



# CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers – 100 Civic Center Drive, Newport  
Monday, November 16, 2015 - 6:30 PM

## ***Harbor Commission Members:***

Dave Girling, Chair  
Paul Blank, Vice Chair  
Joe Stapleton, Secretary  
Brad Avery, Commissioner  
Bill Kenney, Commissioner  
Duncan McIntosh, Commissioner  
Doug West, Commissioner

## **Staff Members:**

Chris Miller, Harbor Resources Manager  
Shannon Levin, Harbor Resources Supervisor

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

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Chris Miller, Harbor Resources Manager, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3034 or [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov).

## **NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT**

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

### **I. CALL MEETING TO ORDER**

### **II. ROLL CALL**

### **III. PLEDGE OF ALLEGIANCE**

### **IV. PUBLIC COMMENTS**

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

### **V. APPROVAL OF MINUTES**

#### **1. Approval of October 14, 2015 Minutes**

Approve.

[15-10-14 Draft Minutes](#)

**VI. CURRENT BUSINESS**

**1. Harbor Commission 2016 Objectives: Review and Approve**

The Harbor Commission ad hoc committee will review the proposed 2016 Objectives and approve.

1. Approve the proposed Harbor Commission Objectives for 2016.

[Staff Report](#)

[Attachment A - Newport Harbor Commission Objectives, Calendar Year 2016](#)

**2. West Anchorage Review**

The Harbor Commission will evaluate the recent trial west anchorage project which was located in the Turning Basin from August to October 2015

1. Evaluate the recently completed trial west anchorage project, and consider directing the ad hoc committee to return with a recommended path forward.

[Staff Report](#)

[Attachment A - West Anchorage Configurations](#)

[Attachment B - West Anchorage Flyer](#)

[Attachment C - Written Comments](#)

**3. Public Piers Report: Time Limits, Usage Characteristics and Recommendations**

Harbor Commissioner Paul Blank will present the ad hoc committee's findings and proposals for time limits and usages at the City's public piers.

1. Review and endorse the Public Piers Ad Hoc Committee's proposals, then recommend to the Harbor Resources Manager that they be implemented.

[Staff Report](#)

**4. Standup Paddleboard Ad Hoc Committee Formation**

Due to the growing popularity of standup paddleboarding, Chair Girling requested the ad hoc committee be reformed to build upon the previous committee's research from 2012-2013.

1. Form an ad hoc committee to study standup paddleboarding in Newport Harbor.

[Staff Report](#)

**5. William B Vessel Fire and Sinking - Update**

Lieutenant Mark Alsobrook, harbormaster, will update the Harbor Commission on the response efforts to the William B vessel fire and sinking on October 31, 2015.

1. Receive and file.

[Staff Report](#)

**VII. SUBCOMMITTEE REPORTS**

**VIII. QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**

- IX. QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES
- X. PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER
- XI. COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)
- XII. DATE AND TIME FOR NEXT MEETING: Wednesday, December 9, 2015
- XIII. ADJOURNMENT

**NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES**  
**City Council Chambers**  
**Wednesday, October 14, 2015**  
**6:30 PM**

**1) CALL MEETING TO ORDER**

The meeting was called to order at 6:30 PM.

**2) ROLL CALL**

Commissioners:        Dave Girling, Chair  
                              Brad Avery  
                              Paul Blank  
                              William Kenney, Jr.  
                              Duncan McIntosh  
                              Joe Stapleton  
                              Doug West

Staff Members:        Chris Miller, Harbor Resources Manager  
                              Shannon Levin, Harbor Resources Supervisor

Chair Girling noted the attendance of Council Member Duffield and reported he will be Council Liaison to the Harbor Commission, going forward.

**3) PLEDGE OF ALLEGIANCE – Former Mayor and Council Member Nancy Gardiner**

**4) PUBLIC COMMENTS**

Former Mayor, Council Member and Liaison Nancy Gardiner commented on an orphan program that needs care in terms of Marine Protected Areas, and referenced an upcoming study. She reported that the State has designed a number of signs, brochures, etc. for which there is a budget, but no one has been assigned to take the lead on same. She felt that the Harbor Commission may be interested in the program. She hoped a Commissioner will request placing this issue on a future agenda for discussion and action. She referenced a recent meeting of Marine Protected Areas, Orange County Council, and an application available for Members of the Commission to suggested topics of interest.

**5) APPROVAL OF MINUTES – September 9, 2015 Minutes**

Chair Girling opened public discussion.

Chair Girling closed public discussion.

Commissioner Blank offered corrections to the minutes.

**Motion:** Commissioner McIntosh made a motion to approve the minutes of the Harbor Commission meeting of September 9, 2015, as corrected. Commissioner Blank seconded the motion, which carried with 6 ayes, 0 noes and Commissioner Stapleton, abstaining. Approved.

**6) CURRENT BUSINESS**

**1. *Mooring Revocations***

Mooring permits may be revoked due to failure to pay annual rental fees. According to Newport Beach Municipal Code (NBMC) Chapter 17.70, the Harbor Commission shall conduct a hearing prior to revoking a mooring permit.

