



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

Council Chambers - 100 Civic Center Drive

Wednesday, March 9, 2016 - 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

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.

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.

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

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the 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.

- 5) **APPROVAL OF MINUTES**

February 10, 2016 Minutes

Approve.

[Minutes](#)

- 6) **CURRENT BUSINESS**

1. Harbor Commission 2016 Objectives: Quarterly Review

Every quarter, the Harbor Commission will review their 2016 Objectives.

Recommendation:

- 1) Receive and file.

[Staff Report](#)

[Item #1 - Attachment A](#)

2. West Anchorage Review and Recommended Path Forward

The Harbor Commission will evaluate the need for an anchorage in the Turning Basin, and will form a recommendation to be forwarded to the City Council, if applicable.

Recommendation:

- 1) Decide a recommended path forward for an anchorage in the Turning Basin.

[Staff Report](#)

[Item #2 - Attachment A](#)

[Item #2 - Attachment B](#)

[Item #2 - Attachment C](#)

3. Land Use Review: 2101 West Coast Highway (Ardell Property)

Planning Manager Patrick Alford will review the land use requirements for the 2101 West Coast Highway property and the greater Mariner's Mile area.

Recommendation:

- 1) Receive and file.

[Staff Report](#)

7) SUBCOMMITTEE REPORTS

8) QUESTIONS AND ANSWERS WITH COUNCIL LIASON ON HARBOR RELATED ISSUES

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

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

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

12) DATE AND TIME FOR NEXT MEETING

Wednesday, April 13, 2016. May meeting date options: May 4, 9, or 17.

13) ADJOURNMENT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers
Wednesday, February 10, 2016
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
 Paul Blank, Vice Chair
 Joe Stapleton, Secretary
 Brad Avery
 William Kenney, Jr.
 Duncan McIntosh – (Absent/Excused)
 Doug West

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

City Council Liaison: Duffy Duffield, Council Member

3) PLEDGE OF ALLEGIANCE – Commissioner Stapleton

4) PUBLIC COMMENTS

Chair Girling opened public comments.

Jim Mosher stated that the agenda seems to have been changed without instructions from the Harbor Commission to do so. He reported that this item used to be for public comments on non-agenda items and that it has always been the practice of the Harbor Commission to accept comments on agenda items as the matters come up in the agenda. He expressed hope that the erroneous change to the agenda would be corrected by the next meeting. Chair Girling noted that comments would be accepted at this time for non-agenda items. A speaker inquired regarding public comments on agenda items and Chair Girling stated that the public would have the chance to comment on agenda items as each matter is heard. Seeing no others wishing to address the Commission, Chair Girling closed public comments. Harbor Resources Manager Chris Miller stated he would look into the matter.

5) APPROVAL OF MINUTES – January 13, 2016 Minutes

A small correction was offered to the meeting minutes of January 13, 2016. Chair Girling asked whether a protocol had been established for presenting a proclamation for Medal of Honor recipients. Harbor Resources Manager Miller responded that the protocol would lie with the City Council. He suggested that each Commissioner speak with their individual Council Member with requests.

Chair Girling opened public comments. Chair Girling closed public comments.

Motion: Commissioner Kenney made a motion to approve the minutes of the Harbor Commission meeting of January 13, 2016, as corrected. Commissioner Blank seconded the motion, which carried with 6 ayes, 0 noes. Approved.

6) CURRENT BUSINESS

1. *Channel Road Marina Renovation - Appeal*

The Lido Peninsula Company, LLC proposed the Channel Road Marina Renovation project located along the southwestern tip of the Lido Peninsula. The applicant proposed to extend the floats to the same distance as the existing floats on the southerly side, recognizing however, that this distance is beyond the maximum allowable distance permitted by Council Policy H1. Therefore, the applicant is appealing the Harbor Resources Manager's denial of the project.

Recommendation:

- 1) Approve the applicant's proposed Channel Road Marina Renovation project to extend the floats to the same distance as the existing floats on the southerly side along with the self-imposed overhang restriction of 12 feet.

Commissioner Kenny reported that he knows one of the applicants and is a member of the same yacht club, but that he has no financial interest in the matter and therefore, can hear the item objectively.

Vice Chair Blank reported that he knows one of the applicants, but that he has no financial interest in the matter and therefore, can hear the item, objectively.

Commissioner West reported that he knows one of the applicants, but that he has no financial interest in the matter and therefore, can hear the item, objectively.

Harbor Resources Manager Miller provided details of a PowerPoint presentation describing the appeal and addressing the applicant and focus on the southwest corner, north of Bulkhead Station 123. He addressed criteria for assigning a new Bulkhead Station; rules in the Harbor Permit Policy that dictate what can and cannot be done in between stations; details of the appeal; reasons why the applicant's application was not approved; Council Policy H-1; area of focus; the applicant's proposal; existing conditions; requirement of a new permit; details of the required variance; the possibility of a self-imposed overhang rule; and recommendations.

Discussion followed regarding whether or not there is a limit on the boat-side tie in terms of how far it can go out, beyond the pierhead line. Harbor Resources Manager Miller stated there is no limit, but that he recommended that the applicant self-impose an overhang rule so that the City can condition it to keep it from happening. In response to Commissioner Stapleton's inquiry regarding Tidelands fees, Harbor Resources Manager Miller noted that the Tidelands fee extends to the outer limit of their "fingers" (green) and that their overhang would not be included. He added that they are paying for the Tidelands. Discussion followed regarding the maximum area allowed for extension.

Chair Girling opened public comments.

John Marshall, Commodore of several yacht clubs, expressed concerns regarding the loss of several slips in connection with the proposed project. He commented on the loss of yacht club members and urged the Commission to look carefully into the matter going forward, to make sure that enough slips are available for smaller vessels. Harbor Resources Manager Miller noted that a number of slips would be lost, just by design. Chair Girling indicated he would be interested in learning how many slips would be obtained just by redesigning the dock. Harbor Resources Manager Miller stressed that slip-mix is not something considered at the City level.

Discussion followed regarding the area of focus at this time. Chair Girling noted that when the matter is considered by the Coastal Commission, slip-mix will be reviewed.

Jim Mosher questioned what the Harbor Commission was being asked to do. He commented on variances, the granting of same, limitations, the lack of the authority of the Commission to grant variances and the lack of necessary findings.

Harbor Resources Manager Miller stated that the Harbor Commission has the authority to override the decisions of the Harbor Resources Manager. Although there are no specific findings, he added that he is working with the City Attorney's office to formalize the procedure.

Carter Ford noted that the applicant could change their proposal and suggested that the Harbor Commission approve their request at this time. He added that the topic highlights resident concerns regarding “bigger is better,” noting that many are not able to change their marinas because of changes in regulations over the years. He urged the Commission to look at the need for space for smaller bay boats. He referenced “Guidelines for Marina Berthing Facilities” and suggested that the City put flexibility to the document that would enable engineers and City staff to have the room to approve logical variations.

