbor Department and is responsible for the management of the City's mooring fields, enforcement of the municipal code, events permitting, safety and rescue operations, the Marina Park Guest Marina, marine sanitation pump out equipment and public pier maintenance, impound and disposition of abandoned and unclaimed vessels and public relations and information dissemination on and about Newport Harbor. This report will update the Harbor Commission on the Harbor Department's recent activities.

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 reported in June a large amount of pump-out dock maintenance happened. Harbor staff received training from the Office of Spill Response on the use of spill response materials. The department is low on sorbent booms and sorbent pads but the Office of Spill Response will provide a grant to replenish these items. Recruitment and hiring in the department has gone well and the department is nearly fully staffed. Code enforcement traversed the Harbor looking for unpermitted construction and issued six to 10 Notices of Violation. Harbor services workers were dispatched to rescue several wayward

paddleboarders. Harbormaster Blank noted on two occasions he received complaints from one Balboa Yacht Basin tenant regarding the lack of amenities at Balboa Yacht Basin. He investigated the complaints and responded to the tenant. The other complaint received from the tenant pertained to the underwater growth adjacent to the tenant's slip. A diver was hired to remove the natural growth and an email was sent to the tenant explaining that the vegetation is non-invasive and found throughout the Harbor. Significant rate increases were imposed on Balboa Yacht Basin tenants and three out of 172 tenants filed complaints. Revenue for the calendar year continued to outpace the revenue from previous years. The increase in revenue was due to the increased occupancy and utilization of the Harbor. The human lift was requested to be used four times in May and four times in June. Paddle board and kayak rescues have doubled since 2021, public contact has tripled compared to previous years, public dock enforcement has almost doubled and speeding in the Harbor has decreased. Of the 929 permit updates that have to be converted to the new format, only 25 are left in process and 859 have been fully converted over.

Commissioner Cunningham believed the Balboa Yacht Basin tenant should have called the Balboa Yacht Basin management team. Harbormaster Blank remarked the tenant is a friend of the former operator and does not have a good relationship with the current operator.

In answer to Chair Scully's query regarding the increased rates at Balboa Yacht Basin, Harbormaster Blank stated the average increase across all sizes was 13 percent. The increase is a function of the audit of other marinas in the Harbor. In reply to Chair Scully's questions regarding walking Balboa Yacht Basin and discussing the rescues with the rental companies, Harbormaster Blank responded he does not walk the property, but he will start. Harbor services workers are adept at providing a friendly level of reprimand to rental companies when they have to perform a rescue without inflicting a penalty. Chair Scully requested that incidents and concerns on the Harbor be shared with the Newport Harbor Safety Committee.

Lens Bose asked if rental companies allow folks to go back into the water if they are rescued. Harbormaster Blank answered that the City does not want to interfere in these businesses and is not placing restrictions on the rental companies. The department does issue notifications when there will be severe weather.

8) MOTION OF RECONSIDERATION

None

9) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEM)

None

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

None

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

None

12) DATE AND TIME FOR NEXT MEETING: Wednesday, August 10, 2022 at 5 p.m.

None

13) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 6:52 p.m.

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach, CA
Wednesday, July 13, 2022
5 p.m.

1) CALL MEETING TO ORDER

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

2) ROLL CALL

Commissioners: Steve Scully, Chair
Ira Beer, Vice Chair
Don Yahn, Secretary
Scott Cunningham, Commissioner
Marie Marston, Commissioner
Rudy Svrcek, Commissioner

Excused: Gary Williams, Commissioner

Staff Members: Paul Blank, Harbormaster
Chris Miller, Public Works Administrative Manager
Jennifer Biddle, Administrative Support Specialist

3) PLEDGE OF ALLEGIANCE – Commissioner Yahn

4) PUBLIC COMMENTS

Chuck Fancher, Water Quality Coastal Tidelands Committee (WQCTC) Member, shared that there have been discussions with staff and Secretary Scully about topics both the Harbor Commission and the WQCTC are interested in. Both groups are interested in the floating restrooms as well as sea level rise.

5) APPROVAL OF MINUTES

1. Minutes of June 8, 2022, Harbor Commission Regular Meeting

Vice Chair Beer noted that written comments were received from Secretary Scully and Commissioner Marston.

Commissioner Marston moved to approve the draft Minutes of the June 8, 2022 meeting as amended. Secretary Scully seconded the motion. The motion carried by the following roll call vote:

Ayes: Vice Chair Beer, Secretary Scully, Commissioner Cunningham, Commissioner Marston, Commissioner Yahn

Nays: None

Abstaining: Commissioner Svrcek

Absent: Commissioner Williams

6) ELECTION OF OFFICERS

1. The Harbor Commission will Elect Officers for the 2022-23 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 in direct 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 in indirectly; and
- 2) Elect Chair; and
- 3) Elect Vice Chair; and
- 4) Elect Secretary

Vice Chair Beer summarized the process in which the Harbor Commission holds its elections.

Vice Chair Beer nominated Secretary Scully as Chair. Commissioner Cunningham seconded the motion. The motion carried by the following roll call vote:

Ayes: Vice Chair Beer, Commissioner Cunningham, Commissioner Marston, Commissioner Yahn
Nays: None
Abstaining: Commissioner Svrcek, Secretary Scully
Absent: Commissioner Williams

Commissioner Cunningham nominated Vice Chair Beer for the position of Vice Chair. Chair Scully seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Scully, Vice Chair Beer, Commissioner Cunningham, Commissioner Marston, Commissioner Svrcek, Commissioner Yahn
Nays: None
Abstaining: None
Absent: Commissioner Williams

Chair Scully nominated Commissioner Yahn for the position of Secretary. Vice Chair Beer seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Scully, Vice Chair Beer, Commissioner Cunningham, Commissioner Marston, Commissioner Svrcek, Commissioner Yahn
Nays: None
Abstaining: None
Absent: Commissioner Williams

7) **CURRENT BUSINESS**

1. **Floating Restroom Proposal**

Several concerns and complaints about public urination and private property trespass, mostly from boaters inexperienced with Newport Harbor have been voiced by harbor constituents, nearby residents, and community leaders. Efforts to improve education about the location and availability of public restrooms adjacent to the harbor have been somewhat successful. Challenges remain, especially with casual or experienced mariners on utilization of available tools for locating suitable facilities. Grant funding from the State is available for constructing, installing, and maintaining a floating restroom in Newport Bay. If awarded, the City match requirement is 25 percent.

Recommendation:

- 1) Determine the need and priority for additional public restroom facilities in Newport Harbor; and
- 2) If desired, formulate a recommendation on the pursuit of this project and funding to be considered by the City Council; and
- 3) 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.

Harbormaster Paul Blank acknowledged the complaints that have been received from residents regarding public urination and public discharge into the Harbor. There has been limited adoption of the My Newport Beach app Harbor layer which highlights where public restrooms are located. There are examples of successful floating restrooms on several lakes and rivers in the State of California as well as in the States

of Oregon and Washington. Grant funding is available to the City to install and assist with maintaining a floating restroom. The options that are available for a floating restroom are an Americans with Disabilities Act (ADA) compliant restroom that is attached to a public pier and the other is a free-floating restroom. Staff will provide signage indicating where the restroom is located, and an authorized local provider will provide service and maintenance to the restroom. Staff is seeking feedback from the Commission as well as the public on the locations of the floating restroom. Staff suggested the Commission consider a restroom be located either at the Central Avenue Pier, inside the H Mooring Field on a City permitted mooring, the Washington Street Pier or in the A Mooring Field on a City permitted mooring. If approved, the project will be added to the Capital Improvement Program (CIP). The recommendation will be presented to City Council who will enact the project be included in the CIP and direct staff to pursue eligible grant funds. The project will then go through a full City public hearing process. Staff has received concerns about having the restroom near residential homes. Folks have also recommended that more education and enforcement take place for Marine Activity Permit (MAP) holders. Concerns about cleanliness and security also has been raised.

[The Commission watched a short video showing evidence of folks using the Harbor as a restroom.]

In answer to Commissioner Cunningham's questions, Harbormaster Blank answered there are six public restrooms adjacent to the Harbor. Public urination and unlawful discharge into the Harbor are two separate violations. The fine for public urination is \$542 and unlawful discharge into the Harbor is \$2,000. Harbor Department staff has to witness the action in order to issue a citation. Photographic evidence provided by Harbor users is not substantial evidence to issue a citation, but a Notice of Violation can be issued. Commissioner Cunningham commented that a restroom on the Harbor will be convenient for some folks but he predicted the lude acts would continue without more education. In response to Commissioner Cunningham's inquiry regarding if the problem mainly resides with rental boats, Harbormaster Blank confirmed yes but he has witnessed private boats doing it as well. Commissioner Cunningham recommended having more public restrooms available, better signage, more education and stiffer fines. He disclosed he has seen many violators in the act from his own home.

Secretary Yahn noted if a violator is caught in the act on Avalon Harbor, the boat is not allowed back in the Harbor for a year. In reply to Secretary Yahn's question regarding how many violations have been issued in the last year, Harbormaster Blank answered there has been a 50 percent increase in incidents from the year 2021 to 2022. The reason why the staff is exploring a floating restroom is that folks are trespassing on private property to access the public restroom on Lido Island. Secretary Yahn understood that Title 17 did not cover public urination and Harbormaster Blank clarified Title 17 covered human effluent discharge. In response to Secretary Yahn's inquiries regarding the net cost of the project and maps with the restrooms highlighted, Harbormaster Blank explained the project costs \$200,000. The grant will cover 75 percent or \$150,000 and the City will cover \$50,000. For ongoing maintenance, the cost is \$12,000 annual but the grant will cover \$9,000 with the City being responsible for \$3,000. If the City is awarded the grant, the City is obligated to provide the restroom for 10 years. Every MAP holder has charts of the Harbor that identify where the restrooms are located. Availability of resources has hindered the Harbor Department's ability to provide more education to MAP holders and their users.

In answer to Vice Chair Beer's question regarding did the \$200,000 apply to the free-floating restroom or the ADA-compliant restroom, Harbormaster Blank answered the amount is for the free-floating restroom. Vice Chair Beer suggested placing a restroom on the north side of the Federal Channel, possibly in the C or G Mooring Fields.

In response to Commissioner Marston's questions, Harbormaster Blank explained incidents are listed under illegal discharges, incidents or in the code enforcement statistics. With respect to areas that had higher incident activity, the top area is west Lido Reach between the east end of Lido Isle and the West Anchorage. Another is near the Harbor entrance between the ferry crossing and the Harbor entrance. Commissioner Marston commented that there are six public restrooms around the Harbor and there are no statistics that indicate that a floating restroom will solve the problem. She agreed the public is not aware of the restrooms that are available now. Harbormaster Blank assumed a floating restroom will be more obvious to folks not familiar with the existing restrooms.