**Recommendation:**

- 1) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit H-79 for failure to pay annual rental fees.
- 2) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit H-813 for failure to pay annual rental fees.
- 3) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-0087 for failure to pay annual rental fees.
- 4) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-0110 for failure to pay annual rental fees.
- 5) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-513 for failure to pay annual rental fees.
- 6) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit S-140 for failure to pay annual rental fees.
- 7) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit W-032 for failure to pay annual rental fees.

Harbor Resources Manager Miller introduced City Clerk Leilani Brown and Public Works Intern Patrick Achis.

Harbor Resources Supervisor Shannon Levin presented details of the staff report, noting multiple attempts to contact permittees who have fallen in arrears, and she addressed grounds for revocation, next steps after the Commission's decision, reversion of revoked moorings back to the City, tackle and vessels, details of the subject delinquent accounts, payment received today for Mooring Permit No. H-79, and recommendations.

Discussion followed regarding Permit H-79, appeal period, vessels still on the mooring, and exempting Permit H-79 as they have paid their mooring fees and are now current.

At the request of the Commission, Harbor Resources Supervisor Levin addressed efforts to contact permittees. She added that many of the names are repeat offenders.

Discussion followed regarding potential actions going forward to reduce staff's involvement.

Chair Girling opened public comments.

Jim Mosher asked regarding the last, two smaller moorings, and the reason for the reduced fee amount.

Harbor Resources Supervisor Levin reported that the last two cases involve on-shore moorings which are charged per foot at a rate which is 50% of the off-shore mooring rates.

Additionally, it was noted that all mooring rates are annual fees.

Chair Girling closed public comments.

Council Member Duffield commented on the contract with the Harbor Patrol and felt that this task should be part of their work.

**Motion:** Commissioner Kenney made a motion to Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit H-813 for failure to pay annual rental fees; Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-0087 for failure to pay annual rental fees. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-0110 for failure to pay annual rental fees. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-513 for failure to pay annual rental fees. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit S-140 for failure to pay annual rental fees. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit W-032 for failure to pay annual rental fees. Commissioner Blank seconded the motion, which carried with 7 ayes, 0 noes. Approved.

Commissioner Kenney noted that the Code does not address timing or a late fee, and he opined that the Commission should consider that with the potential goal of asking Council to modify the code. He expressed concerns with having someone delinquent in mid-October for a payment due in January and felt there should be some sort of late penalty and that staff and the Commission should deal with these matters much more quickly than is presently done.

Harbor Resources Manager Miller reported that Council is in the process of considering changes to the Code in terms of mooring rules, fees and transfers, and it is his intention to figure out a way to incorporate and make the current system much stronger.

**2. Harbor Commission 2015-16 Objectives: Review and Approve**

The Harbor Commission ad hoc committee will review the proposed Objectives and recommend approval.

**Recommendation:**

- 1) Approve the proposed Harbor Commission's Objectives for 2015-16.

Chair Girling thanked Commissioner West for his time on this item and suggested that going forward, the Commission agree to develop goals and objectives in October of every year and that they are revised and returned to the Commission in November to vote on and approve and present to Council in early January. He suggested that rather basing them on fiscal years, that they become calendar year objectives. Additionally, he noted that the goals and objectives are fluid and subject to change during the course of the year. He suggested reviewing each goal and objective separately, and making appropriate assignments.

Regarding goal/objective No. 1, Commissioner Stapleton, Chair of the Committee, reported meeting with the Marine Committee and stated the Committee will continue to champion that effort in 2016.

Regarding goal/objective No. 2, Chair Girling assigned Commissioner Stapleton to the Committee. Commissioner Blank, Chair of the Committee, stated he is committed to making it happen.

Relative to goal/objective No. 3, Commissioner Avery, Chair of the Committee, stated he has nothing to report at this time.

In terms of goal/objective No. 4, Chair Girling assigned Commissioner Kenney to chair that Committee and Commissioners West and McIntosh as members. Commissioner Kenney stated he would be happy to work with Commissioners West and McIntosh on this goal.

Regarding goal/objective No. 5, Chair Girling assigned himself to that Committee with Commissioner Avery as Chair, working with Commissioner McIntosh. Commissioner Avery stated he is excited about the work, going forward and commented on Mr. Len Bose's comments regarding same.

Under goal/objective No. 6, Chair Girling reported that Commissioner West chairs that Committee and will continue to work with Commissioners Kenney and Stapleton.

Regarding goal/objective No. 7, Chair Girling reported that the Committee is chaired by Commissioner McIntosh who works with Chair Girling and assigned Commissioner Kenney to the Committee.

In terms of goal/objective No. 8, Chair Girling reported that the Committee is chaired by Commissioner Blank.

It was noted that the Committee is not yet active but that it was suggested that Commissioner Blank chair the Committee.

Chair Girling added that Commissioners McIntosh and Avery will join Commissioner Blank on that Committee.