Seeing no others wishing to address the Harbor Commission on this matter, Chair Girling closed public comments. Discussion followed regarding the applicant’s agreement to self-impose a 12-foot limit on the side ties, memorializing the concept and enforcement over time. Harbor Resources Manager Miller added that, with all approvals in concept, there are conditions that must be abided by, which are included in the files.

Motion: Commissioner Stapleton made a motion to approve the applicant’s proposed Channel Road Marina Renovation project to extend the floats to the same distance as the existing floats on the southerly side along with the self-imposed overhang restriction of 12 feet. Commissioner Avery seconded the motion, which carried with 6 ayes, 0 noes. Approved.

2. *Tidelands Capital Plan Review and Harbor Master Plan Ad Hoc Committee Formation*

Staff will review the Tidelands Management Committee’s Tidelands Capital Plan. In addition, the Harbor Commission will form an ad hoc committee to initiate the development of a Harbor Master Plan as instructed by the City Council.

Recommendation:

- 1) Receive and file the Tidelands Capital Plan.
- 2) Form an ad-hoc committee to initiate the development of a Harbor Master Plan.

Public Works Director Dave Webb presented details of the report on the Tidelands Capital Plan. He reported that it is a planning document to help determine where to put Tidelands funds in the future. He addressed the five-year plan, projects currently in Tidelands Capital Plan, Tidelands accounts, funding sources, projects to be reviewed this year, goals for maintenance funding, and projects that are yet to be funded.

Discussion followed regarding the status of the Mariners Mile walkway, projections for the sea wall in 25 years, the differences in the two funding accounts, Tidelands fees, and the City’s plans for the Grand Canal.

Public Works Director Webb discussed the development of a long-range planning document and referenced the City’s Facilities Finance Plan and trying to generate a similar plan for the Harbor. He recommended establishing a subcommittee to start generating projects in the Harbor. The plan would be reviewed on a yearly basis by the Finance Committee.

Chair Girling thanked Public Works Director Webb and requested volunteers to serve on either an ad-hoc committee or a working group. Vice Chair Blank and Commissioner Stapleton offered to serve in a working group to generate potential Harbor projects.

Chair Girling opened public comments.

Jim Mosher noted there could be three members in the working group and suggested that the first thing it should do is to consider a “more illustrative” name for the document. He referenced the Coastal Land Use Plan and policies that the City has committed to relative to the Mariners Mile walkway. Len Bose, Huntington Beach, suggested that the Commission consider placing changing the channel markers in the five-year plan. Chair Girling closed public comments.

Chair Girling volunteered to participate in the working group.

A suggestion was made to change the name of the document to a Harbor Capital Improvements Plan. Chair Girling stated that the working group will consider the item.

Motion: Commissioner West made a motion to appoint Chair Girling, Vice Chair Blank and Commissioner Stapleton to the working group to study a Harbor Master Plan. Commissioner Kenney seconded the motion, which carried with 6 ayes, 0 noes. Approved.

3. Central Avenue Public Pier – Harbor Commission Letter of Support to the Coastal Commission

The Harbor Commission will consider sending a letter of support for the Central Avenue public pier to the California Coastal Commission.

Recommendation:

- 1) Approve the Harbor Commission's Central Avenue public pier support letter to the California Coastal Commission.

Chair Girling thanked Vice Chair Blank for his efforts in putting the letter together showing the Harbor Commission's support for this project.

Harbor Resources Manager Miller reported there are copies of the letter available for public review and that each Commissioner was provided with one.

Commissioner Avery reported he is a member of the Newport Harbor Yacht Club, recused himself from this item and departed the Chambers.

Harbor Resources Manager Miller offered an explanation of the purpose of the letter and the subject project.

It was noted that the design plans are available for review and that the Newport Harbor Yacht Club still needs Coastal Commission approval and member approval to fund the clubhouse. Harbor Resources Manager Miller reported that the City is already poised to take on the project. He added that the timing of the pier seems perfect and that the City will move forward with the project whether or not it receives a contribution from the Newport Harbor Yacht Club.

Chair Girling opened public comments.

Jim Mosher expressed concerns with the letter in that it makes it sound that the Central Avenue pier is a Newport Harbor Yacht Club project, and not the City, and that they are part of the design. He opined that it seems to be misleading. He questioned the permit, noting that it is not within the Harbor Commission's jurisdiction to be opining on things that are not on the Harbor water side. He suggested sending a letter to the Coastal Commission regarding how important the pier will be to the City and stated that expressing an opinion regarding the quality of their permit is inappropriate.

Chair Girling suggested the need to clarify the matter.

Harbor Resources Manager Miller suggested that the Commission approve the content of the letter and stated he can clean it up together with Vice Chair Blank.

Chair Girling closed public comments.

It was noted that what the Harbor Commission is asking the Coastal Commission to do is to approve the Newport Harbor Yacht Club Coastal Development Permit but should specifically state that as one of the conditions, the Newport Harbor Yacht Club is agreeing to fund construction of the Central Avenue pier, which will benefit the City and the public. Additionally, the Coastal Commission is requiring the Newport Harbor Yacht Club provide public access and would allow them to fund construction of the pier to satisfy the public access aspect of their permit.

Council Member Duffield commented on the appropriateness of the Harbor Commission's support of land-side and public marine activities, and encouraged the Commission to continue doing so.

Motion: A motion was made approve the Harbor Commission's Central Avenue public pier support letter to the California Coastal Commission, as amended. The motion, which carried with 5 ayes, 0 noes. Approved.

Commissioner Avery returned to the Chambers and took his place on the dais.

4. RGP-54 Publicity and Outreach

The Harbor Commission will discuss various ways that the City's new RGP-54 dredging permit should be publicized throughout the community.

Recommendation:

- 1) Discuss outreach methods to publicize the City's RGP-54 dredging program.

Chair Girling reported receiving the final approvals for the RGP-54 permit and opened discussion regarding publicizing the program.

Harbor Resources Manager Miller reported writing an article for the City Manager's Newsletter, working with the three major newspapers that generally cover the Harbor and suggested contacting waterfront associations and HOAs to educate them. He stated that the word is out and that the City can always improve upon it. He added that there have been 25 pre-applications submitted to his office for the program, noting it is the most received in many years. He noted access on the City's website including instructions on how to apply. He expressed excitement regarding the number of applicants, so far.

Chair Girling thanked Commissioner West for his work and efforts on this matter.

Commissioner West noted that the City is on the right track, expressed appreciation for staff's work and offered his continued help.

Harbor Resources Manager Miller invited comments and suggestions for improvement. Discussion followed regarding the Eelgrass Plan and it was noted that it could be a model for other coastal cities. It was noted that the City should be recognized for its environmental leadership relative to this plan.