Commissioner Svrcek shared he stopped at four public rental shops and inquired if they had maps identifying where the public restrooms are around the Harbor. One stated they did not have a map, the second one stated there are no public restrooms in the Harbor, the third had a map but it was not at the beach rental station and the fourth suggested he ask the dock staff.

In reply to Chair Scully's understanding question if that staff is suggesting the Harbor have-install a free-floating restroom, Harbormaster Blank clarified that it would be depended depending on the location of the restroom. Chair Scully questioned Harbormaster Blank as to whether it is required to install an ADA compliant floating restroom. Harbormaster Blank said that it did not make sense to place an ADA-compliant restroom on a mooring and that the city is not required to provide an ADA compliant restroom on the water. In answer to Chair Scully's further questions on this topic, Harbormaster Blank answered the City will not be subject to a fine if there is no ADA-compliant restroom. In answer to Chair Scully's question on if there was there is a restroom at Balboa Yacht Basin and is there is a place dock space to park. Harbormaster Blank answered affirmative on both questions. The project to install on the water restrooms would be is a joint effort between Public Works, Community Development, the Harbor Department and Public Works will be writing the would complete a state grant application to defray a majority of the cost. Chair Scully suggested the Harbor Department explore a sticker that can be attached to rental boats that advertises the Harbor App would direct rental boaters to the Newport Harbor Department app and the locations where boats can park and use the restroom.

Hein Austin strongly supported the proposal and was happy to see the City addressing the problem at a human level instead of at a legal level. He believed the money will be better spent if the City uses portable toilets instead of placing one floating restroom in the Harbor. He suggested placing the portable toilets near the pump-out stations. He expressed concern about wakes tossing the floating restroom around while folks are using it.

Nancy Scarborough suggested staff consult the City attorney before placing an ADA non-compliant restroom on the Harbor. She encouraged staff to share the project with the Coastal Commission.

Wade Womack recommended Bayside Drive at the Orange County Park as well as the Fire House Station be added to the list of available restrooms. He recommended providing more outreach at the folks using the public launch at the Dunes. He mentioned the Boating Infrastructure Grant can be used for landside restrooms and he recommended staff explore adding more Harborside restrooms. One option is Lower Castaways and the other could be at the pending public pier at 29th Street and Lafayette Avenue. He echoed the concern about liability and ADA compliance.

Jim Mosher recalled it was mentioned at the WQCTC that someone in the San Bernardino Mountains was offering to give away several functional floating restrooms if the City arranged transportation. He suggested a restroom be placed at The Wedge near the Harbor entrance and a floating restroom be placed at West Jetty Park at the end of Channel Road with a gangway to it from the land.

Chuck Fancher suggested staff check with John Kepler and Robert Stein in the Public Works Department about information regarding the free restrooms Mr. Mosher mentioned. He agreed boaters have to be educated on where the restrooms are located and that folks cannot urinate in the Harbor. He asked if rental companies are aware that they are responsible to pay the fine if a renter is issued a citation.

Commissioner Cunningham suggested using the buoys near public piers to identify the nearby restrooms. He recommended an educational meeting be held with the owners of the rental companies. He agreed having more public restrooms in or around the Harbor will be useful.

Secretary Yahn appreciated Commissioner Svrcek's investigation and noted it indicates that there is a lack of education on where the public restrooms are in the Harbor. He liked the idea of using a sticker and suggested it include a QR code that takes you to a map that locates all the restrooms in the Harbor. He supported Mr. Austin's suggestion of placing the restrooms at the public piers.

Vice Chair Beer concurred that education is the biggest issue as well as enforcement of the fine to the rental agencies. He encouraged staff to explore drafting a new map that shows all the possible locations

for a floating restroom. He commented that moorings are made to side-tie a vessel, not a floating restroom. He recommended engineering staff review the stability the restroom will have if it is tied to a mooring.

Commissioner Marston agreed there are many restrooms currently available, but they are not well used. She wanted to see their use maximized before locking the City into a 10-year grant.

Commissioner Svrcek mentioned the maps that rental companies use are multi-purpose which makes it hard to identify restrooms. He recommended drafting a map that only identifies public restrooms and include on the map the fines folks will be subject to if they do not use the available restrooms.

In answer to Chair Scully's inquiry regarding [that only trained code enforcement personnel](#) has the ability to write citations, Harbormaster Blank explained evidence collection can come from anyone within the Harbor Department but only personnel with special classifications can write citations. Chair Scully commented the Harbor Safety Committee [meetings can assist with this may be able to help find a solution to the problem](#) and he supported the idea of using a QR code [on a sticker placed in rental boats that would direct people to the closest dock and restroom](#).

~~He~~ [After the public comments Chair Scully](#) asked the other Commissioners if they supported having two floating restrooms in the Harbor.

Commissioner Cunningham was not supportive of having a floating restroom.

Secretary Yahn, Vice Chair Beer and Commissioner Marston echoed Commissioner Cunningham's comment.

Commissioner Svrcek recommended starting an educational program.

Chair Scully proposed [floating restrooms identifying options to better communicate where and how to use the restrooms on the Harbor](#) be an objective for the year 2023.

2. Create and Appoint Members to a Proposed Subcommittee for the Harbor and Beaches Master Plan

At the January 12, 2022 Harbor Commission meeting, the Commission deferred forming a subcommittee to review the Harbor and Beaches Master Plan ("PLAN") until at least mid-2022. Once convened, it is anticipated that the subcommittee will review the current Plan and make recommendations on potential changes, additions, deletions, and priorities in advance of the Harbor Commission review cycle.

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) Establish a subcommittee and appoint Harbor Commissioners to review and recommend revisions to the current Harbor and Beaches Master Plan. Identify up to three Harbor Commissioners to serve on the subcommittee.

Public Works Administrative Manager Chris Miller recommended the Harbor Commission establish a subcommittee to review the Harbor and Beaches Master Plan. The subcommittee will make their recommendation to the Harbor Commission in the fall of 2022.

Chair Scully reminded the Commission that [last year](#) when staff [brings-brought](#) the Harbor and Beaches Master Plan to the Harbor Commission [to review](#) there is no time to adjust or make [additions or](#) changes to it. Having a subcommittee review the program will allow time for [the Harbor Commission contribution\(s\) and for](#) staff to make changes.

Secretary Yahn requested to be on the subcommittee.

Commissioner Cunningham announced he'd like to be on the subcommittee as well.

Public Works Administrative Manager Miller commented that the Commission can utilize several meetings to discuss the plan if it is needed.

Chair Scully noted that during Harbor Commission meetings, Commissioners can provide recommendations to the subcommittee. Public Works Administrative Manager Miller confirmed that is correct.

Commissioner Svrcek expressed his interest to be part of the subcommittee.

Wade Womack asked if the subcommittee meetings can be made public.

Chair Scully restated the topic will be discussed every month at the regular Harbor Commission meetings and he invited the public to provide comments at that time.

Mr. Womack wanted to see more transparency and public involvement.

In reply to Commissioner Marston's question regarding a record of the comments made on the program at a prior Harbor Commission meeting, Public Works Administrative Manager Miller confirmed he could provide those comments to the subcommittee. In answer to Commissioner Marston's question regarding if the subcommittee will be evaluating the fiscal year of implementation, Public Works Administrative Manager Miller explained the document assigns values to an infrastructure project that needs to be replaced. Those figures are reviewed and worked into the budget.

Commissioner Yahn moved the matter is exempt from CEQA and proposed the three members of the newly created Ad Hoc Committee, Commissioner Cunningham, Secretary Yahn and Commissioner Svrcek, be now formed. Vice Chair Beer seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Scully, Vice Chair Beer, Secretary Yahn, Commissioner Cunningham, Commissioner Marston, Commissioner Svrcek,
Nays: None
Abstaining: None
Absent: Commissioner Williams

3) Ad Hoc Committee Updates

Several ad hoc committees have been established to address short term projects outside of the Harbor Commission objectives. This is the time 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- 2) Receive and file.

Secretary Yahn announced the community meeting at Marina Park was well attended and the community provided good feedback. The next step is to share the feedback with the Harbor Department and then report to the Commission.

Chair Scully shared the Ad Hoc Committee tasked with reviewing City Council Policy H-1 is working on blending [the previous work that](#) Public Works Administrative Manager Miller and Harbormaster Blank's [had previously drafted draft versions](#) with the existing policy. The Ad Hoc Committee has provided a rough draft to Public Works Administrative Manager Miller with the request he provide his thoughts and comments on it.

4) Harbor Commission 2022 Objectives

Each ad hoc committee studying their respective Functional Area within the Commission's 2022 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, Division 6, 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: Secretary Yahn stated the only Title 17 revision update under consideration concerns floats and lifts.

Functional Area 2: Vice Chair Beer stated there is no report with respect to Objective 2.1 and Objective 2.4. With respect to the mooring field initiative, Vice Chair Beer received feedback from the engineering firm and will provide a more comprehensive update at the next meeting.

Functional Area 3: Commissioner Cunningham announced there is no report.

Functional Area 4: ~~With respect to Objective 4.1~~ Chair Scully remarked ~~the ad hoc committee is that over the last month we~~ focused on the floating restrooms ~~with the Water Quality Board~~. With respect to Lower Castaways, ~~Objective 4.2, the ad hoc committee that Commissioner Marston and Chair Scully are working on a will make a presentation to for~~ City Council Members to ~~encourage more understand their~~ interest in moving forward with a plan. Commissioner Marston shared she discussed Lower Castaways with the Parks, Beaches and Recreation Commission (PB&R) and confirmed PB&R has no future projects for the site. She recommended a joint effort be made between the Harbor Commission and the PB&R Commission on the matter. With respect to Objective 4.3, Chair Scully ~~informed outlined~~ that Commissioner Williams and himself discussed ~~the item operators with in the harbor~~ with code enforcement supervisor Matt Cosyion ~~that would be good prospects to participate in the Newport Harbor Safety Committee~~. Also, they reviewed all the ~~maps Marine Activities Permits to that~~ identify the different types of business on the Harbor that should be involved in the Newport Harbor Safety Committee. The goal is to hold the first meeting of the Newport Harbor Safety Committee in the third quarter of 2022. With respect to 4.3.2, Chair Scully indicated he fixed his errors regarding the heights of several vessels and the final report will be placed on the Harbor Department's website.

Wade Womack asked what Lower Castaways is zoned for and what the plan for the site is. Chair Scully answered it is zoned as commercial marina and there is no plan at this time.

Commissioner Cunningham invited Commissioner Svrcek to help him with Objectives 3.1 and 3.2.

Harbormaster Blank interjected that because the objectives were established by a motion and public discourse. Any reassignment of the objectives will require a motion and will have to happen at the next Harbor Commission meeting.

Chair Scully agreed to review the objectives where Commissioner Kenney was involved and realign the objectives to include Commissioner Svrcek. He encouraged the Commission to consider how the current objectives are written and if there are objectives that need to be removed or included.