Chair Girling noted that Commissioner McIntosh would like to share discussion on this matter. He stated he would like to discuss changes from last year's goals and objectives, including Lower Castaways. He indicated that will be an on-going effort, that there have been some successes and that the Commission decided it is not a priority at this time, but may be rejuvenated based on staff or Council directive. Another issue would be the water-taxi/bus and Chair Girling referenced an email from Shanda Lear-Baylor who offered ideas regarding a water bus. The latter, lost some momentum, and Chair Girling stated the Commission would be open to consider it, but needs direction from City Council.

Discussion followed regarding the Lido Marina Village project and whether it fits in with the Commission's new plans. Chair Girling stated it may be revised at a later discussion based on information received.

Chair Girling opened public comments.

Shanda Lear-Baylor, Lear Electric Boats, reported speaking to four Commissioners who agreed that, if it doesn't cost the City anything, the matter is worth continuing to consider. She stated that a "band-aid" has been proposed for a summer only, cheap, open water taxi and suggested considering it a "ride" and not transportation; it could be considered "liquid therapy." She commented on millennials being health conscious and noted that stress is one of the biggest causes of ailments. Providing peace and quiet for a few hours throughout the year would be very relaxing, and Ms. Lear-Baylor stated she would like to work with Chair Girling and outline what the program should be. She added that she considers it could be a year-round attraction. Additionally, she stated that she has investors who are interested in the venture to design water buses throughout the US and Canada waterfront cities. The money is there, but investors want to know what the City is going to offer. She added that she has a lot of ideas for how the program could work.

Commissioner West commented on past efforts regarding this matter and stated that the conclusion was that such a service could not be done without a substantial public subsidy and without formal consideration, and that it was not worthy of the Harbor Commission's recommendation that the City do such a thing. He commended Ms. Lear-Baylor for her involvement but noted the need for specifics. He added that the Harbor Commission will not work on the development of her plan but when she can return to the Commission with a credible business plan, the Commission will be happy to help the City evaluate it.

Ms. Lear-Baylor requested a private meeting with Chair Girling to discuss possibilities.

Chair Girling stated he will be happy to meet with her.

Len Bose suggested the Commission consider speaking with Pier Makers, to help them work with the various agencies.

Jim Mosher commented on the meeting and reporting processes of committees. He suggested that goal No. 8 is more of a directive or action and suggested assigning it to one person and direct them during regular meetings. He commented on goals carried over from last year and suggested having a specific target date for when recommendations should be made to the entire Commission.

George Hylkema expressed concerns regarding the next mooring bills and suggested that all the things the City requires be ready to present to the State Lands Commission for efficiency.

It was noted that the matter is currently being considered by City Council and the City. The City is waiting on the State Lands Commission to respond and is currently in a "holding pattern."

Chair Girling closed public comments.

Commissioner Stapleton asked regarding the status of derelict vessels and offered to tackle the problem on his own and work directly with Harbor staff.

Chair Girling spoke in support of Commissioner Stapleton's suggestion.

Another suggestion was made that staff put the idea in an objective form for consideration at the next Harbor Commission meeting.

Harbor Resources Manager Miller stated this would be a recurring objective and hoped for more success as during the upcoming years. He noted the need for clarity and definite goals.

It was noted that revised goals and objectives will be discussed at the Harbor Commission's next meeting.

Discussion followed regarding derelict boats and the number of outstanding mooring permits.

Members of the Harbor Commission concurred to continue this matter to the next regularly scheduled Harbor Commission meeting.

### **3. Harbor Patrol Update**

Lieutenant Mark Alsobrook, Harbormaster, will update the Commission on the Harbor Patrol's operations.

#### **Recommendation:**

- 1) Receive and file.

Chair Girling reported meeting with the new Harbormaster and commented positively regarding efforts to build a rapport and a relationship between the Commission and the Harbor Patrol. He introduced Lieutenant Mark Alsobrook and encouraged all Commissioners to reach out to him and spend time with him.

Lieutenant Alsobrook provided an update on the Harbor Patrol's operations. He stated it is his goal to develop a working relationship with the Commission moving forward, and to report to the Commission on a quarterly basis. He asked for feedback from the Commission regarding items of interest. He addressed the evolution of the Sheriff's Department and in particular, the Harbor Patrol. He provided statistics related to tasks and to which the Harbor Patrol responds.

Discussion followed regarding derelict vessels, AB1323, derelict versus unsightly, priority issues and nuisance calls relative to the temporary anchorage area.

Chair Girling opened public comments.

Seeing no one wishing to address the Commission, Chair Girling closed public comments.

### **4. Copper in Newport Harbor – An Overview**

Staff will present an overview of the copper Total Daily Maximum Load (TMDL) for Newport Harbor as required by the Water Board.

**Recommendation:**

- 1) Receive and file.