Ensuing discussion followed regarding the schedule for completion of the 25 applications, including information in the permit fee renewal invoices, contacting other groups that would benefit from the information, and speaking at the Yachtsman's Lunch at Newport Harbor Yacht Club.

Chair Girling opened public comments.

Chair Girling closed public comments.

5. West Anchorage Review

The Harbor Commission will review and discuss the anchorage concept in the Turning Basin, and instruct the ad-hoc committee to return to the Commission at the March 2016 meeting with a recommended path forward.

Recommendation:

- 1) Discuss the west anchorage concept.

Harbor Resources Manager Miller addressed the main navigational channel in the Harbor, Council-approved location for the trial anchorage area, adjusted area during the Fall Boat Show and return of the "Invictus."

Commissioner Avery commented on the continuing effort to make Newport Harbor a welcoming destination for visitors and maximizing the Harbor for the benefit of all user groups. He said he felt this accomplishes

that goal and noted boats are free to transit in and out of the area, at all times. He added that it would be valuable to set up the temporary anchorage again for the upcoming summer, in the same area and commented on the benefit of having flexibility in the Harbor.

Discussion followed regarding the Federal Channel and the City's ability to charge large vessels.

Harbor Resources Manager Miller noted that this is just a discussion item and that the Harbor is making no decisions on this matter, at this time.

Discussion followed regarding the possibility of charging for an anchorage, practices of other coastal areas offering free anchorage and applicable agencies overseeing this matter.

Chair Girling opened public comments.

Jim Mosher requested clarification of the distinction between Federal waters and State waters.

Harbor Resources Manager Miller responded that the Federal government is in charge of maintaining all waterways in the United States and that State Tidelands were granted to the City.

Paul Weinberg, representing his mother, Elaine Weinberg, 100 Via Lido Nord, reported he was aware of noise complaints during the Labor Day Holiday in connection with the temporary anchorage, noting that the people with the complaints did not know who to call. He added that he observed four or five raft-ups. He commented on negative impacts of the aesthetics and stated that it is a safety hazard.

Billy Whitford, Director of the Newport Aquatics Center, commented positively on the flexibility in the Harbor and against adding one more mooring field. He added that it will become a problem when it changes to a permanent anchorage and opined it will be a safety issue.

Len Bose commented on instances where there may be a fee due for anchorage.

Chair Girling closed public comments.

Discussion followed regarding unusually large vessels that visit the Harbor occasionally and determining a maximum size for boats allowed in the anchorage.

Motion: Vice Chair Blank made a motion to direct the Ad-Hoc Committee to return to the Commission at the March 2016 Harbor Commission meeting with a recommended path forward regarding the west anchorage concept.

Vice Chair Blank asked that someone amend his motion to instruct the Ad-Hoc Committee to consider day-mooring use in Corona del Mar Cove.

Commissioner Kenney proposed an amendment to the motion to include day-mooring use in Big Corona.

Amended Motion: Commissioner Kenney amended the motion to direct the Ad-Hoc Committee to return to the Commission at the March 2016 Harbor Commission meeting with a recommended path forward regarding the west anchorage concept and include consideration of day-mooring use in Big Corona. Commissioner West seconded the motion, which carried with 6 ayes, 0 noes. Approved.

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 Supervisor Shannon Levin provided a status update on Marina Park. In addition, she updated the Harbor Commission on staff's work regarding derelict vessels.

In response to a request from the Commission, Harbor Resource Manager Miller provided an update on Council's recent action regarding the moorings, including on-shore and off-shore mooring rates. He commented on efforts to memorialize recommendations from the Harbor Commission; specifically, how moorings are transferred. He estimated that mooring bills will be sent out within one or two weeks.

10) **PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER** - None

11) **COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)** - None

12) **DATE AND TIME FOR NEXT MEETING: Wednesday, March 9, 2016**

13) **ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:40 p.m. The next meeting of the Harbor Commission will be held on Wednesday, March 9, 2016, at 6:30 PM.



== CITY OF ==
NEWPORT BEACH
Harbor Commission Staff Report

March 9, 2016
Agenda Item No. 1

TO: HARBOR COMMISSION

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

TITLE: Harbor Commission 2016 Objectives: Quarterly Review

ABSTRACT:

Every quarter, the Harbor Commission will review their 2016 Objectives.

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).

ATTACHMENTS:

Attachment A – Newport Harbor Commission Objectives, Calendar Year 2016

Newport Harbor Commission Objectives Calendar Year 2016

(As Approved by the City Council on January 12, 2016)

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. [*Blank, 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 3rd 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**]



== CITY OF ==
NEWPORT BEACH
Harbor Commission Staff Report

March 9, 2016
Agenda Item No. 2

TO: HARBOR COMMISSION

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

TITLE: West Anchorage Review and Recommended Path Forward

ABSTRACT:

The Harbor Commission will evaluate the need for an anchorage in the Turning Basin, and will form a recommendation to be forwarded to the City Council, if applicable.

RECOMMENDATION:

1. Decide a recommended path forward for an anchorage in the Turning Basin.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item. If the City Council decides to proceed with the project at a later date, it is anticipated that \$3,000.00 or less will be needed to deploy and retrieve the four buoys needed for the anchorage.

DISCUSSION:

At the November 2015 meeting, the Harbor Commission directed the anchorage ad hoc committee to further review the need for an anchorage in the Turning Basin, and to return at a later date with a recommended path forward.

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 and Turning Basin Uses

Attachment B – West Anchorage Outreach Letter

Attachment C – Vicinity Map of Extent of Outreach

Council Approved Trial Anchorage Location

TURNING
BASIN

4.85 acres

Z Marker

255 ft.

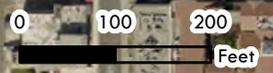
325 ft.