5) Harbormaster Update June 2022 Activities

The Harbormaster oversees the City Harbor Department and is responsible for the management of the City's mooring fields, enforcement of the municipal code, events permitting, safety and rescue operations, the Marina Park Guest Marina, marine sanitation pump out equipment and public pier maintenance, impound and disposition of abandoned

and unclaimed vessels and public relations and information dissemination on and about Newport Harbor. This report will update the Harbor Commission on the Harbor Department's recent activities.

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 reported in June a large amount of pump-out dock maintenance happened. Harbor staff received training from the Office of Spill Response on the use of spill response materials. The department is low on sorbent booms and sorbent pads but the Office of Spill Response will provide a grant to replenish these items. Recruitment and hiring in the department has gone well and the department is nearly fully staffed. Code enforcement traversed the Harbor looking for unpermitted construction and issued six to 10 Notices of Violation. Harbor services workers were dispatched to rescue several wayward paddleboarders. Harbormaster Blank noted on two occasions he received complaints from one Balboa Yacht Basin tenant regarding the lack of amenities at Balboa Yacht Basin. He investigated the complaints and responded to the tenant. The other complaint received from the tenant pertained to the underwater growth adjacent to the tenant's slip. A diver was hired to remove the natural growth and an email was sent to the tenant explaining that the vegetation is non-invasive and found throughout the Harbor. Significant rate increases were imposed on Balboa Yacht Basin tenants and three out of 172 tenants filed complaints. Revenue for the calendar year continued to outpace the revenue from previous years. The increase in revenue was due to the increased occupancy and utilization of the Harbor. The human lift was requested to be used four times in May and four times in June. Paddle board and kayak rescues have doubled since 2021, public contact has tripled compared to previous years, public dock enforcement has almost doubled and speeding in the Harbor has decreased. Of the 929 permit updates that have to be converted to the new format, only 25 are left in process and 859 have been fully converted over.

Commissioner Cunningham believed the Balboa Yacht Basin tenant should have called the Balboa Yacht Basin management team. Harbormaster Blank remarked the tenant is a friend of the former operator and does not have a good relationship with the current operator.

In answer to Chair Scully's query regarding the increased rates at Balboa Yacht Basin, Harbormaster Blank stated the average increase across all sizes was 13 percent. The increase is a function of ~~the an~~ audit of ~~the cost of slip rents in~~ other marinas ~~in the Harbor~~ within Newport Harbor. In reply to Chair Scully's questions regarding ~~walking if Harbormaster Blank visited unannounced at~~ Balboa Yacht Basin and ~~discussing the rescues with the rental companies~~ oversee the operations of the marina, Harbormaster Blank responded he does not ~~walk visit~~ the property ~~regularly~~, but he ~~will start~~ agreed with the idea. ~~Harbor services workers are adept at providing a friendly level of reprimand to rental companies when they have to perform a rescue without inflicting a penalty. In response to Chair Scully's question on harbor services workers rescuing people on the water who rent human powered crafts, Harbormaster Blank responded that these rescues occur frequently and that the rental companies are notified when necessary.~~ Chair Scully requested that incidents and concerns on the Harbor be shared with the Newport Harbor Safety Committee.

Lens Bose asked if rental companies allow folks to go back into the water if they a rescued. Harbormaster Blank answered that the City does not want to interfere in these businesses and is not placing restrictions on the rental companies. The department does issue notifications when there will be severe weather.

8) MOTION OF RECONSIDERATION

None

9) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEM)

None

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

None

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

None

12) **DATE AND TIME FOR NEXT MEETING: Wednesday, August 10, 2022 at 5 p.m.**

None

13) **ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 6:52 p.m.

DRAFT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach, CA
Wednesday, July 13, 2022
5 p.m.

1) CALL MEETING TO ORDER

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

2) ROLL CALL

Commissioners: Steve Scully, Chair
Ira Beer, Vice Chair
Don Yahn, Secretary
Scott Cunningham, Commissioner
Marie Marston, Commissioner
Rudy Svrcek, Commissioner

Excused: Gary Williams, Commissioner

Staff Members: Paul Blank, Harbormaster
Chris Miller, Public Works Administrative Manager
Jennifer Biddle, Administrative Support Specialist

3) PLEDGE OF ALLEGIANCE – Commissioner Yahn

4) PUBLIC COMMENTS

Chuck Fancher, Water Quality Coastal Tidelands Committee (WQCTC) Member, shared that there have been discussions with staff and Secretary Scully about topics both the Harbor Commission and the WQCTC are interested in. Both groups are interested in the floating restrooms as well as sea level rise.

5) APPROVAL OF MINUTES

1. Minutes of June 8, 2022, Harbor Commission Regular Meeting

Vice Chair Beer noted that written comments were received from Secretary Scully and Commissioner Marston.

Commissioner Marston moved to approve the draft Minutes of the June 8, 2022 meeting as amended. Secretary Scully seconded the motion. The motion carried by the following roll call vote:

Ayes: Vice Chair Beer, Secretary Scully, Commissioner Cunningham, Commissioner Marston,
Commissioner Yahn

Nays: None

Abstaining: Commissioner Svrcek

Absent: Commissioner Williams

6) ELECTION OF OFFICERS

1. The Harbor Commission will Elect Officers for the 2022-23 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 in direct 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 in indirectly; and
- 2) Elect Chair; and
- 3) Elect Vice Chair; and
- 4) Elect Secretary

Vice Chair Beer summarized the process in which the Harbor Commission holds its elections.

Vice Chair Beer nominated Secretary Scully as Chair. Commissioner Cunningham seconded the motion. The motion carried by the following roll call vote:

Ayes: Vice Chair Beer, Commissioner Cunningham, Commissioner Marston, Commissioner Yahn
Nays: None
Abstaining: Commissioner Svrcek, Secretary Scully
Absent: Commissioner Williams

Commissioner Cunningham nominated Vice Chair Beer for the position of Vice Chair. Chair Scully seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Scully, Vice Chair Beer, Commissioner Cunningham, Commissioner Marston, Commissioner Svrcek, Commissioner Yahn
Nays: None
Abstaining: None
Absent: Commissioner Williams

Chair Scully nominated Commissioner Yahn for the position of Secretary. Vice Chair Beer seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Scully, Vice Chair Beer, Commissioner Cunningham, Commissioner Marston, Commissioner Svrcek, Commissioner Yahn
Nays: None
Abstaining: None
Absent: Commissioner Williams

7) **CURRENT BUSINESS**

1. **Floating Restroom Proposal**

Several concerns and complaints about public urination and private property trespass, mostly from boaters inexperienced with Newport Harbor have been voiced by harbor constituents, nearby residents, and community leaders. Efforts to improve education about the location and availability of public restrooms adjacent to the harbor have been somewhat successful. Challenges remain, especially with casual or experienced mariners on utilization of available tools for locating suitable facilities. Grant funding from the State is available for constructing, installing, and maintaining a floating restroom in Newport Bay. If awarded, the City match requirement is 25 percent.

Recommendation:

- 1) Determine the need and priority for additional public restroom facilities in Newport Harbor; and
- 2) If desired, formulate a recommendation on the pursuit of this project and funding to be considered by the City Council; and
- 3) 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.

Harbormaster Paul Blank acknowledged the complaints that have been received from residents regarding public urination and public discharge into the Harbor. There has been limited adoption of the My Newport Beach app Harbor layer which highlights where public restrooms are located. There are examples of successful floating restrooms on several lakes and rivers in the State of California as well as in the States

of Oregon and Washington. Grant funding is available to the City to install and assist with maintaining a floating restroom. The options that are available for a floating restroom are an Americans with Disabilities Act (ADA) compliant restroom that is attached to a public pier and the other is a free-floating restroom. Staff will provide signage indicating where the restroom is located, and an authorized local provider will provide service and maintenance to the restroom. Staff is seeking feedback from the Commission as well as the public on the locations of the floating restroom. Staff suggested the Commission consider a restroom be located either at the Central Avenue Pier, inside the H Mooring Field on a City permitted mooring, the Washington Street Pier or in the A Mooring Field on a City permitted mooring. If approved, the project will be added to the Capital Improvement Program (CIP). The recommendation will be presented to City Council who will enact the project be included in the CIP and direct staff to pursue eligible grant funds. The project will then go through a full City public hearing process. Staff has received concerns about having the restroom near residential homes. Folks have also recommended that more education and enforcement take place for Marine Activity Permit (MAP) holders. Concerns about cleanliness and security also has been raised.

[The Commission watched a short video showing evidence of folks using the Harbor as a restroom.]

In answer to Commissioner Cunningham's questions, Harbormaster Blank answered there are six public restrooms adjacent to the Harbor. Public urination and unlawful discharge into the Harbor are two separate violations. The fine for public urination is \$542 and unlawful discharge into the Harbor is \$2,000. Harbor Department staff has to witness the action in order to issue a citation. Photographic evidence provided by Harbor users is not substantial evidence to issue a citation, but a Notice of Violation can be issued. Commissioner Cunningham commented that a restroom on the Harbor will be convenient for some folks but he predicted the lude acts would continue without more education. In response to Commissioner Cunningham's inquiry regarding if the problem mainly resides with rental boats, Harbormaster Blank confirmed yes but he has witnessed private boats doing it as well. Commissioner Cunningham recommended having more public restrooms available, better signage, more education and stiffer fines. He disclosed he has seen many violators in the act from his own home.

Secretary Yahn noted if a violator is caught in the act on Avalon Harbor, the boat is not allowed back in the Harbor for a year. In reply to Secretary Yahn's question regarding how many violations have been issued in the last year, Harbormaster Blank answered there has been a 50 percent increase in incidents from the year 2021 to 2022. The reason why the staff is exploring a floating restroom is that folks are trespassing on private property to access the public restroom on Lido Island. Secretary Yahn understood that Title 17 did not cover public urination and Harbormaster Blank clarified Title 17 covered human effluent discharge. In response to Secretary Yahn's inquiries regarding the net cost of the project and maps with the restrooms highlighted, Harbormaster Blank explained the project costs \$200,000. The grant will cover 75 percent or \$150,000 and the City will cover \$50,000. For ongoing maintenance, the cost is \$12,000 annual but the grant will cover \$9,000 with the City being responsible for \$3,000. If the City is awarded the grant, the City is obligated to provide the restroom for 10 years. Every MAP holder has charts of the Harbor that identify where the restrooms are located. Availability of resources has hindered the Harbor Department's ability to provide more education to MAP holders and their users.

In answer to Vice Chair Beer's question regarding did the \$200,000 apply to the free-floating restroom or the ADA-compliant restroom, Harbormaster Blank answered the amount is for the free-floating restroom. Vice Chair Beer suggested ~~placing a possible location for a~~ restroom on the north side of the Federal Channel, ~~possibly in or near the the G or G Mooring Field~~ where there are none nearby at present times.