Harbor Resources Manager Miller presented an overview of copper in Newport Harbor. He noted the attendance of Public Works Director Dave Webb and reported he is available to respond to questions. He addressed TMDL, criteria in terms of copper, existing conditions, pockets that exceed the criteria, development of the proposed Harbor TMDL, Water Board regions throughout Southern California, a prior Water Board CEQA scoping meeting, expectations regarding the availability of a draft TMDL, and proposals and recommendations for the TMDL. He commented on dredging, noting that it has its complications; and provided a summary of the City's position in terms of water quality. Additionally, he addressed the need to update samples, models and data, the number of boats in the Harbor, sampling and the use of copper-based paints.

Public Works Director Webb noted that it is a complex issue and reported that the Department of Pesticides regulates paints. He addressed their allowance of a paint discharge rate of up to 9.95 PPB and commented on the rate allowed by the California Toxic Rule limit of discharge.

Harbor Resources Manager Miller addressed next steps and stressed that this should be a state-wide issue and should not be specific to Newport Harbor. He added that the current, approved low-copper paint needs time to take effect and addressed the current oversight.

Public Works Director Webb reported that the City does not control the paint and commented on a current lawsuit against the Regional Board regarding control of the paint.

Harbor Resources Manager Miller stated that the City wants to keep an open dialogue with the Water Board and to keep other cities in the loop. The City has been working on this for many years and Harbor Resources Manager Miller commented on boater advocacy groups, and on the City receiving a lot of technical help from Anchor QEA.

Discussion followed regarding other sources of copper besides bottom paint, areas with the higher concentrations of copper, the need to have some sort of abrasive for cleaning, the hull-cleaning practice in San Diego, the concentrations of copper in San Diego Bay, progress made by Marina del Rey, working with other marinas and possible options for solving the problem.

Council Member Duffield commented on the contributions of the Watershed Executive Committee. He stressed the importance for everyone to work hard on this matter.

Discussion followed regarding the goal of the Marine Management Plan to support marine-related businesses and the need for balance.

Chair Girling opened public comments.

Jim Mosher commented on the boat count and suggested there may be different ways of counting, and he wondered regarding the definition of Maximum Daily Load and a discharge rate of part per billion.

Public Works Direction explained TMDL in terms of sediment on a daily basis.

Discussion followed regarding studies quantifying the amount of pollutants in the harbor from spent jet fuels.

Len Bose commented on sampling data and provided references to sources of information regarding newer boat bottom paints.

Chair Girling closed public comments.

**5. Public Piers Report: Time Limits, Usage Characteristics and Recommendations**

Harbor Commissioner Paul Blank will present the ad hoc committee's findings and proposals for time limits and usages at the City's public piers.

**Recommendation:**

- 1) Review and endorse the Public Piers Ad Hoc Committee's proposals, then recommend to the Harbor Resources Manager that they be implemented.

Commissioner Blank suggested continuing this matter to the next Harbor Commission meeting.

Members of the Commission concurred to continuing this matter until the Commission's November meeting.

7) **SUBCOMMITTEE REPORTS** - None

8) **QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES** - None

9) **QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES**

Harbor Resources Manager Miller provided an update on Marina Park and noted that the opening will be on December 5th, at 10:00 AM.

10) **PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER**

Len Bose commented positively on having the Harbormaster at the meeting tonight and commented on preparing for El Niño. He suggested obtaining information on various definitions from the Harbormaster.

George Hylkema asked what will happen when mooring bills go out in January, at \$55 per foot.

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

Commissioner Avery made his vessel available for the opening of Marina Park.

Commissioner Blank offered his vessel as well.

It was noted that the Balboa Yacht Club Committee vessel will also be available.

It was noted that the Christmas Boat Parade will be from December 16th to December 20th.

Additionally, it was noted that the Local Coastal Plan goes before City Council on November 10th.

12) **DATE AND TIME FOR NEXT MEETING: Monday, November 16, 2015 (different date than normal)**

13) **ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:30 PM. The next meeting of the Harbor Commission will be held on Monday, November 16, 2015, at 6:30 PM.



# NEWPORT BEACH

## Harbor Commission Staff Report

November 16, 2015  
Agenda Item No. 1

**TO:** HARBOR COMMISSION

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

**TITLE:** Harbor Commission 2016 Objectives: Review and Approve

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### **ABSTRACT:**

The Harbor Commission ad hoc committee will review the proposed 2016 Objectives and recommend approval.

### **RECOMMENDATION:**

1. Approve the proposed Harbor Commission Objectives for 2016.

### **FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

### **ENVIRONMENTAL REVIEW:**

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

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

### **ATTACHMENTS:**

Attachment A – Newport Harbor Commission Objectives, Calendar Year 2016

## Newport Harbor Commission Objectives Calendar Year 2016

**(Draft for Commission Review, November 16, 2015)**

These objectives support the mission of the Harbor Area Management Plan and the two most essential responsibilities of the Harbor Commission: (1) To ensure the long term welfare of Newport Harbor for all residential, recreational, and commercial users; (2) To promote Newport Harbor as a preferred and welcoming destination for visitors and residents alike.