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

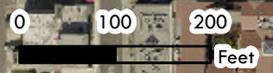
TURNING BASIN

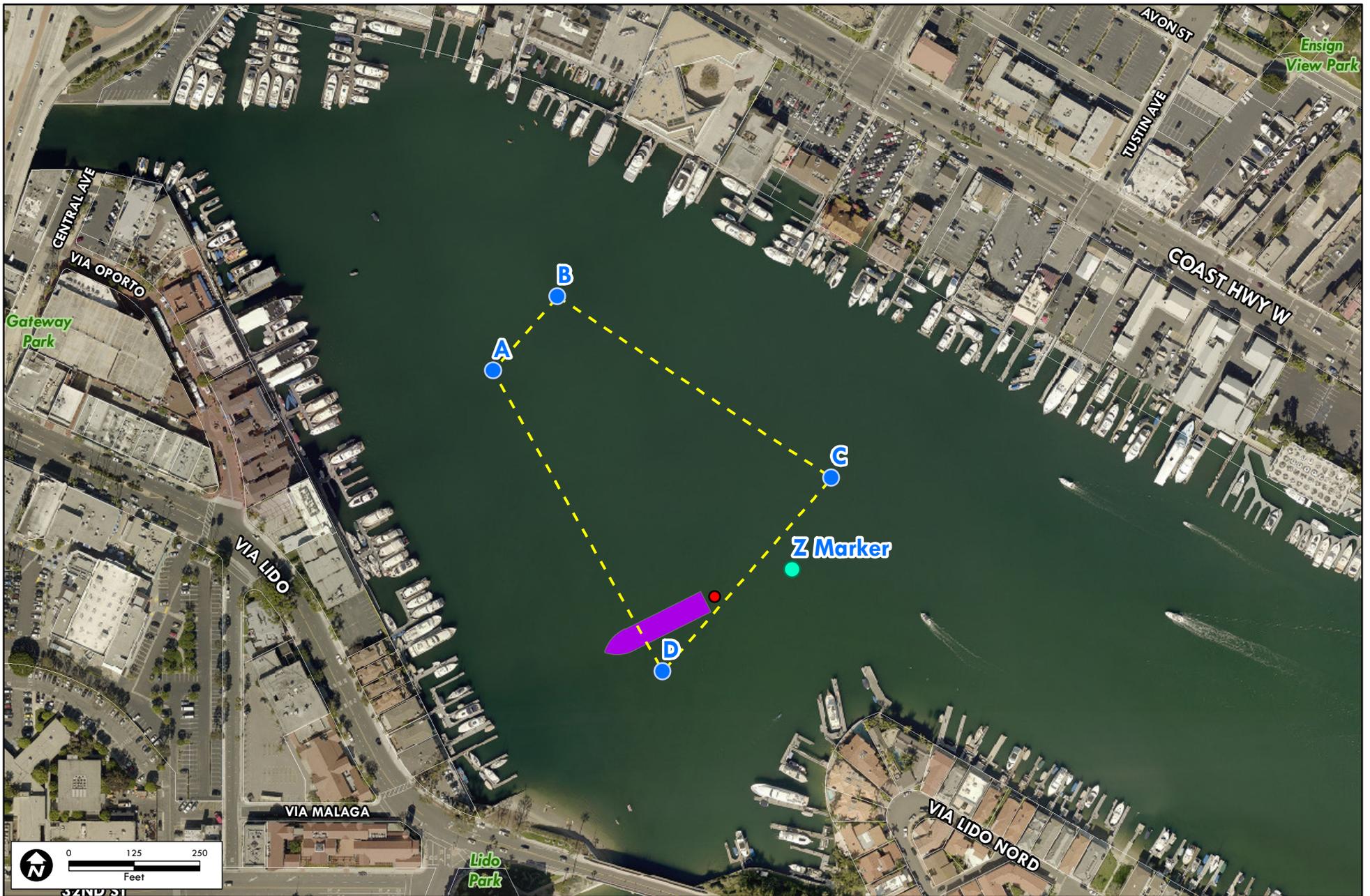


3.59 acres

Z Marker

- 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





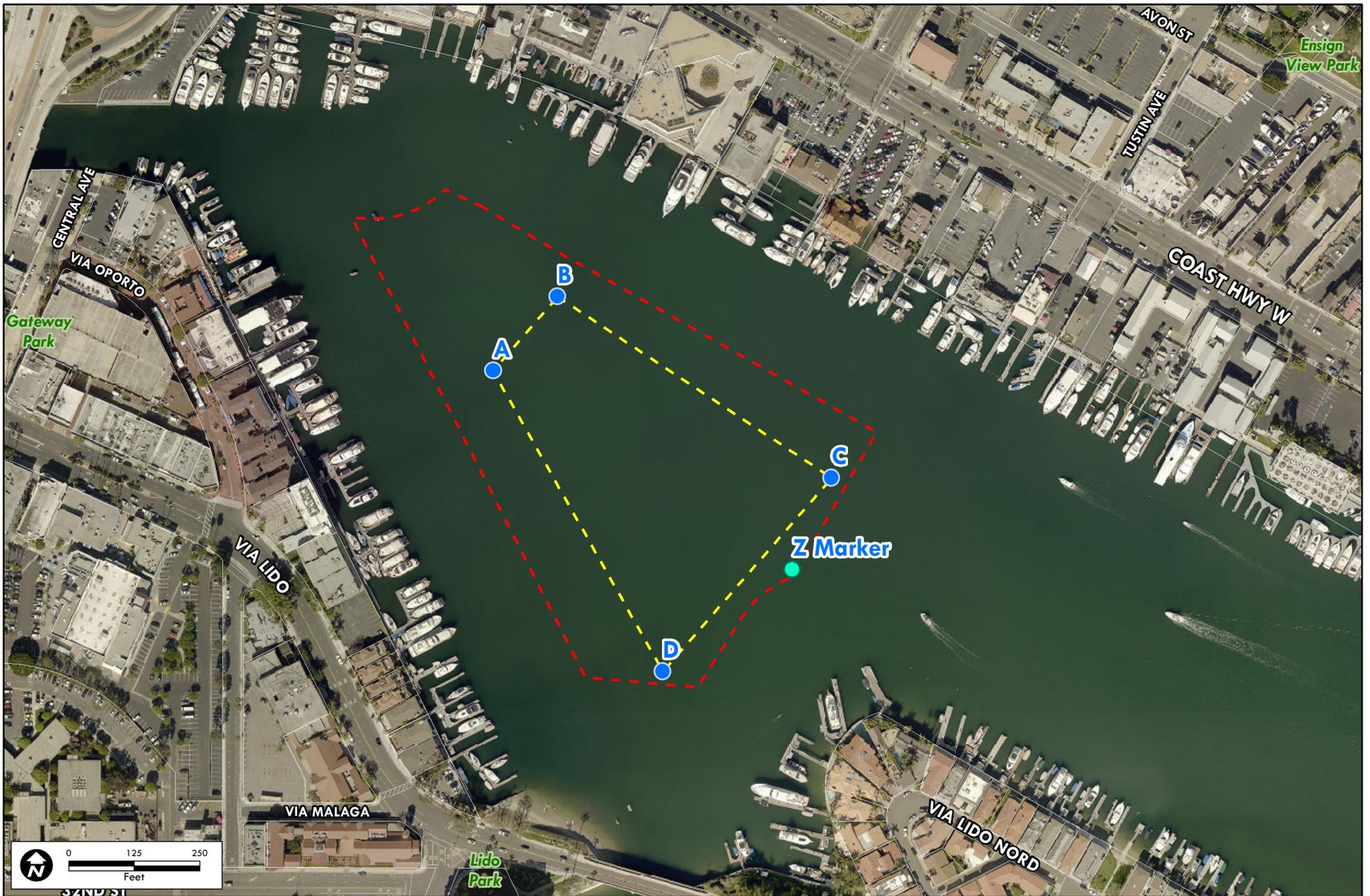
Fall 2015 Trial Anchorage & Prior Invictus Location

- Anchorage
- Invictus (225 ft.)