In response to Commissioner Marston's questions, Harbormaster Blank explained incidents are listed under illegal discharges, incidents or in the code enforcement statistics. With respect to areas that had higher incident activity, the top area is west Lido Reach between the east end of Lido Isle and the West Anchorage. Another is near the Harbor entrance between the ferry crossing and the Harbor entrance. Commissioner Marston commented that there are six public restrooms around the Harbor and there are no statistics that indicate that a floating restroom will solve the problem. She agreed the public is not aware of the restrooms that are available now. Harbormaster Blank assumed a floating restroom will be more obvious to folks not familiar with the existing restrooms.

Commissioner Svrcek shared he stopped at four public rental shops and inquired if they had maps identifying where the public restrooms are around the Harbor. One stated they did not have a map, the second one stated there are no public restrooms in the Harbor, the third had a map but it was not at the beach rental station and the fourth suggested he ask the dock staff.

In reply to Chair Scully understanding that staff is suggesting the Harbor have a free-floating restroom, Harbormaster Blank clarified it depended on the location of the restroom. It did not make sense to place an ADA-compliant restroom on a mooring. In answer to Chair Scully's questions, Harbormaster Blank answered the City will not be subject to a fine if there is no ADA-compliant restroom. There is a restroom at Balboa Yacht Basin and there is a place to park. The project is a joint effort between Public Works, Community Development, the Harbor Department and Public Works will be writing the grant. Chair Scully suggested the Harbor Department explore a sticker that can be attached to rental boats that advertises the Harbor App.

Hein Austin strongly supported the proposal and was happy to see the City addressing the problem at a human level instead of at a legal level. He believed the money will be better spent if the City uses portable toilets instead of placing one floating restroom in the Harbor. He suggested placing the portable toilets near the pump-out stations. He expressed concern about wakes tossing the floating restroom around while folks are using it.

Nancy Scarborough suggested staff consult the City attorney before placing an ADA non-compliant restroom on the Harbor. She encouraged staff to share the project with the Coastal Commission.

Wade Womack recommended Bayside Drive at the Orange County Park as well as the Fire House Station be added to the list of available restrooms. He recommended providing more outreach at the folks using the public launch at the Dunes. He mentioned the Boating Infrastructure Grant can be used for landside restrooms and he recommended staff explore adding more Harborside restrooms. One option is Lower Castaways and the other could be at the pending public pier at 29th Street and Lafayette Avenue. He echoed the concern about liability and ADA compliance.

Jim Mosher recalled it was mentioned at the WQCTC that someone in the San Bernardino Mountains was offering to give away several functional floating restrooms if the City arranged transportation. He suggested a restroom be placed at The Wedge near the Harbor entrance and a floating restroom be placed at West Jetty Park at the end of Channel Road with a gangway to it from the land.

Chuck Fancher suggested staff check with John Kepler and Robert Stein in the Public Works Department about information regarding the free restrooms Mr. Mosher mentioned. He agreed boaters have to be educated on where the restrooms are located and that folks cannot urinate in the Harbor. He asked if rental companies are aware that they are responsible to pay the fine if a renter is issued a citation.

Commissioner Cunningham suggested using the buoys near public piers to identify the nearby restrooms. He recommended an educational meeting be held with the owners of the rental companies. He agreed having more public restrooms in or around the Harbor will be useful.

Secretary Yahn appreciated Commissioner Svrcek's investigation and noted it indicates that there is a lack of education on where the public restrooms are in the Harbor. He liked the idea of using a sticker and suggested it include a QR code that takes you to a map that locates all the restrooms in the Harbor. He supported Mr. Austin's suggestion of placing the restrooms at the public piers.

Vice Chair Beer concurred that education is the biggest issue as well as enforcement of the fine to the rental agencies. He encouraged staff to explore drafting a new map that shows all the possible locations for a floating restroom. He commented that moorings are made to side-tie a vessel, not a floating restroom. He recommended engineering staff review the stability the restroom will have if it is tied to a mooring.

Commissioner Marston agreed there are many restrooms currently available, but they are not well used. She wanted to see their use maximized before locking the City into a 10-year grant.

Commissioner Svrcek mentioned the maps that rental companies use are multi-purpose which makes it hard to identify restrooms. He recommended drafting a map that only identifies public restrooms and include on the map the fines folks will be subject to if they do not use the available restrooms.

In answer to Chair Scully's inquiry regarding only code enforcement has the ability to write citations, Harbormaster Blank explained evidence collection can come from anyone within the Harbor Department but only personnel with special classifications can write citations. Chair Scully commented the Harbor Safety Committee may be able to help find a solution to the problem and he supported the idea of using a QR code. He asked the other Commissioners if they supported having two floating restrooms in the Harbor.

Commissioner Cunningham was not supportive of having a floating restroom.

Secretary Yahn, Vice Chair Beer and Commissioner Marston echoed Commissioner Cunningham's comment.

Commissioner Svrcek recommended starting an educational program.

Chair Scully proposed floating restrooms be an objective for the year 2023.

2. Create and Appoint Members to a Proposed Subcommittee for the Harbor and Beaches Master Plan

At the January 12, 2022 Harbor Commission meeting, the Commission deferred forming a subcommittee to review the Harbor and Beaches Master Plan ("PLAN") until at least mid-2022. Once convened, it is anticipated that the subcommittee will review the current Plan and make recommendations on potential changes, additions, deletions, and priorities in advance of the Harbor Commission review cycle.

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) Establish a subcommittee and appoint Harbor Commissioners to review and recommend revisions to the current Harbor and Beaches Master Plan. Identify up to three Harbor Commissioners to serve on the subcommittee.

Public Works Administrative Manager Chris Miller recommended the Harbor Commission establish a subcommittee to review the Harbor and Beaches Master Plan. The subcommittee will make their recommendation to the Harbor Commission in the fall of 2022.

Chair Scully reminded the Commission that when staff brings the Harbor and Beaches Master Plan to the Harbor Commission there is no time to adjust or make changes to it. Having a subcommittee review the program will allow time for staff to make changes.

Secretary Yahn requested to be on the subcommittee.

Commissioner Cunningham announced he'd like to be on the subcommittee as well.

Public Works Administrative Manager Miller commented that the Commission can utilize several meetings to discuss the plan if it is needed.

Chair Scully noted that during Harbor Commission meetings, Commissioners can provide recommendations to the subcommittee. Public Works Administrative Manager Miller confirmed that is correct.

Commissioner Svrcek expressed his interest to be part of the subcommittee.

Wade Womack asked if the subcommittee meetings can be made public.

Chair Scully restated the topic will be discussed every month at the regular Harbor Commission meetings and he invited the public to provide comments at that time.

Mr. Womack wanted to see more transparency and public involvement.

In reply to Commissioner Marston's question regarding a record of the comments made on the program at a prior Harbor Commission meeting, Public Works Administrative Manager Miller confirmed he could provide those comments to the subcommittee. In answer to Commissioner Marston's question regarding if the subcommittee will be evaluating the fiscal year of implementation, Public Works Administrative Manager Miller explained the document assigns values to an infrastructure project that needs to be replaced. Those figures are reviewed and worked into the budget.

Commissioner Yahn moved the matter is exempt from CEQA and proposed the three members of the newly created Ad Hoc Committee, Commissioner Cunningham, Secretary Yahn and Commissioner Svrcek, be now formed. Vice Chair Beer seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Scully, Vice Chair Beer, Secretary Yahn, Commissioner Cunningham, Commissioner Marston, Commissioner Svrcek,
Nays: None
Abstaining: None
Absent: Commissioner Williams

3) Ad Hoc Committee Updates

Several ad hoc committees have been established to address short term projects outside of the Harbor Commission objectives. This is the time 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- 2) Receive and file.

Secretary Yahn announced the community meeting at Marina Park was well attended and the community provided good feedback. The next step is to share the feedback with the Harbor Department and then report to the Commission.

Chair Scully shared the Ad Hoc Committee tasked with reviewing City Council Policy H-1 is working on blending Public Works Administrative Manager Miller and Harbormaster Blank's draft versions with the existing policy. The Ad Hoc Committee has provided a rough draft to Public Works Administrative Manager Miller with the request he provide his thoughts and comments on it.

4) Harbor Commission 2022 Objectives

Each ad hoc committee studying their respective Functional Area within the Commission's 2022 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, Division 6, 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: Secretary Yahn stated the only Title 17 revision update under consideration concerns floats and lifts.

Functional Area 2: Vice Chair Beer stated there is no report with respect to Objective 2.1 and Objective 2.4. With respect to the mooring field initiative, Vice Chair Beer received feedback from the engineering firm and will provide a more comprehensive update at the next meeting.

Functional Area 3: Commissioner Cunningham announced there is no report.

Functional Area 4: Chair Scully remarked the ad hoc committee is focused on the floating restrooms. With respect to Lower Castaways, the ad hoc committee will make a presentation to City Council Members to encourage more interest in moving forward with a plan. Commissioner Marston shared she discussed Lower Castaways with the Parks, Beaches and Recreation Commission (PB&R) and confirmed PB&R has no future projects for the site. She recommended a joint effort be made between the Harbor Commission and the PB&R Commission on the matter. With respect to Objective 4.3, Chair Scully informed that Commissioner Williams and himself discussed the item with code enforcement supervisor Matt Cosylon. Also, they reviewed all the maps that identify the different types of business on the Harbor that should be involved in the Newport Harbor Safety Committee. The goal is to hold the first meeting of the Newport Harbor Safety Committee in the third quarter of 2022. With respect to 4.3.2, Chair Scully indicated he fixed his errors regarding the heights of several vessels and the final report will be placed on the Harbor Department's website.

Wade Womack asked what Lower Castaways is zoned for and what the plan for the site is. Chair Scully answered it is zoned as commercial marina and there is no plan at this time.

Commissioner Cunningham invited Commissioner Svrcek to help him with Objectives 3.1 and 3.2.

Harbormaster Blank interjected that because the objectives were established by a motion and public discourse. Any reassignment of the objectives will require a motion and will have to happen at the next Harbor Commission meeting.

Chair Scully agreed to review the objectives where Commissioner Kenney was involved and realign the objectives to include Commissioner Svrcek. He encouraged the Commission to consider how the current objectives are written and if there are objectives that need to be removed or included.

5) Harbormaster Update June 2022 Activities

The Harbormaster oversees the City Harbor Department and is responsible for the management of the City's mooring fields, enforcement of the municipal code, events permitting, safety and rescue operations, the Marina Park Guest Marina, marine sanitation pump out equipment and public pier maintenance, impound and disposition of abandoned and unclaimed vessels and public relations and information dissemination on and about Newport Harbor. This report will update the Harbor Commission on the Harbor Department's recent activities.