These objectives are subject to the review and approval of the Commission, and final approval of the Newport Beach City Council. Principal responsibility for the achievement of each objective is assigned to a subcommittee of the Harbor Commission, as noted below. The chair of each subcommittee is shown in italics. Progress towards these objectives will be reported, when appropriate, by the chair of each subcommittee during regular meetings of the Harbor Commission.

### **Ensuring the Long Term Welfare of Newport Harbor**

1) Collaborate with the Marine Committee of the Newport Beach Chamber of Commerce in the development of strategy recommendations to support the preservation of water-dependent commercial and recreational activities as prescribed in the Harbor Area Management Plan and the Harbor and Bay Element of the General Plan. [*Stapleton, Girling, Blank*]

2) Secure California Department of Recreation approval for a proposed amendment to the Harbor Code which would grant an exception to the harbor speed limit for sanctioned sail racing and human powered racing events. With such authorization recommend the proposed amendment to the City Council for enactment. [*Blank, West, Stapleton*]

3) Create a forum for dialogue with representatives of the harbor Charter Fleet to promote the development of a shared vision of charter boat operation standards to be achieved collaboratively by 2020, with particular emphasis on environmental considerations. [*Avery, Girling, Kenney*]

4) Support Harbor Resources Division staff in the development and presentation of public information on the new Regional General Permit 54 and related Newport Harbor Eelgrass Protection and Mitigation Plan. [*Kenny, West, McIntosh*]

5) Support Harbor Resources Division staff and the Harbor Patrol in their efforts to identify and resolve the ongoing derelict vessels in the harbor. [**Stapleton, Girling**]

### **Promoting Newport Harbor as a Preferred and Welcoming Destination**

6) Complete the evaluation of public moorage and anchorage alternatives. Specifically address the concept of an anchorage in the Turning Basin such as the one used on a temporary basis during the 2012 Lower Bay dredging project and the suggestion of day moorings off Big Corona beach. [**Avery, McIntosh, Girling**]

7) Update and publish a 3<sup>rd</sup> edition of *The Complete Cruising Guide to Newport Harbor*, first published by the Harbor Commission in 2010. [**West, Kenney, Stapleton**]

8) Investigate the availability and sufficiency of launch ramp facilities in the harbor and report findings to the Commission. Present specific recommendations to the City Council, as appropriate. [**McIntosh, Girling, Kenney**]

9) Advocate for the City's near-term completion of the Central Avenue public pier, independent, if appropriate, of the Lido Marina Village Redevelopment Project. [**Blank, McIntosh**]



# NEWPORT BEACH

## Harbor Commission Staff Report

November 16, 2015  
Agenda Item No. 2

**TO:** HARBOR COMMISSION

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

**TITLE:** West Anchorage Review

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### **ABSTRACT:**

The Harbor Commission will evaluate the recent trial west anchorage project which was located in the Turning Basin from August to October 2015.

### **RECOMMENDATION:**

1. Evaluate the recently completed trial west anchorage project, and consider directing the ad hoc committee to return with a recommended path forward.

### **FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

### **DISCUSSION:**

At the City Council's direction based upon the Harbor Commission's recommendation, a temporary, trial anchorage was established in the Turning Basin at the far west end of Newport Harbor for two months from mid-August to mid-October 2015. The purpose of the anchorage was to provide an additional location for boaters to anchor and enjoy the harbor, and to relieve some of the use in the established east anchorage area. The City Council approved specific boundaries for the west anchorage as noted on Attachment A based on feedback from the local residents. During the project, boundary adjustments were made to accommodate the Boat Show midway through the trial.

Staff developed a flyer (Attachment B) which outlined the rules for this trial, and which was distributed to the anchored boats via the Harbor Patrol. Community feedback received after the trial (as of the writing of this report) is noted on Attachment C.

**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 – West Anchorage Configurations  
Attachment B – West Anchorage Flyer  
Attachment C – Written Comments

# Council Approved Trial Anchorage Location

TURNING  
BASIN

4.85 acres

Z Marker

255 ft.

325 ft.

300 ft.

58 ft.

250 ft.

- A: 33.6188, -117.9266
- B: 33.6191, -117.9262
- C: 33.6182, -117.9245
- D: 33.6172, -117.9255
- Z Marker, 33.6177, -117.9247
- Final Recommendation



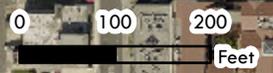
# Council Approved Trial Anchorage Location with Boat Show

TURNING  
BASIN



- A, 33.6183, -117.9259
- B: 33.6191, -117.9262
- C: 33.6182, -117.9245
- D: 33.6172, -117.9255
- Z Marker, 33.6177, -117.9247

- Boat Show Reconfiguration
- Original Anchorage



# City of Newport Beach HARBOR RESOURCES



## TRIAL ANCHORAGE NOTICE – *We need your help!*

Thank you for using the temporary “West Lido Anchorage.” Recently, the Newport Beach City Council approved the installation of this anchorage as a trial to learn more about the feasibility of a permanent anchorage at this location. The trial period is 10 weeks, from August 1 to October 15, 2015. If the trial succeeds, the anchorage may be reinstalled next summer or in the future. The existing “East Lido Anchorage” between Lido Isle and Bay Island will remain in the harbor regardless of the outcome of this trial.