City of Newport Beach
GIS Division
February 24, 2016





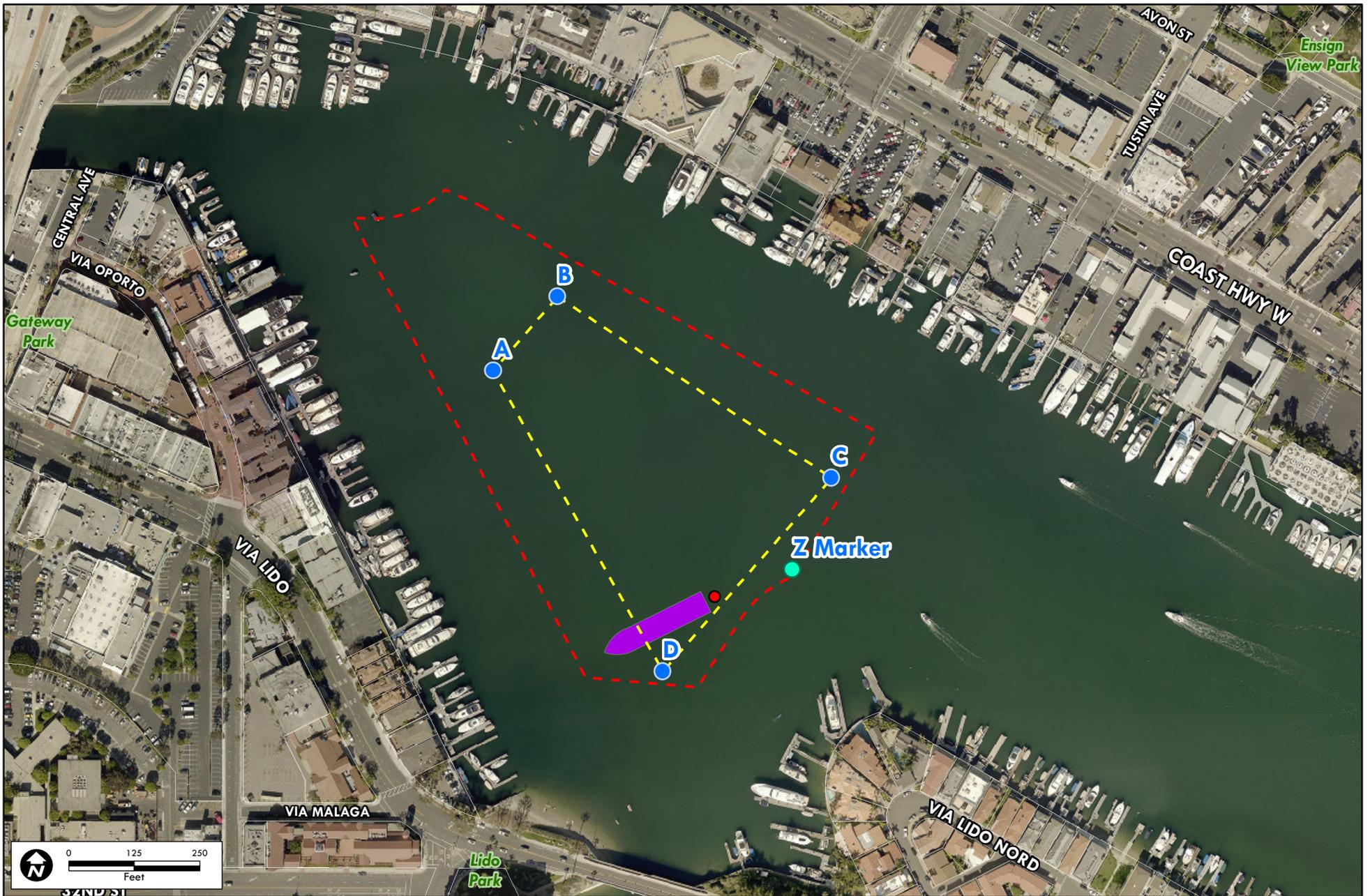
Fall 2015 Trial Anchorage & Hydro-Jet Area

- Anchorage
- Hydro-Jet Area



City of Newport Beach
GIS Division
February 24, 2016





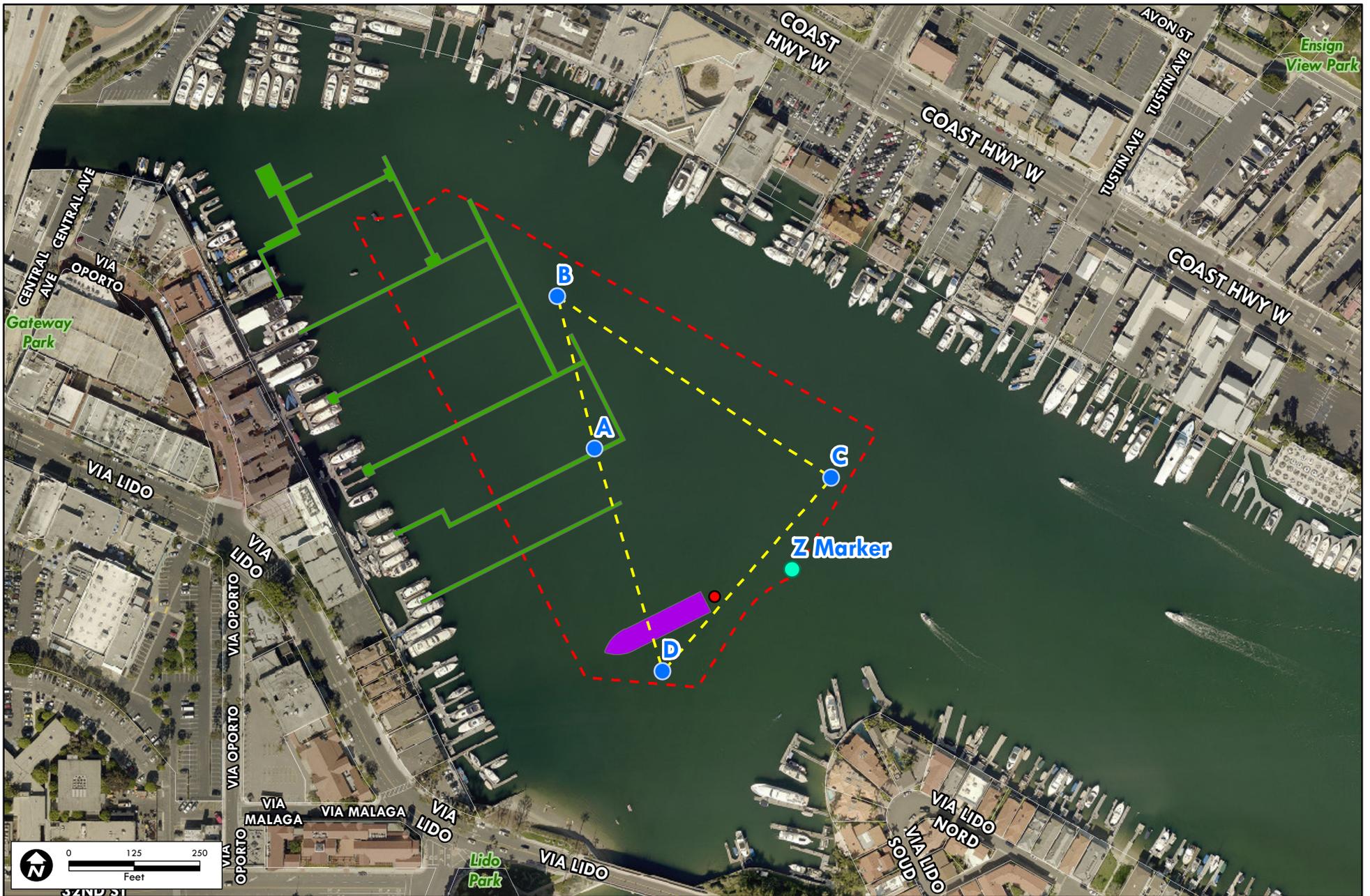
Fall 2015 Trial Anchorage & Hydro-Jet & Prior Invictus Location