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 reported in June a large amount of pump-out dock maintenance happened. Harbor staff received training from the Office of Spill Response on the use of spill response materials. The department is low on sorbent booms and sorbent pads but the Office of Spill Response will provide a grant to replenish these items. Recruitment and hiring in the department has gone well and the department is nearly fully staffed. Code enforcement traversed the Harbor looking for unpermitted construction and issued six to 10 Notices of Violation. Harbor services workers were dispatched to rescue several wayward

paddleboarders. Harbormaster Blank noted on two occasions he received complaints from one Balboa Yacht Basin tenant regarding the lack of amenities at Balboa Yacht Basin. He investigated the complaints and responded to the tenant. The other complaint received from the tenant pertained to the underwater growth adjacent to the tenant's slip. A diver was hired to remove the natural growth and an email was sent to the tenant explaining that the vegetation is non-invasive and found throughout the Harbor. Significant rate increases were imposed on Balboa Yacht Basin tenants and three out of 172 tenants filed complaints. Revenue for the calendar year continued to outpace the revenue from previous years. The increase in revenue was due to the increased occupancy and utilization of the Harbor. The human lift was requested to be used four times in May and four times in June. Paddle board and kayak rescues have doubled since 2021, public contact has tripled compared to previous years, public dock enforcement has almost doubled and speeding in the Harbor has decreased. Of the 929 permit updates that have to be converted to the new format, only 25 are left in process and 859 have been fully converted over.

Commissioner Cunningham believed the Balboa Yacht Basin tenant should have called the Balboa Yacht Basin management team. Harbormaster Blank remarked the tenant is a friend of the former operator and does not have a good relationship with the current operator.

In answer to Chair Scully's query regarding the increased rates at Balboa Yacht Basin, Harbormaster Blank stated the average increase across all sizes was 13 percent. The increase is a function of the audit of other marinas in the Harbor. In reply to Chair Scully's questions regarding walking Balboa Yacht Basin and discussing the rescues with the rental companies, Harbormaster Blank responded he does not walk the property, but he will start. Harbor services workers are adept at providing a friendly level of reprimand to rental companies when they have to perform a rescue without inflicting a penalty. Chair Scully requested that incidents and concerns on the Harbor be shared with the Newport Harbor Safety Committee.

Lens Bose asked if rental companies allow folks to go back into the water if they are rescued. Harbormaster Blank answered that the City does not want to interfere in these businesses and is not placing restrictions on the rental companies. The department does issue notifications when there will be severe weather.

8) MOTION OF RECONSIDERATION

None

9) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEM)

None

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

None

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

None

12) DATE AND TIME FOR NEXT MEETING: Wednesday, August 10, 2022 at 5 p.m.

None

13) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 6:52 p.m.



CITY OF NEWPORT BEACH

Harbor Commission Staff Report

August 10, 2022
Agenda Item No. 6.1

TO: HARBOR COMMISSION

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

TITLE: Ad Hoc Committee Updates

ABSTRACT:

Several ad hoc committees have been established to address short term projects outside of the Harbor Commission objectives. This is the time 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, Division 6, 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 two established ad hoc committees at this time to provide further review of issues that have arisen outside the adoption of the Harbor Commission 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 City Council Policy H-1 – Pier and float extensions beyond the pierhead line – Commissioners Marston, Scully (05-11-2022)
- Review of the Harbor and Beaches Master Plan – Secretary Yahn and Commissioners Cunningham and Svrcek (07/13/2022)

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, Division 6, 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).



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

August 10, 2022
Agenda Item No. 6.2

TO: HARBOR COMMISSION

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

TITLE: Reassignment of Harbor Commission Current Objectives

ABSTRACT:

The Harbor Commission periodically conducts a review and updates its Objectives. With Commissioner Kenney now termed out and the appointment of Commissioner Svrcek, there is an opportunity to reassign and adjust assignment of the objectives across the newly convened Commission.

RECOMMENDATION:

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

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The Harbor Commission periodically prepares objectives and devises workplans to accomplish those objectives. The cycle for objective setting is roughly each calendar year. An ad hoc committee led by Secretary Scully reviewed the 2021 Objectives and determined whether or not each Objective should be modified, enhanced, or deleted. The current, adopted 2022 Harbor Commission Objectives are found in Attachment A.

With a change in the personnel on the Harbor Commission, there is an opportunity to change Objective assignments among the Commissioners. The Commission will review and adjust the assignment of their current objectives among the participating Commissioners.

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 Approved 2022 Objectives

City of Newport Beach

Harbor Commission Purpose & Charter

Newport Harbor supports numerous recreational and commercial activities, waterfront residential communities and scenic and biological resources. The Harbor Commission's charge under Section 713 of the Newport Beach City Charter is to advise the City Council on the diverse uses of Newport Harbor and its waterfront. The Charter specifies:

There shall be a City Harbor Commission of seven members which shall have the power and duty to:

- (a) Advise the City Council on all matters relating to proposed harbor improvements and the use of Newport Harbor.
- (b) Advise the City Council on all matters pertaining to the use, control, operation, promotion, and regulation of all vessels within Newport Harbor.
- (c) Approve, conditionally approve, or disapprove applications on all permits where the City of Newport Beach Municipal Code assigns the authority for the decision to the Harbor Commission.
- (d) Make recommendations to the City Council for the adoption of regulations and programs necessary for the ongoing implementation of the goals, objectives, and policies of the Harbor and Bay Element of the General Plan.
- (e) Advise the City Council, Planning Commission and City Manager on land use and property development applications referred to the Harbor Commission by the City Council, Planning Commission, or the City Manager.
- (f) Serve as an appellate and reviewing body for decisions on permits and other harbor-related administrative matters where the City of Newport Beach Municipal Code assigns such authority to the Harbor Commission.
- (g) Perform such other duties relating to Newport Harbor as the City Council may require. (As amended effective December 14, 2020)

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 2022

2022 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. 3. Work with City Staff to bring all onshore and offshore Mooring Permittees permit forms current and properly on file. (Beer, Cunningham) 4. Evaluate current Harbor Department Operations to determine if the department is structured properly to meet all responsibilities of the Harbor on a daily basis. 	<p>1. Harbor Operations (Yahn)</p> <p><i>Matters pertaining to the Management, Policies, Codes, Regulations, and Enforcement.</i></p>
<ol style="list-style-type: none"> 1. Study and provide recommendations to the transfer permit policy for onshore and offshore moorings. (Beer, Cunningham) 2. Work with City Staff on an update of the market rent to be charged for onshore and offshore moorings. (Beer, Cunningham) 3. Evaluate the current mooring fields and provide a recommendation for new guidelines that better define rows and fairways to improve navigation, safety, and optimization of space within the mooring fields. (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) 6. Complete evaluation for establishing day moorings off Big Corona beach and harbor moorings. (Williams) 	<p>2. Harbor Viability (Beer)</p> <p><i>Matters pertaining to Assets, Amenities, and Access.</i></p>

2022 Objectives	Functional Area
<ol style="list-style-type: none"> 1. Support staff on the rehabilitation of the current public floats and gangways including areas of the harbor that could benefit with additional public access. 2. Evaluate and identify the responsibilities and obligations of the city for additional safety vessels/equipment that may be added to the Harbor in the future. 	<p>3. Harbor Infrastructure (Cunningham)</p> <p><i>Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches.</i></p>
<ol style="list-style-type: none"> 1. Evaluate enhancements and/or services to City amenities which will improve the operation and enjoyment of the Harbor. Additionally, identify new revenue generating offerings that would be administered through the Harbor Department. (Scully) 2. Evaluate and make recommendations for Lower Castaways. (Marston) 3. Continue the dialogue with representatives of the Harbor Charter Fleet industry, commercial vessel operators and rental concessionaires to: (1) promote best practices for all charter and commercial boat operations in Newport Harbor with particular attention to safety, operational support, speed, noise and pollution control/compliance and (2) evaluate (a) total number of vessels for hire on the harbor, (b) maximum passenger capacity for each vessel and in total, and (c) overall height of the superstructure of vessels for charter within the Harbor. (Williams) 	<p>4. Harbor Stakeholders (Scully)</p> <p><i>Matters pertaining to Residential, Recreational, and Commercial Users.</i></p>



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

August 10, 2022
Agenda Item No. 6.3

TO: HARBOR COMMISSION

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

TITLE: Harbor Commission 2022 Objectives

ABSTRACT:

Each ad hoc committee studying their respective Functional Area within the Commission's 2022 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, Division 6, 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, Division 6, 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 2022 Objectives

Attachment B – Harbor Commission 2022 Objectives Tracking Sheet

City of Newport Beach

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- (b) Advise the City Council on all matters pertaining to the use, control, operation, promotion, and regulation of all vessels within Newport Harbor.
- (c) Approve, conditionally approve, or disapprove applications on all permits where the City of Newport Beach Municipal Code assigns the authority for the decision to the Harbor Commission.
- (d) Make recommendations to the City Council for the adoption of regulations and programs necessary for the ongoing implementation of the goals, objectives, and policies of the Harbor and Bay Element of the General Plan.
- (e) Advise the City Council, Planning Commission and City Manager on land use and property development applications referred to the Harbor Commission by the City Council, Planning Commission, or the City Manager.
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Harbor Commission – Objectives

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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 2022

2022 Objectives	Functional Area
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<ol style="list-style-type: none"> 1. Study and provide recommendations to the transfer permit policy for onshore and offshore moorings. (Beer, Cunningham) 2. Work with City Staff on an update of the market rent to be charged for onshore and offshore moorings. (Beer, Cunningham) 3. Evaluate the current mooring fields and provide a recommendation for new guidelines that better define rows and fairways to improve navigation, safety, and optimization of space within the mooring fields. (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) 6. Complete evaluation for establishing day moorings off Big Corona beach and harbor moorings. (Williams) 	<p>2. Harbor Viability (Beer)</p> <p><i>Matters pertaining to Assets, Amenities, and Access.</i></p>

2022 Objectives	Functional Area
<ol style="list-style-type: none"> 1. Support staff on the rehabilitation of the current public floats and gangways including areas of the harbor that could benefit with additional public access. 2. Evaluate and identify the responsibilities and obligations of the city for additional safety vessels/equipment that may be added to the Harbor in the future. 	<p>3. Harbor Infrastructure (Cunningham)</p> <p><i>Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches.</i></p>
<ol style="list-style-type: none"> 1. Evaluate enhancements and/or services to City amenities which will improve the operation and enjoyment of the Harbor. Additionally, identify new revenue generating offerings that would be administered through the Harbor Department. (Scully) 2. Evaluate and make recommendations for Lower Castaways. (Marston) 3. Continue the dialogue with representatives of the Harbor Charter Fleet industry, commercial vessel operators and rental concessionaires to: (1) promote best practices for all charter and commercial boat operations in Newport Harbor with particular attention to safety, operational support, speed, noise and pollution control/compliance and (2) evaluate (a) total number of vessels for hire on the harbor, (b) maximum passenger capacity for each vessel and in total, and (c) overall height of the superstructure of vessels for charter within the Harbor. (Williams) 	<p>4. Harbor Stakeholders (Scully)</p> <p><i>Matters pertaining to Residential, Recreational, and Commercial Users.</i></p>