The purpose of the West Lido Anchorage trial is to solicit feedback from anchorage users, all harbor users, local businesses and residents. Key concerns include:

**NOISE AFFECTING NEARBY RESIDENTS:** This is a big concern from residents who live around the anchorage. Please remember the West Lido Anchorage rules: No rafting of vessels, no amplified music, no loud parties, no loud generators, and no generators after 9 p.m.

**BOATS ANCHORED/SWINGING OUTSIDE THE ANCHORAGE BOUNDARIES:** Please stay within the anchorage buoys so as to not block channel traffic or reduce the area for large vessels to maneuver in and out of their berths.

**SEWAGE AND OTHER WASTE PRODUCTS:** You must use a holding tank! Please keep galley waste etc., to a minimum. The U.S. Coast Guard or Orange County Harbor Department may board your boat at any time to inspect your waste system or drop dye tablets.

**LIGHT POLLUTION:** Please keep your exterior lighting to a minimum, except for your anchor light. No underwater flood lights, bright deck lights, etc.

We need your feedback! How do you like the anchorage configuration? Could its location, layout or size be improved? Please send an email to the address below.

**Chris Miller**

Harbor Manager

[cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)

Please remember: You are in a residential neighborhood. This is a designated quiet anchorage! Report any safety or noise concerns to the Orange County Harbor Patrol: (949) 723-1002