- Hydro-Jet Area
- Anchorage
- Invictus (225 ft.)



City of Newport Beach
GIS Division
February 24, 2016





Fall 2015 Trial Anchorage & Hydro-Jet Area & Prior Invictus Location & Lido Boat Show

- - - Hydro-Jet Area
- - - Adjusted Anchorage Area
- Invictus (225 ft.)
- Boatshow Temporary Dock



City of Newport Beach
GIS Division
February 24, 2016

CITY OF NEWPORT BEACH

100 Civic Center Drive
Newport Beach, California 92660
949 644-3311 | 949 644-3308 FAX
newportbeachca.gov/HarborResources



February 23, 2016

Dear Resident,

On Wednesday, March 9, 2016, the Harbor Commission will be reviewing the anchorage ad hoc committee's recommendation as to whether or not an additional anchorage is warranted in the Turning Basin west of Lido Isle. If you may recall, the Harbor Commission recommended, and the Council approved, a trial anchorage at this location for two months last summer/fall. At the upcoming March 9 meeting, the Commission will consider options as to how to proceed with an anchorage, if at all. Please note that City Council approval is required before any plan could be implemented.

You are invited to attend and provide comments at the Harbor Commission meeting at:

Newport Beach Civic Center
Council Chambers
100 Civic Center Drive
Newport Beach, CA 92660
Wednesday, March 9, 2016
6:30 PM

For reference, the Turning Basin is defined as the body of water surrounded by the western tip of Lido Isle, the greater Lido Marina Village area, the Newport Boulevard bridge, and the western portion of Pacific Coast Highway. An anchorage area is typically delineated by four buoys, and vessels may anchor within those buoys for up to five days at a time (extensions allowed). The anchorage area rules and regulations are managed by the Harbor Patrol.

Please feel free to contact me if you have any questions.

Thank you,

A handwritten signature in blue ink, appearing to read 'Chris Miller', is written over a white background.

Chris Miller
(949) 644-3043
cmiller@newportbeachca.gov

Council Approved Trial Anchorage Location

TURNING
BASIN

255 ft.

300 ft.

325 ft.