1. Harbor Operations (Yahn) - 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.	1.3 Work with City Staff to bring all onshore and offshore Mooring Permittees permit forms current and properly on file. (Beer, Cunningham)	1.4 Evaluate current Harbor Department Operations to determine if the department is structured properly to meet all responsibilities of the Harbor on a daily basis.		
January 12, 2022	The Ad Hoc is bringing updates to Title 17 for the Commission's review to the February meeting.	Nothing to report.	Nothing to report.	Nothing to report.		
February 9, 2022	The Ad Hoc brought the suggested updates to the Commission at tonight's meeting and received approval to move them forward for Council approval.	This item will be revisited later in the year.	Staff has collected issues with respect to the Mooring Permit forms and those will be reviewed.	This Objective will be incorporated into Objective 2.1.		
March 9, 2022	It will be submitted to Council for review and approval.	Nothing to report.	Staff will give an update on this project at the next meeting.	This Objective will be incorporated into Objective 2.1.		
April 13, 2022	The recommended changes were submitted to Council for review. Council discussed the revisions and continued the item to the next meeting.	Nothing to report.	Nothing to report.	Nothing to report.		
May 11, 2022	The Ad Hoc noted the updates to Title 17 have been approved by the City Council with the exception of raft-ups. A Special Meeting of the Harbor Commission will be conducted for stakeholder input.	Nothing to report.	Nothing to report.	Nothing to report.		
June 8, 2022	The Ad Hoc is currently taking information from the stakeholder meeting and reviewing floats and lifts in Title 17.	Nothing to report.	Nothing to report.	Nothing to report.		
July 13, 2022	The Ad Hoc continues to review and discuss the feedback from the Community meeting on floats and lifts.	Nothing to report.	Nothing to report.	Nothing to report.		
August 10, 2022						
September 14, 2022						
October 12, 2022						
November 9, 2022						
December 14, 2022						

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

	2.1 Study and provide recommendations to the transfer permit policy for onshore and offshore moorings. (Beer, Cunningham)	2.2 Work with City Staff on an update of the market rent to be charged for onshore and offshore moorings. (Beer, Cunningham)	2.3 Evaluate the current mooring fields and provide a recommendation for new guidelines that better define rows and fairways to improve navigation, safety, and optimization of space within the mooring fields. (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)
January 12, 2022	The ad hoc is researching how other Harbors operate their transfers and will provide information to the Commission at a future meeting.	The appraisal for onshore moorings is complete and will be brough back for review by the entire Commission at the February meeting.	Nothing to report.	The ad hoc will explore areas around the Harbor with the new beam specification and length.	The ad hoc suggested a better defined description for MVMS for the Harbor and Beaches Master Plan, as well as quantities and potential cost.	Nothing to report.
February 9, 2022	The ad hoc continues to discuss this item and will provide further information at a future meeting.	This is an ongoing discuss and a special meeting will be set for further input.	Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.
March 9, 2022	Nothing to report.	The Commission received a presentation from the State Lands Commission. This is an ongoing discussion and a special meeting has been set for the Commission to hear additional feedback from the public.	Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.
April 13, 2022	Chair Kenney appointed Commissioner Williams to assist with this objective.	Nothing to report.	Vice Chair Beer discussed this objective in detail earlier in the meeting. He noted he is waiting for the third audit to come in and will bring it back to the Commission.	Nothing to report.	Nothing to report.	Nothing to report.
May 11, 2022	The Ad Hoc will be meeting soon to discuss next steps.	The Ad Hoc is discussing timing and the need for additonal meetings.	The third audit has been received. Further feedback will be requested of the Commission at next month's meeting.	Nothing to report.	Nothing to report.	Nothing to report.
June 8, 2022	The Ad Hoc is in the early stages of evaluating the mooring transfer policy.	Nothing to report.	Vice Chair Beer discussed this objective in detail earlier in the meeting. He brought before the Commission his draft plan for feedback.	Nothing to report.	Nothing to report.	Nothing to report.
July 13, 2022	Nothing to report.	Nothing to report.	Vice Chair Beer has received information from the engineering firm and will provide a more comprehensive update at next month's meeting.	Nothing to report.	Nothing to report.	Nothing to report.
August 10, 2022						
September 14, 2022						
October 12, 2022						
November 9, 2022						
December 14, 2022						

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

	3.1 Support staff on the rehabilitation of the current public floats and gangways including areas of the harbor that could benefit with additional public access.	3.2 Evaluate and identify the responsibilities and obligations of the city for additional safety vessels/equipment that may be added to the Harbor in the future.				
January 12, 2022	Nothing to Report	Nothing to Report				
February 9, 2022	Nothing to Report	Nothing to Report				
March 9, 2022	Nothing to Report	Nothing to Report				
April 13, 2022	Nothing to Report	Nothing to Report				
May 11, 2022	The City is requesting approval of dredging permit at the June Coastal Commission meeting.	Nothing to Report				
June 8, 2022	Nothing to Report	There will be a study session item on the next City Council agenda to discuss Fire response on the Harbor.				
July 13, 2022	Nothing to Report	Nothing to Report				
August 10, 2022						
September 14, 2022						
October 12, 2022						
November 9, 2022						
December 14, 2022						

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

	4.1 Evaluate enhancements and/or services to City amenities which will improve the operation and enjoyment of the Harbor. Additionally, identify new revenue generating offerings that would be administered through the Harbor Department. (Scully)	4.2 Evaluate and make recommendations for Lower Castaways. (Marston)	4.3 Continue the dialogue with representatives of the Harbor Charter Fleet industry, commercial vessel operators and rental concessionaires to: (1) promote best practices for all charter and commercial boat operations in Newport Harbor with particular attention to safety, operational support, speed, noise and pollution control/compliance and (2) evaluate (a) total number of vessels for hire on the harbor, (b) maximum passenger capacity for each vessel and in total, and (c) overall height of the superstructure of vessels for charter within the Harbor. (Williams)			
January 12, 2022	Nothing to report.	The ad hoc with engage Council for interest in improvements for Lower Castaways.	The ad hoc has discussed ideas for promoting best practices and addressing safety in the Harbor. The ad hoc has also discussed establishing a document that lists all the vessels that operate within the Harbor.			
February 9, 2022	Nothing to report.	Council has noted that Lower Castaways should not become a landfill and warrants further improvements. The ad hoc will speak to Council Members.	The ad hoc has drafted a work plan and the next step was to create a Newport Harbor Safety Committee that will hold a bi-monthly meeting with the boating and business community. The committee will discuss best practices within the Harbor, an emergency response plan, pollution identification and other Harbor-related items.			
March 9, 2022	Nothing to report.	The ad hoc has reached out to some of the Council and they are supportive of exploring improvements at Lower Castaways. The next step is to begin discussions with the Community Development Department and Public Works Department.	The ad hoc is in the process of creating the Newport Harbor Safety Committee.			
April 13, 2022	Nothing to report.	Engagement with Council regarding Lower Castaways continues and next steps will be determined.	The ad hoc has identified the framework for the Safety Committee and is in the process of identifying key members. The ad hoc anticipates the first meeting will be held in the third quarter of 2022.			
May 11, 2022	This Ad Hoc is working with the Water Quality Coastal Tidelands Committee to install floating restrooms on opposite sides of the Harbor.	The Ad Hoc is discussing further ideas for Lower Castaways and trying to determine next steps.	The Ad Hoc noted the database of rental charters, non-profit vessels and human-powered craft is near completion.			
June 8, 2022	This Ad Hoc is continuing to discuss installation of floating restrooms for the Harbor.	The Ad Hoc continues to discuss further ideas for Lower Castaways and is working to determine next steps.	The Ad Hoc is starting to identify stakeholders to take part in the Safety Committee.			
July 13, 2022	This Ad Hoc will continue to discuss installation of floating restrooms for the Harbor.	The Ad Hoc has reached out to the PB&R Committee to confirm whether plans have been discussed for this location. No plans are being discussed at this time. The Ad Hoc would also like to have a joint effort on this topic between both Commissions.	The goal of this Ad Hoc is to hold the first meeting of the Safety Committee in the 3rd Quarter of this year. Chair Scully also noted that he has updated his census information that was presented at the June meeting and the information will be posted to the Harbor website.			
August 10, 2022						
September 14, 2022						
October 12, 2022						
November 9, 2022						
December 14, 2022						



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

August 10, 2022
Agenda Item No. 6.4

TO: HARBOR COMMISSION

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

TITLE: Harbormaster Update – July 2022 Activities

ABSTRACT:

The Harbormaster oversees the City Harbor Department and is responsible for the management of the City's mooring fields, enforcement of the municipal code, events permitting, safety and rescue operations, the Marina Park Guest Marina, marine sanitation pump out equipment and public pier maintenance, impound and disposition of abandoned and unclaimed vessels and public relations and information dissemination on and about Newport Harbor.

This report will update the Harbor Commission on the Harbor Department's recent activities.

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:

Clean

The Harbor Department's efforts to keep the harbor clean came in a wide variety in July. A large vessel that has been a chronic challenge in terms of code compliance and financial responsibility was found in a private marina without authorization. After several conversations with the marina operator, the actual slip tenant, and the owner of the vessel, arrangements were made for the vessel to leave the harbor once it regained operability. Though it required significant effort, this particular situation had a successful

result and without all the challenges encountered when we found ourselves in a similar situation with a notable vessel a few years ago.

The code enforcement team was out in force in July and notably resolved several other challenging situations including

- Unauthorized usage of several moorings
- A bird-infested boat in the J field
- Several vessels dragging out of the anchorage boundaries
- Multiple vessels on a shore mooring

In an effort to support the City's (and state-wide) efforts to conserve water, we began testing a flow restrictor on the hose bib we use for our patrol boat washdowns. The initial results are very encouraging. There appears to be no degradation of pressure and the amount of water used over equivalent periods is cut by 20 to 25%. The team members doing the washdowns didn't even realize the unit had been installed. We are sharing our experience with colleagues in the Utilities and Public Works/Water Quality Departments. Hopefully, we can find an economical pathway for installing the devices across the 40 hose bibs at Marina Park and the 175+ at Balboa Yacht Basin.

Observant Harbor Services Workers identified illegal discharge into the harbor from an upland construction site. A quick handoff to Code Enforcement resulted in the issuance of citations followed by a meeting later that same day at the Harbor Department offices with the construction superintendent. Significant changes to their practices were also implemented later that same day.

A vessel on a shore mooring was removed and secured elsewhere in Harbor Department custody while we process it through the VTIP, vessel removal program.