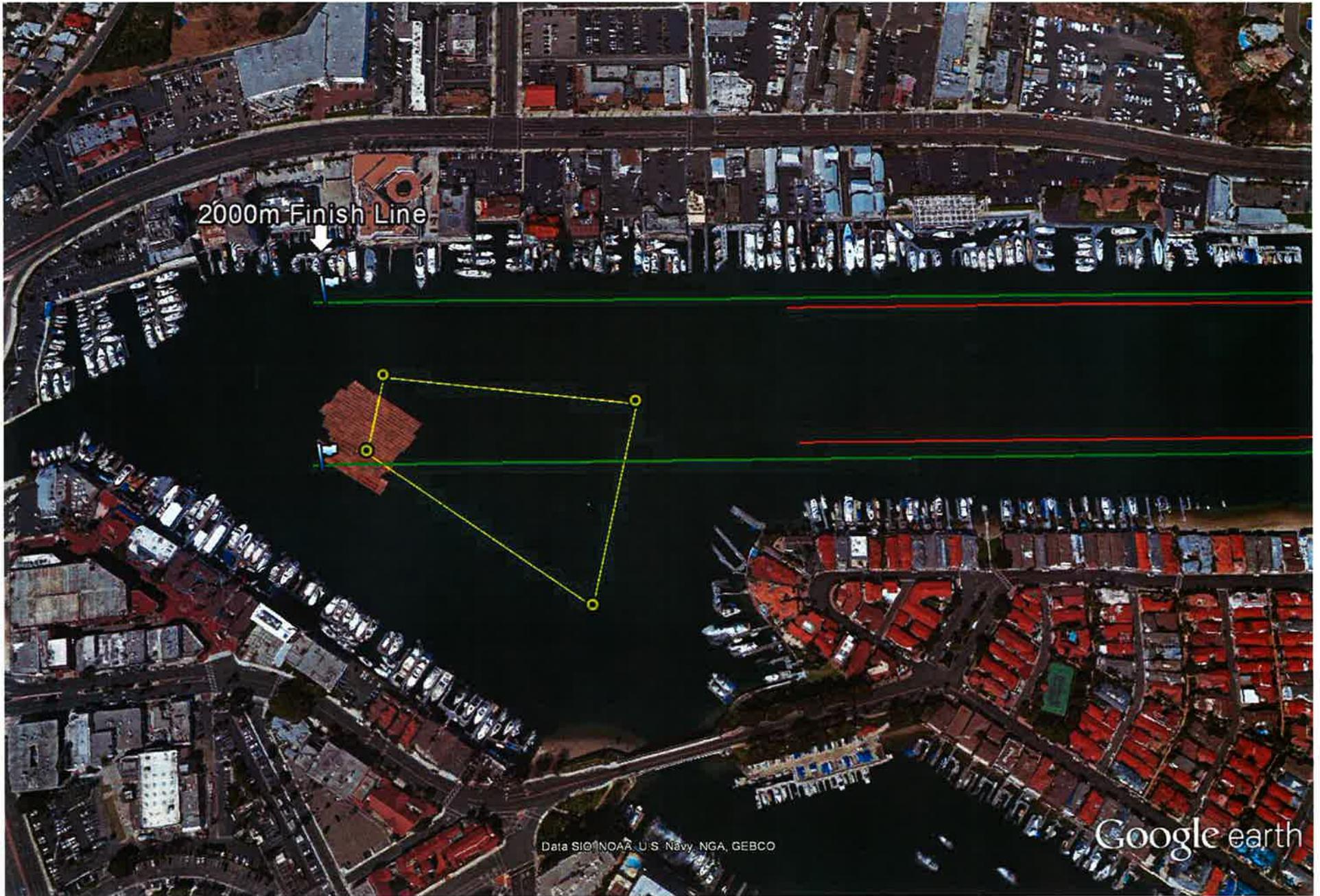




Data SIO, NOAA, U.S. Navy, NGA, GEBCO

Google earth





2000m Finish Line

Data SIO NOAA U.S. Navy, NGA, GEBCO

Google earth

Google earth

feet  
meters



## Miller, Chris

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**From:** Pamela Whitesides <ptlaw@sbcglobal.net>  
**Sent:** Monday, October 19, 2015 8:11 PM  
**To:** Miller, Chris  
**Cc:** Don and Judy Cole  
**Subject:** Re: Anchorage Area Feedback

Hi Chris,

Thanks for asking for our feedback. The anchorage was very lightly used so it was pretty calm. I appreciated it being located away from the homes so noise was not an issue.

I obviously was not monitoring the anchorage all day or every day so I didn't see everything that went on, however, I can say I almost never saw a Patrol boat. Occasionally, I saw a boat anchored outside the boundaries that stayed for hours until they pulled anchor and left for the day. No one asked them to move inside the anchorage. There was also a raft up of 5 boats inside the anchorage boundaries, which I believe was on the Thursday before Labor Day. I considered calling the Harbor Patrol but instead decided to see if the Patrol was monitoring the anchorage sometime during the day. I never saw a Patrol boat and the raft up stayed all day. While I saw few violations myself, probably because the anchorage wasn't really used much, the few I saw did indicate boaters were not receiving your flyer with the anchorage rules against raft ups, and that the Patrol was not coming this way or if they were, they were ignoring the raft ups and boats anchored outside the boundaries.

There was also some impact from the anchorage on the commercial party boats on the days when there were more boats in the anchorage. Some of the commercial boats idled right next to the homes, one stayed what seemed like 10 minutes as the wedding ceremony went on. There was simply not enough room for the commercial boats to stay away from the homes or to keep moving as they are required to do.

I did want to alert you that I saw an apparently experienced Jetpack flyer giving a ride to a child held in front of him. The two of them hit one of the buoys marking the anchorage boundary. They did not appear to be hurt so perhaps the buoy is soft and it was an intentional "trick." If not intentional, however, it illustrates again the danger of an accidental contact with an obstacle that could have been a boat or someone on a SUP. If the anchorage becomes permanent and more heavily used, such accidents become almost inevitable.

I hope the anchorage is not made permanent because there doesn't seem to be a need for it or the disruption it causes to the other harbor users. If it is made permanent, however, there has to be more routine monitoring and enforcement by the Harbor Patrol, which just didn't happen this time.

Thanks, and I hope my input helps. Pam Whitesides

On Oct 19, 2015, at 12:05 PM, Miller, Chris <[CMiller@newportbeachca.gov](mailto:CMiller@newportbeachca.gov)> wrote:

Hi Pam, Don and Judy,

Happy fall!

## Miller, Chris

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**From:** Don & Judy Cole <lagunahouse@me.com>  
**Sent:** Monday, October 19, 2015 2:31 PM  
**To:** Miller, Chris  
**Cc:** Pam Whitesides  
**Subject:** Re: Anchorage Area Feedback

Hi Chris,

Our observation was that the anchorage was used very little. It was completely empty the majority of the time, including the weekends. We noticed a single small raft-up during the day at one point, and while we were not here on Labor Day weekend, Pam indicated that there was a raft-up of 5 boats. There was no enforcement of the ban on them in the west anchorage.

Our feeling remains the same- there is no need for an additional anchorage, nor does the Harbor Patrol appear to have the resources to be able to monitor one adequately. Thanks for the heads up- we hope to be at the meeting when you present the data.

Don & Judy

On Oct 19, 2015, at 12:05 PM, Miller, Chris <[CMiller@newportbeachca.gov](mailto:CMiller@newportbeachca.gov)> wrote:

Hi Pam, Don and Judy,

Happy fall!

I'm sure you noticed that we removed the temporary west anchorage last week because our trial period had ended. Our next step is to review our trial efforts, then to present that data to the Harbor Commission while it's still fresh on our minds. (Tentatively, we're thinking November.)

I've asked the Harbor Patrol to keep some notes during the trial, and was hoping you might have some observations to share as well. Your input is always appreciated via email or in person at the meeting. ☺

Thank you,

Chris Miller  
Harbor Manager  
(949) 644-3043

## Miller, Chris

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**From:** Chandler Bell <cbell@hornblower.com>  
**Sent:** Wednesday, November 04, 2015 9:45 AM  
**To:** Miller, Chris  
**Subject:** Re: West Anchorage Feedback

Hello Chris,

I polled some of my Captains and these are the responses I got back - nothing positive.