4.85 acres

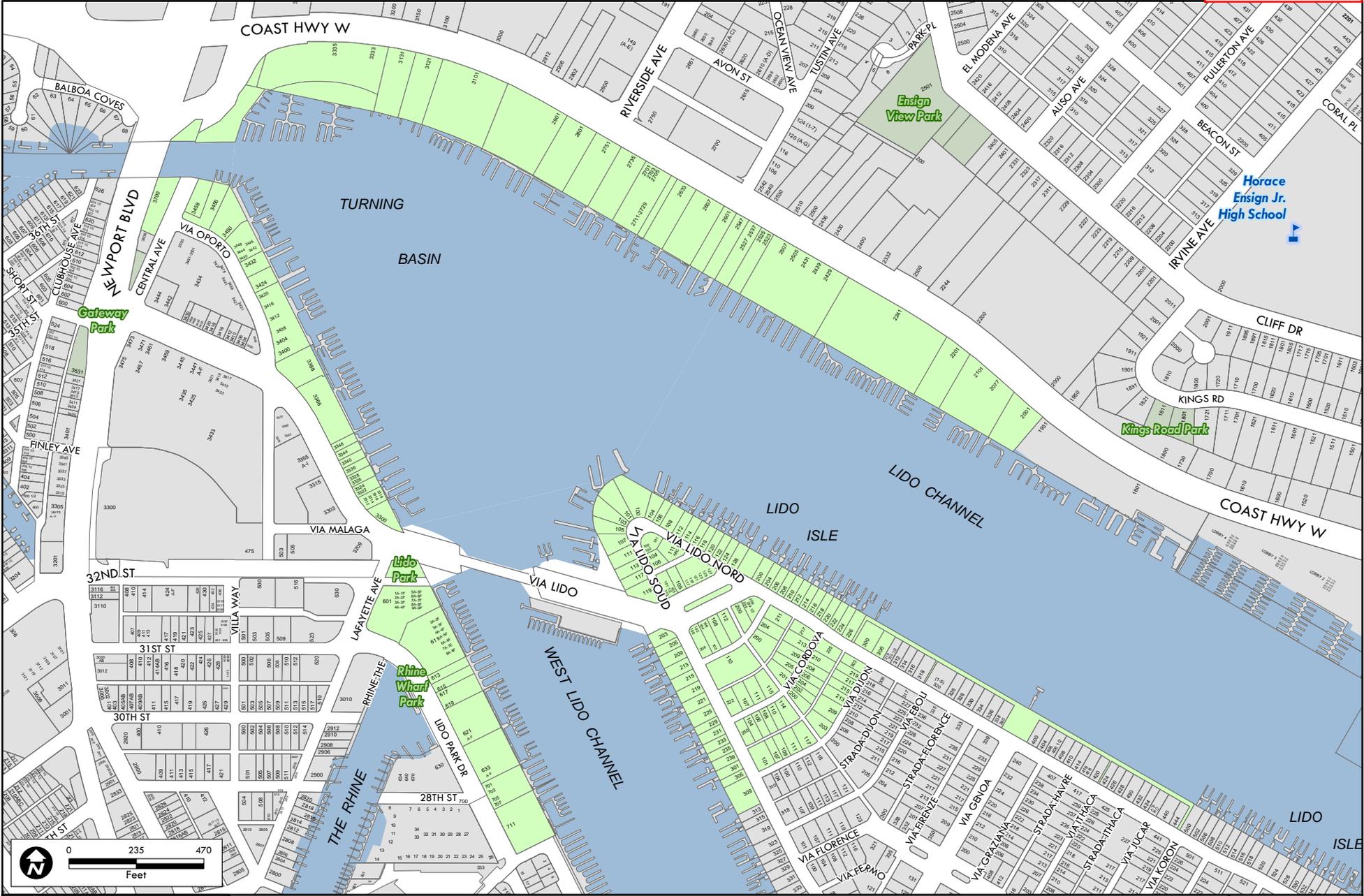
58 ft.
Z Marker

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





Proposed Visiting Anchorage Area - Notification

Notified Properties



City of Newport Beach
GIS Division
June 17, 2015

JOHN M. GARRISON

10 HARBOR ISLAND
NEWPORT BEACH, CA 92660

March 7, 2016

Mr. Chris Miller
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Additional anchorage in Turning Basin west of Lido Isle

Dear Mr. Miller,

I have been associated with Newport Harbor since 1951 when my father purchased a boat at the then Newport Harbor Yacht Landing. At that time I remember boats anchored in the proposed anchorage. The PIONEER, was 171 feet long and fit well in the area causing no interruption to the locals. In fact, I understand from Seymour Beek that this was designated as the original anchorage area after the Army Corp of Engineers dredged the harbor in 1939.

The proposed anchorage is far better located than the existing anchorage east of Lido Isle due to the easy dingy access to markets, boat repair facilities, marling hardware, and some of Newport Beach's finest restaurants. When Newport Harbor Yacht Club improves the bayside end of Central Avenue, there will be additional dingy access. Today it is a long haul from the existing turning basin to public docks, not to mention a long row followed by a long walk to the stores.

Further, opening up the existing turning basin by reducing the foot print of the anchorage will relieve the congestion caused by the multitude of tour boats.

I look forward to this improvement to Newport Harbor

Sincerely,

John M. Garrison

Cc: M. Duffield

Miller, Chris

From: Pamela Whitesides <ptlaw@sbcglobal.net>
Sent: Tuesday, March 08, 2016 4:01 PM
To: dave@girlingreig.com; duncan@goboating.com; brad@occsailing.com
Cc: Dixon, Diane; Miller, Chris
Subject: Temporary anchorage

Dear Chairman Girling and Harbor Commissioners Avery and McIntosh,

Thank you for the opportunity to provide feedback to the ad hoc committee regarding another temporary anchorage in the turning basin. I have also appreciated your past efforts to mitigate, to the extent you could, some of the negative impacts on the residents and other harbor users from all the changes that have been approved in the harbor. The fact the City Council ignored your recommendation to prohibit jet packs in the harbor in favor of Jetpack America's business and customers was unfortunate but your recommendation probably resulted in limiting the area in which they operate.

While I am grateful for your efforts to listen to the residents on Lido Isle and on the Via Lido side of the bay, our concerns haven't seemed to matter in the end. It seems the City's pursuit of more and more visitors to feed the businesses is the primary goal of its decisions. Supporting that goal is used to justify any damage to the jewel that was the the turning basin, and to justify any interference with the surrounding residents' right to the quiet enjoyment of their homes. I hope the Harbor Commission considers one more time the enormous changes the City has already approved in the turning basin, and consider the possibility the residents around the turning basin, who are citizens of this City, may have been asked to accommodate the interests of visitors and businesses more than enough.

THE TURNING BASIN BEFORE THE CURRENT CHANGES

I have lived and owned rental property facing the turning basin for close to 25 years, so I can speak for the residents in at least five homes (and probably many more) whose quality of life is impacted by activities in the turning basin. Over the years the residents on Via Lido and Lido Isle have willingly or even gladly accommodated crowds of visitors and parking problems during the Christmas Boat Parade and the Boat Show twice a year. Even though there are negative aspects from the crowds and cars, at least the major effects are confined to the street side of the homes. The residents could still enjoy the peaceful bay in our "front yards", and the residents and visitors alike could gaze over the expanse of open water and watch the boats cruising and the abundant wild birds, including scores of pelicans, kingfishers, heron, and sea gulls that used to circle and fish here. In the past, there were always mullet jumping in the bay, an occasional seal and even a few bait balls rolling through the turning basin. In short, the turning basin was almost a nature preserve and as close to experiencing sea life as many people will ever get.

Through most of the years I've lived here, the City Councils protected the quality of life of the citizens and residents of Newport Beach, which were sometimes in opposition to the interests of business or developers. There also was almost a reverence for the beauty of the turning basin and concern for the wildlife, concerns that have somehow disappeared in recent years. We are in a time when developers and business seem to win the contest more often than not. What is and has been happening in the turning basin exemplifies that trend. Activities in the turning basin have dramatically increased in the last five years or so, to the point that seeing a single pelican in the turning basin is unique enough to merit an excited comment. Over and over we hear the City's goal is to attract more and more visitors to Newport to increase business revenue. Likewise, the Harbor Commission's goal is expressed as a desire to make the harbor "more welcoming" to visiting boaters. It sounded nice at first and after all, the bay is a public resource, which incidentally, it always has been a precious public resource that prior City leaders chose to protect as the invaluable asset it is. Over time it has become obvious that attracting visitors to the City and specifically to welcome them in the harbor, is a "no matter what" goal. Meeting the "no matter what" goal has resulted in unhappy consequences for the turning basin itself and for the residents in the neighborhood surrounding the bay.

THE CITY'S POLICY TO CHANGE THE TURNING BASIN IN FAVOR OF VISITORS AND BUSINESSES

First came the "temporary" anchorage that became a disaster when the turning basin was full of boats and completely out of control. Establishing the anchorage that summer was unavoidable during the dredging of the harbor, but it proved to be a nightmare for the residents. There was virtually no enforcement of any noise or boundary rules, even when we called to report problems. Even back then there were suggestions the City wanted to see how an anchorage in the turning basin would work long term but after it was over, we hoped that horrible experience would prove to be the end of anchorages next to the homes.

Sometime later the jet packs suddenly showed up in the turning basin and roared for months next to our homes. Windows had to be shut and the jet packs huge wakes tossed the boats around in their slips. Finally, someone decided maybe the Harbor Commission should investigate whether jet packs were suitable in the harbor. After careful study of the issues, including input from other harbor users and residents, the Harbor Commission recommended to the City Council that jet packs should be prohibited in the harbor. Prior to the Council's decision, residents worked hard on a petition signed by other neighborhood residents, citizens of Newport Beach, and business owners asking the Council to ban jet packs from the harbor. The citizens and businesses most harmed by jet packs were just no match for the Council majority's eagerness to please Jet Pack America and its customers. Although jet packs were acknowledged to be dangerous, noisy and a nuisance to those on the shore, the Council's decision in favor of them was justified in part that the novelty of the jet packs would attract more visitors and their money to the area's businesses. That Council decision was a personal wake up call for me, showing just how unimportant were the interests of the City's citizens, residents and harbor users who are most affected and endangered by the jet packs as compared to the Council majority's policy to favor whatever might bring more visitors and business revenue to the City, no matter what.