For at least a year now we have had no actual failures at our pump-out stations. There have been plugged hoses, vacuum leaks, and now two main power failures. We briefly considered a project to add solar backup (or primary) power for the stations, but the economics are not there yet. The stations have performed well. The team performing the inspections and repairs has performed well. It's not the most pleasant feature of our plan to keep the harbor clean and healthy but it is an effective and reliable element. The introduction of the particle separators has caused a quantum leap in the reliability of the stations and lowered the cost of repairs significantly.

Lastly, at the Harbor Commission meeting in June, several suggestions were made on how to better publicize the existence of public restrooms adjacent to the harbor. Several of those suggestions have now been implemented including updating the interactive harbor layer within GIS and the MyNB app. The updated harbor layer now includes restrooms at the Balboa Island fire station, the new Balboa Peninsula fire station, Lido Marina Village, OCSD Harbor Patrol, and the Dunes/Launch ramp. That interactive map is now available independently of the MyNB app via url or QR code. New cards with the updated QR code are in the works for distribution to the rental concession operators who prefer to give out the cards rather than affix stickers to their vessels.

Safe

Harbor Services Workers were on scene to provide support and guidance to a variety of vessels that found themselves in peril in July including:

- A borrowed vessel from San Diego with inexperienced mariners aboard fouled a prop on a mooring spreader line and ran out of fuel. The operators abandoned the vessel and swam ashore looking for fuel and assistance. While fouled the vessel swung into an adjacent moored vessel and did damage
- An electric boat with rundown batteries called in for an assist late in a shift. The vessel was privately owned and the owner did not have insurance that included tow service. Due to the timing, sunset, no lights, and dropping temperatures, HSWs provided exemplary service and towed the boat and occupants safely to the Back Bay
- Late in a shift, a call for service came in from a Bayshores marina tenant reporting a large vessel “ping-ponging” off several berthed boats. Information on the seeming source vessel was taken as well on the handful of vessels with which it had contact. Ultimately OCSD took responsibility for the scene. When contacted by the USCG the next day on the incident we provided the information we collected
- Late in yet another shift, we saw OCSD speeding down the channel in front of Marina Park towards the Rhine. Two Harbor Department patrol boats followed (at 5 knots). The sheriffs were responding to a large in-operable catamaran and quickly took action to tow the cat into its slip in the Rhine. Harbor Department patrol boats assisted by directing traffic away from the towed vessel. The sheriffs were very appreciative
- Based on a call about a missing paddleboarder who got separated from his group, with a description and last known location, HSWs were dispatched to search for the missing party member who was quickly located. After coming onboard a patrol boat the wayward paddler was reunited with his group
- Assistance was provided to operators of a rental vessel who had somehow gotten the outboard motor on their vessel stuck/locked in the up position. The lack of engine and the vessel drifting towards docks near PCH bridge caused the renters to panic but our patrol boat arrived quickly and took the vessel under tow and returned them to their dock of origin

Our collaboration with the OCSD took several forms in the last month including providing Marina Park as a rendezvous location for OCSD vessels with NBFD personnel who collaborated on a response to a medical emergency on one of our visitor serving, Marina Park moorings. The response was successful but got us thinking about how it could be improved. NBFD, NB Lifeguards, and the Harbor Department have agreed to a protocol including communications and logistics so resources responding to an emergency will have a better understanding of what they'll find (and how best they can be found) when they arrive. Coordinating and adjusting the protocol with input from OCSD Harbor Patrol will take place in August.

Once again, alert, quick thinking and capable HSWs observed and intercepted a foil board speeding in the harbor. The HSWs did not obtain compliance with the foil-boarder directly but were able to capture the registration information and follow the encounter up with a Notice of Violation via their colleagues in Code Enforcement.

Multiple repairs at 15th and 19th Street public docks were carried out with a combination of in-house and contractor-provided solutions. We're fortunate to have some excellent, skilled craftspeople in the Harbor Department who can affect some repairs and improvements to the heavily used public docks. When the job gets too big or requires special tools, we are fortunate we can call out to responsive service providers.

Well-enjoyed

There were several ways to enjoy Newport Harbor in July, but none were bigger or more obvious than the 86th "Flight of Newport" regatta. Thirty-five Lasers (now "ILCA"), forty Harbor 20s, and eleven Open Skiffs took a great tour of the bay. There were some concerns expressed by a vessel in one of the anchorages. That vessel got a polite visit from a couple of the Harbor Services Workers who explained the event, gave some history and context, and indicated the event was permitted and those participating all did so safely.

Odds and Ends

An interesting proposal came into the Harbor Department this month via email. The email indicated the authors were from Ukraine and were interested in establishing a new business on Newport Harbor. They sought guidance from us on what permits and requirements there might be. The premise of the business was to offer an experience in a floating sauna. We were somewhat skeptical of the authenticity of the message, but it led to a healthy discussion about the opportunity. Ultimately, we crafted a polite but firm response indicating the rigorous requirements for operating such an endeavor on Newport Harbor. To our surprise, the authors of the email inquiry showed up in the Harbor Department office the next day to further inquire about the opportunity and confirm the rigorous requirements. We feel it unlikely the inquiring entrepreneurs will pursue the idea further here.

Several calls and emails were fielded now that tenants at the Balboa Yacht Basin (BYB) have received their first billings at the new rate. Among the complaints received were a perceived lack of notification and concerns over the methodology used to determine the rates. For those who claimed not to have received the notices that went out on May 17 via USPS, it was determined that they had not updated their billing addresses with the City after having moved. As to the methodology, it is prescribed in a 2010 Council Resolution on rate determination at BYB. To change it would require further Council action. Several tenants and some other interested parties spoke on the matter at the July 28 Council meeting. There were no comments from the dais and there appeared to be no appetite to address it further.

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, Division 6, Chapter 3, because it has no potential for resulting in a physical change to the environment, directly or indirectly.

NOTICING:

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

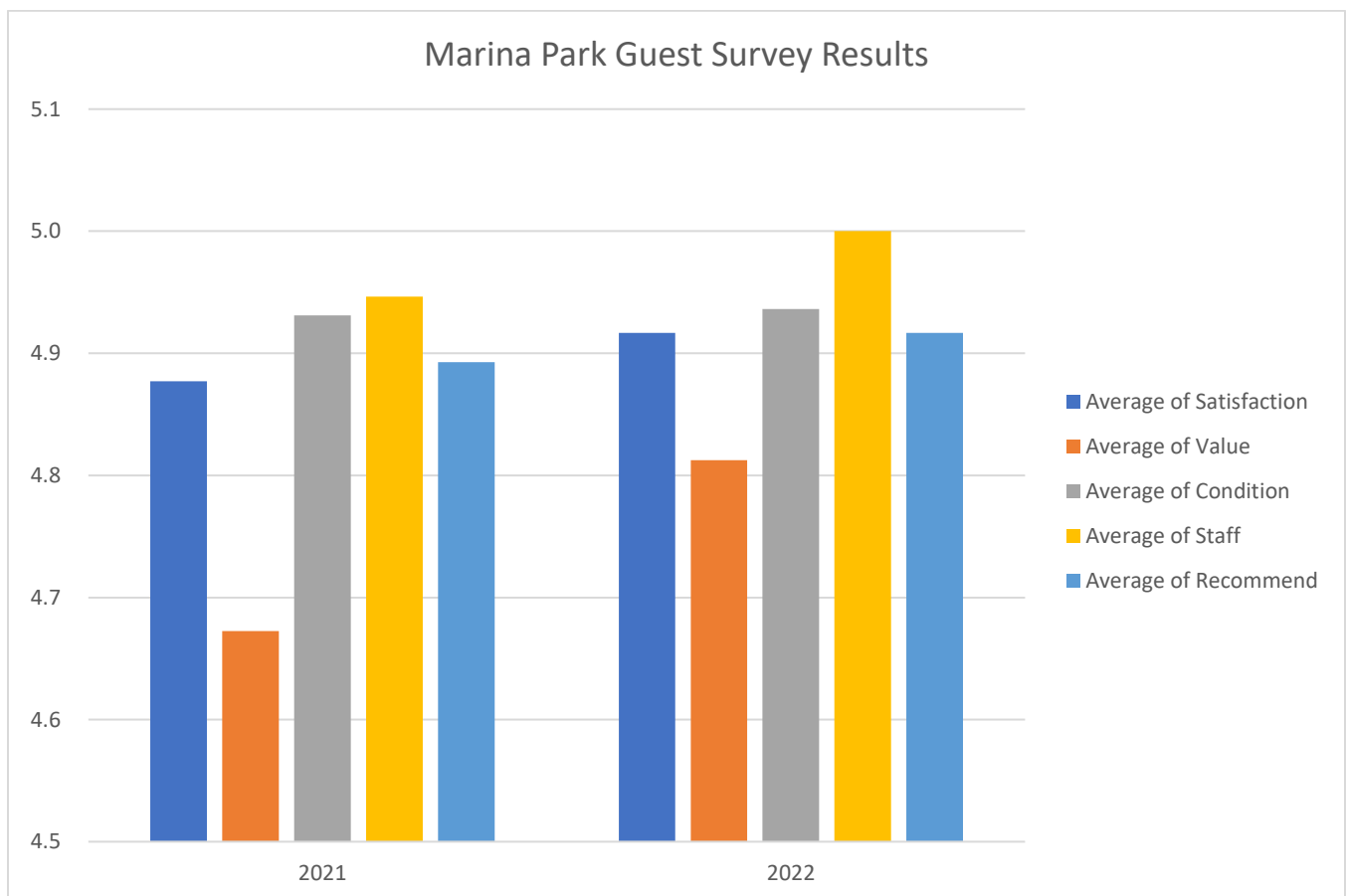
ATTACHMENTS:

Attachment A – Harbor Department Statistics Infographic

HARBOR DEPARTMENT STATISTICS INFOGRAPHIC

Guest mariners staying at the Marina Park facility are offered the opportunity to complete a paper-based survey on their experiences during their stay. Data collected since May 2021 has been entered into an automated tool. The first of the summary graphs based on that data is below. In the future, it is hoped that further analysis can be easily accomplished on this valuable data. The IT Team is also working on converting the survey into an online version where the data will be captured automatically, and the analysis and metrics updated with each entry.