My feeling is that it is way to big and does interfere with vessel traffic and negotiating the channel safely. It was much better the way it was set up before, a smaller footprint.

See below their responses:

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It is a hazard to Nav. It's a turning basin for a reason and needs to be move way over towards lido bridge or be put behind lido.

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1. The scope of the overall area of the temporary anchorage encompasses almost the entire "Turning Basin" (probably 2/3rds by volume), eliminating most of the open space needed to turn around with the Wild Goose.
2. With no recreational boaters actually anchored in the area it makes only the 4 buoys an additional hazard to operations. With recreational boaters actually in the anchorage it becomes a "no sail zone" closing off much of the useable area.
3. The "Jetlev Southwest" company has been operating in the turning basin area apparently by their agreement with the City. Rather than operating as they have in the past in the area off the end of the Rhine Channel in front of the new city construction marine park adjacent to the American Legion. When the new temporary anchorage is not occupied they tend to operate inside of it. When this anchorage is occupied they are forced to operate in the areas outside of it most noticeably to the West in the space in front of Eternity, Destiny Royal Princess and Athena.
4. The north western most buoy "B" closes off much of the navigable channel directly in front of the Just Dreamin slips especially given the Fun Zone duffy, paddle board rentals. Looking West up the channel in line with the "C" buoy it is apparent that the "B" buoy is located to far to the North. The "B" buoy should be relocated as a minimum at least 150 yards due south towards the "A" buoy.

5. In a wind condition which would require an approach with the Wild Goose from the West is very difficult if not impossible. Moving up the channel past the "B" mark taken to Port and moving South towards and around the "A" buoy than moving again to the East. A normal use of the turning basin allows the Wild Goose to do this manouver taking the sail racing pylon "Z" to starboard and approaching the slip. It is now impossible to do so without moving through the anchorage. If any of the other company vessels are out in the western open area it is an extreme hazard.

6. Most importantly I have been watching the Coast Guard Notice to Mariners and there continues to be no notice issued regarding the installment of the temporary anchorage by the City in the Federal Channel.

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My only issue would be if the Buoys designating the anchorage are within the dashed line on the chart designating the federal channel. If so, has this obstruction of the federal channel been approved by the USCG? Could obstruct larger vessels from maneuvering in the harbors only designated "turning basin," private or chartered.

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Thanks, let me know your thoughts.

Chandler

chandler j. bell - director of marine operations - hornblower cruises & events - 3101 west coast highway - suite 209 - newport beach - ca 92663  
(office) 949-650-2412 - ext 3311 - (direct) 949-478-7611 - [cbell@hornblower.com](mailto:cbell@hornblower.com) - [www.hornblower.com](http://www.hornblower.com)



On Tue, Nov 3, 2015 at 6:09 PM, Miller, Chris <[CMiller@newportbeachca.gov](mailto:CMiller@newportbeachca.gov)> wrote:

Hi Chandler, Norm and Randy,

I wanted to let you know that the Harbor Commission will be hearing a post-project review of the trial west anchorage in the Turning Basin that was in effect for the past two months. I wasn't sure if it had any effect on your businesses or not, or whether you had any feedback.



# NEWPORT BEACH

## Harbor Commission Staff Report

November 16, 2015  
Agenda Item No. 3

**TO:** HARBOR COMMISSION

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

**TITLE:** Public Piers Report: Time Limits, Characteristics and  
Recommendations

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### **ABSTRACT:**

Harbor Commissioner Paul Blank will present the ad hoc committee's findings and proposals for time limits and usages at the City's public piers.

### **RECOMMENDATION:**

1. Review and endorse the Public Piers Ad Hoc Committee's proposals, then recommend to the Harbor Resources Manager that they be implemented.

### **FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

### **ENVIRONMENTAL REVIEW:**

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

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



==== CITY OF =====

# NEWPORT BEACH

## Harbor Commission Staff Report

November 16, 2015  
Agenda Item No. 4

**TO:** HARBOR COMMISSION

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

**TITLE:** Standup Paddleboard Ad Hoc Committee Formation

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### **ABSTRACT:**

Due to the growing popularity of standup paddleboarding, Chair Girling requested the ad hoc committee be reformed to build upon the previous committee's research from 2012-2013.

### **RECOMMENDATION:**

1. Form an ad hoc committee to study standup paddleboarding in Newport Harbor.

### **FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

### **ENVIRONMENTAL REVIEW:**

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

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



== CITY OF ==

# NEWPORT BEACH

## Harbor Commission Staff Report

November 16, 2015  
Agenda Item No. 5

**TO:** HARBOR COMMISSION

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

**TITLE:** William B Vessel Fire and Sinking - Update

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### **ABSTRACT:**

Lieutenant Mark Alsobrook, harbormaster, will update the Harbor Commission on the response efforts to the William B vessel fire and sinking on October 31, 2015.

### **RECOMMENDATION:**

1. Receive and file.

### **FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

### **ENVIRONMENTAL REVIEW:**

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

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