Average Nights Stay for guests completing the survey: 2.9





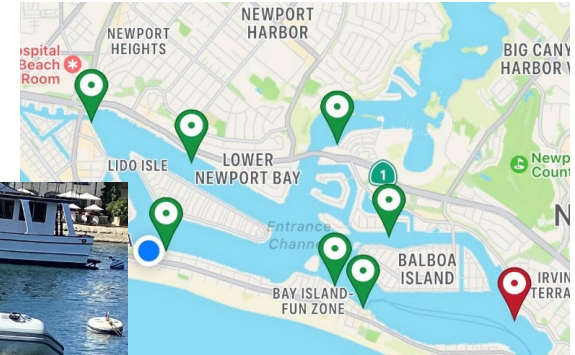
City Harbormaster Report

**Presentation to Harbor Commission
August 10, 2022**

Paul Blank 
Harbormaster

Clean

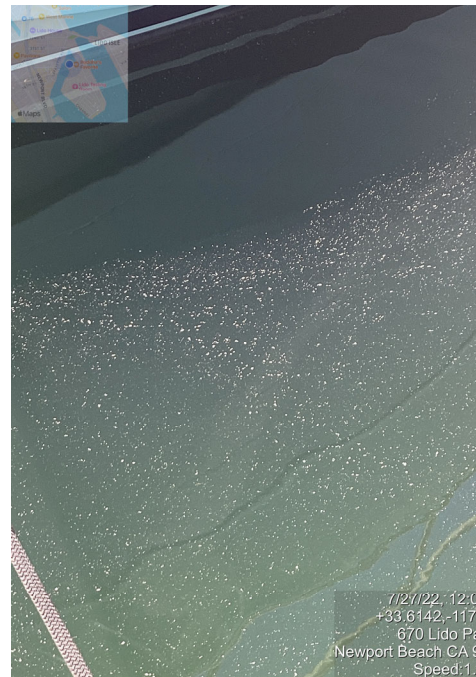
- Nuisance vessel departed, narrowly avoiding re-impound
- Water conservation through flow restriction on hose bibs
- Pump-out performance
- Still working through VTIP



Harbor Department Activities Report

Clean (cont.)

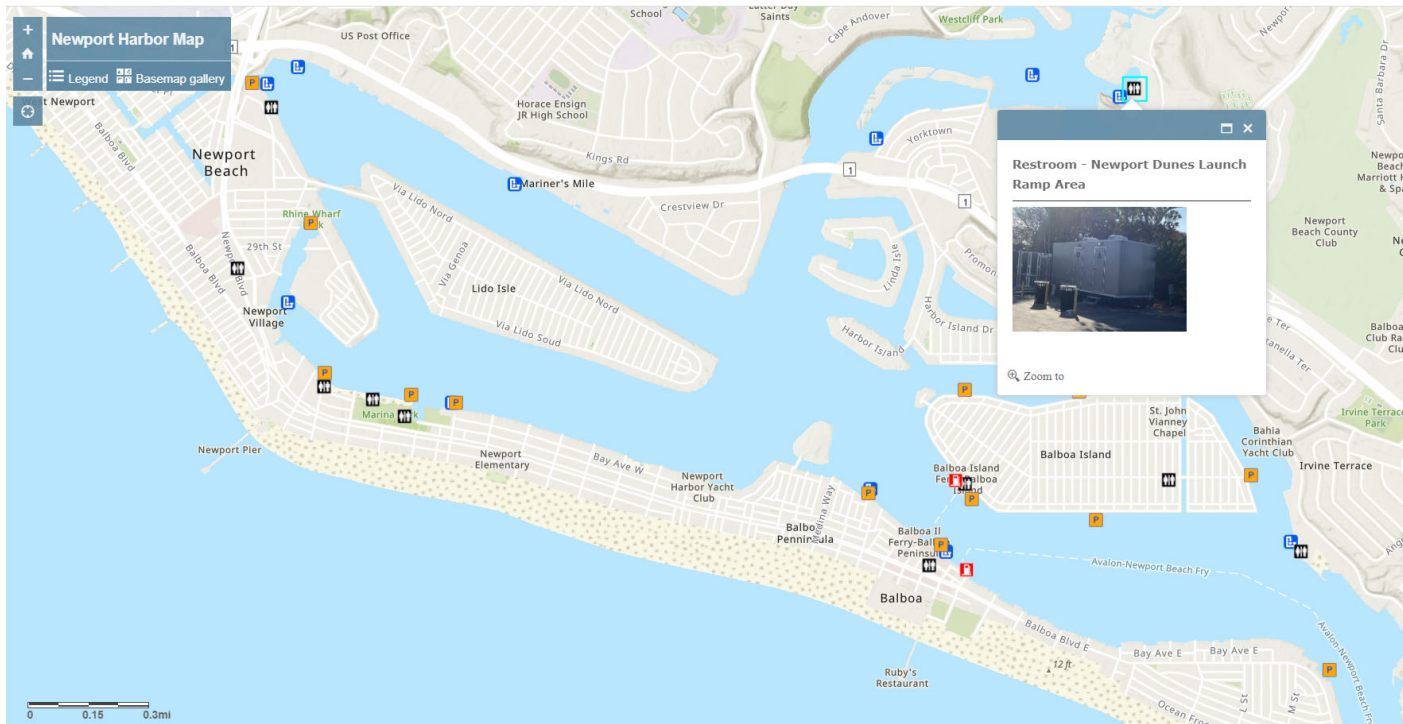
- Stopped illegal discharge into the harbor from an upland construction site
 - *Inspired training for the entire department*



Harbor Department Activities Report

Clean (cont.)

- Harbor layer within GIS updated



Harbor Department Activities Report

Safe

- Rescues, assists, and towing
- Collaboration with NBFD, NB Lifeguards and OCSD Harbor Patrol
- Public Dock repairs



Jul-18-2022 at 4:12:20 PM
1600 W. Balboa Blvd
Newport Beach CA 92663
United States
Marina Park



Jul-10-2022 at 9:28:30 AM
N 37.19116 E 4.14610
1444 W Bay Ave
Newport Beach CA 92661
Speed: 0.3mph



Harbor Department Activities Report

Well-enjoyed

- Flight of Newport

CITY OF NEWPORT BEACH
Harbor Department

HARBOR EVENT PERMIT APPLICATION

- Complete this form typed or legibly printed in ink. (Attach map and any other information) ☐ Re-Up
- You may return this completed form to:
City Harbormaster, 1000 W Balboa Blvd, Newport Beach, CA 92663
or E-mail: harbormaster@newportbeachca.gov ☐ Meddle ☐ Race ☐ Other
- Applications must be submitted to the City Harbormaster at least 30 days prior to the event.*
- Compliance with all applicable Federal, State and Municipal Codes, and Safety Regulations, is mandatory.

Event name and description:
Flight of Newport

Location of event:
lower harbor to upper harbor and back

Date of event: 7/17/22 **Time of event:** 12:00-4:00PM

Name of the Sponsoring Organization:
Newport Beach Chamber of Commerce/Balboa Yacht Club

Address, City, State, & Zip Code of Sponsoring Organization:
1801 Bayside Drive, Corona del Mar CA 92625

No. of vessels participating: 75 **Size(s):** 20 feet **Type(s):** Laser & Harbor 20 (sail)

Will this event interfere with or impede the natural flow of traffic? If yes, explain:
no

Have any objections been received from other interested parties? If yes, explain:
no

Description of vessels or services provided by sponsoring organization for safety:
36 foot Grand Banks "Defiant" and a couple 14 foot whalers

Describe any live entertainment or amplified sound:
starting signals/horns

Is a need for Coast Guard Auxiliary or other safety patrol anticipated? No If yes, please explain below:

Name of contact person on-site:
(Becky (Sailing Director) N/A ☒

Phone No.: 949-378-2708

AUTHORIZED REPRESENTATIVE OF ORGANIZATION MAKING APPLICATION

Name and phone # of authorized representative (if different than contact person listed above):

Address, City, State & Zip (

Signature: *[Signature]* **Date submitted:** 2/10/22

Approved by: *[Signature]* **Date:** 2/10/22

Special Conditions:

*The City Harbormaster reserves the right deny the application submitted within 30 days of an event.
Copy to Orange County Sheriff



Harbor Department Activities Report

Odds and Ends

- Opportunity for offering an experience in a floating sauna on Newport Harbor

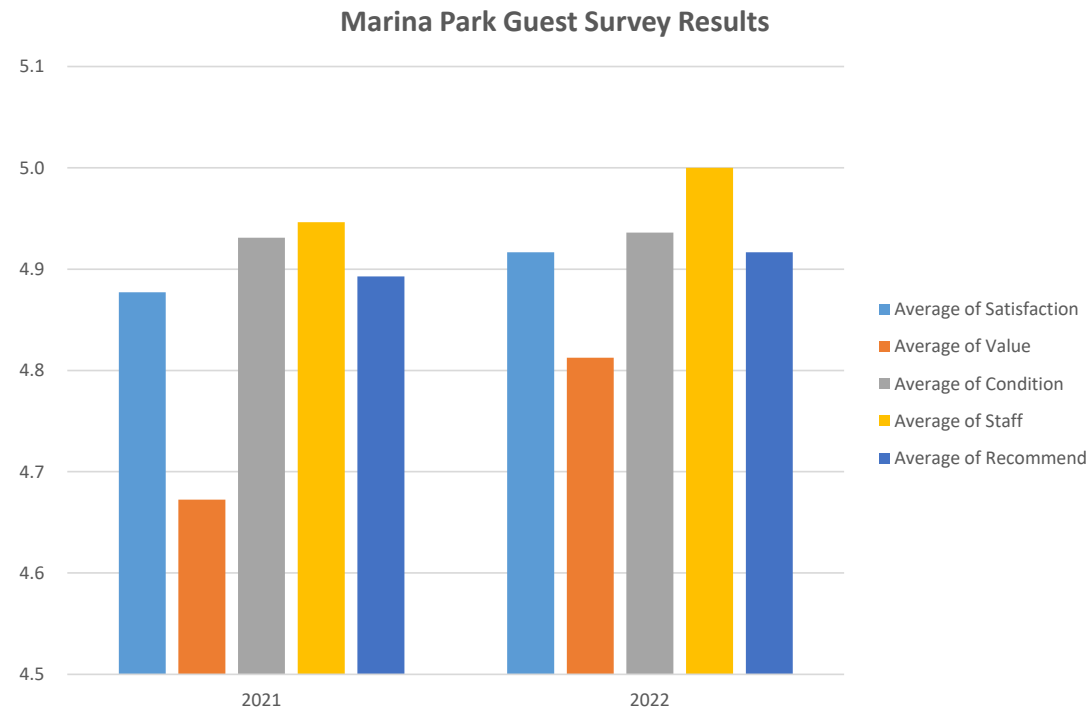
What could possibly go wrong?

- New Rates at BYB



Harbor Department Activities Report

Improved Statistics Reporting



Harbor Department Activities Report

New Mooring Permit Update

Category	Total as of November 2021	Total as of April 2022	Total as of May 2022	Total as of June 2022	Total as of July 2022	Total as of August 2022
Total Permits Issued	929	929	929	929	929	929
Permits in Process	195	36	33	28	25	20
Entered into Harbor Ops	537	769	801	829	859	870



Harbor Department Activities Report



City Harbormaster Report

Presentation to Harbor Commission

Paul Blank
Harbormaster