Shortly after the jet packs showed up, the Harbor Commission decided to recommend another "temporary" anchorage to gauge the need for it and see whether it could be successfully managed to

avoid a repeat of the chaos in the former temporary anchorage. Last summer's anchorage worked out pretty well for the residents, mainly because there was little demand for it and hence very few boats, and especially because the anchorage area was farther away from the homes on Via Lido. Consistent with what happened in the prior temporary anchorage, there was virtually no enforcement in terms of patrol boats monitoring the area, however, the lack of boats meant there wasn't much need for enforcement. The one time I did call the Harbor Patrol about a five-boat raft up, no one ever came to take care of it and the boats remained all day.

At about the same time the idea of last summer's temporary anchorage came up, the Invictus arrived. Press reports were that it was coming into the harbor for the special purpose of a christening ceremony. Unfortunately, it keeps coming back to hang out in front of my windows, creating a situation in front of my home (and my neighbors's homes) that would never be tolerated anywhere else in the City. The Invictus is assigned to drop its bow anchor directly in front of my second story living room windows. During the day, the view from my 30-foot-wide windows is almost completely blocked by Invictus' 38-foot beam. Even worse, for days at a time, the inside of my house is flooded with lights on the boat's three or four-story bow so that I am lighted up inside my house all night and my kitchen, living and dining rooms are never dark. Although I asked for some relief from the nighttime lights, Commissioner Avery stated that the Invictus cannot turn the lights down further than they are. The message is that when it comes to accommodating the Invictus, even if its location in the turning basin creates an obvious nuisance, the residents' right to the quiet enjoyment of their homes just doesn't matter. Instead, because the Invictus is so huge and such a symbol of wealth, it's "fun" to see it and a real coup to have a boat of that caliber in the harbor. I can assure you it is not "fun" to have a giant ship blocking your windows, and it's not "fun" to have your privacy and well-being sacrificed to cater to a wealthy and powerful man as some kind of a coup. Once again anything is justified if it will attract more visitors and business revenue to the City.

Now there's another proposal for a "temporary anchorage" in a second attempt to establish there is a need for it. It's pretty clear by now that it's really about bringing more visitors to spend their money and increase business revenues on shore. By advertising the anchorage to attract more boats, the goal is to fill it with as many boats as will fit, prove the anchorage is "necessary," and make it permanent. Whether it harms the residents is almost beside the point as is whether it harms the turning basin itself. The wild birds have essentially been driven away. We can only wonder what effects all the new activities (people, jet packs, noise, anchors, pollution) are having under the surface of the bay, but the effects have probably not been good. I never see the mullet jumping anymore and have only seen one school of baitfish in the past several years.

GIVEN THAT THE "TEMPORARY" ANCHORAGE IS COMING, PLEASE HAVE A PLAN FOR ENFORCEMENT

During the discussion at the ad hoc committee meeting, I didn't hear any new plans to monitor the next temporary anchorage. If more and more boats fill the anchorage, as is the goal, a repeat of the chaos during the first anchorage is almost inevitable unless the anchorage is monitored. While the Harbor Patrol always expresses the willingness to enforce the rules in the anchorage, every time it's put to the test, the Harbor Patrol has shown it doesn't have the ability or personnel to monitor the anchorage or enforce the rules. The fact is that patrol boats in the turning basin are almost as rare as

pelicans. Suggesting the Harbor Patrol, which is charged with enforcing the law in the harbor, will also enforce anchorage rules is really a feel-good hope rather than an enforcement plan. Calls to the Harbor Patrol about noise or boundary issues in the anchorage will never take priority over law enforcement, and rightfully so. Furthermore, expecting the residents to act as some sort of community sheriffs and call the Harbor Patrol to report problems is an intrusion on whatever time residents have to enjoy their homes, and the intrusion is compounded by resentment when the Harbor Patrol doesn't respond. The bottom line is the residents shouldn't have to monitor a bad situation the City has created and abandoned in front of their homes.

Catalina was mentioned in the ad hoc Committee meeting as an example of a crowded anchorage that works. I've spent many weeks moored in Avalon Harbor in my years of boating. Avalon has a Harbor Master in charge of small one-person harbor boats that monitor the harbor almost full time, at least until very late at night after the harbor quiets down. The Harbor Master also puts dye tablets in the holding tanks of the boats to monitor and minimize pollution in the bay. If the City insists on having an anchorage in the turning basin, it should provide a Harbor Master-type boat specifically to monitor the turning basin anchorage and the other anchorage if needed, possibly funded by the boaters who anchor in the harbor for more than a day. With a dedicated harbor boat, the City could also put dye tablets in the boats' holding tanks to discourage pollution and protect swimmers.

With the exception of the Harbor Commission's recommendation against jet packs in the harbor, its decisions and recommendations appear to be consistently driven by the goal of making the harbor welcoming to as many visiting boaters as there is open water to accommodate them, with the connected goal that they will increase revenue for businesses on shore. While both may be worthy goals, a third worthy goal is to protect the needs of the other harbor users, the residents' quiet enjoyment of their homes, and the turning basin itself. At some point, I hope to see more balancing of the issues in your decisions rather than an unquestioning drive to bring more and more visitors to Newport and Newport Harbor, no matter who or what is sacrificed to do it. Otherwise, you might degrade and destroy neighborhoods and take the beautiful turning basin to a place from which it will never recover. In the process, your decisions may be destroying the very reason some visitors like to come here.

I know I represent only one point of view and there are obviously others. Frankly, I've written such a comprehensive opinion because I've about given up and this is probably the last time I will take the time to write. I am discouraged by how impotent the residents seem to be in protecting the beautiful environment we have been privileged to live in for all these years. I hate to see the turning basin turned into part Coney Island attractions and part RV park, but while I hate it for my own home environment, I hate it even more for the loss to future generations of the simple pleasure of looking at open water, seeing the birds soar and the fish jump, and dreaming of someday sailing one of the boats gliding by. That loss is priceless.

With respect for the work you do,

Pam Whitesides



NEWPORT BEACH

Harbor Commission Staff Report

March 9, 2016
Agenda Item No. 3

TO: HARBOR COMMISSION

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

TITLE: Land Use Review: 2101 West Coast Highway (Ardell Property)

ABSTRACT:

Planning Manager Patrick Alford will review the land use requirements for 2101 West Coast Highway property and the greater Mariner's Mile area.

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.

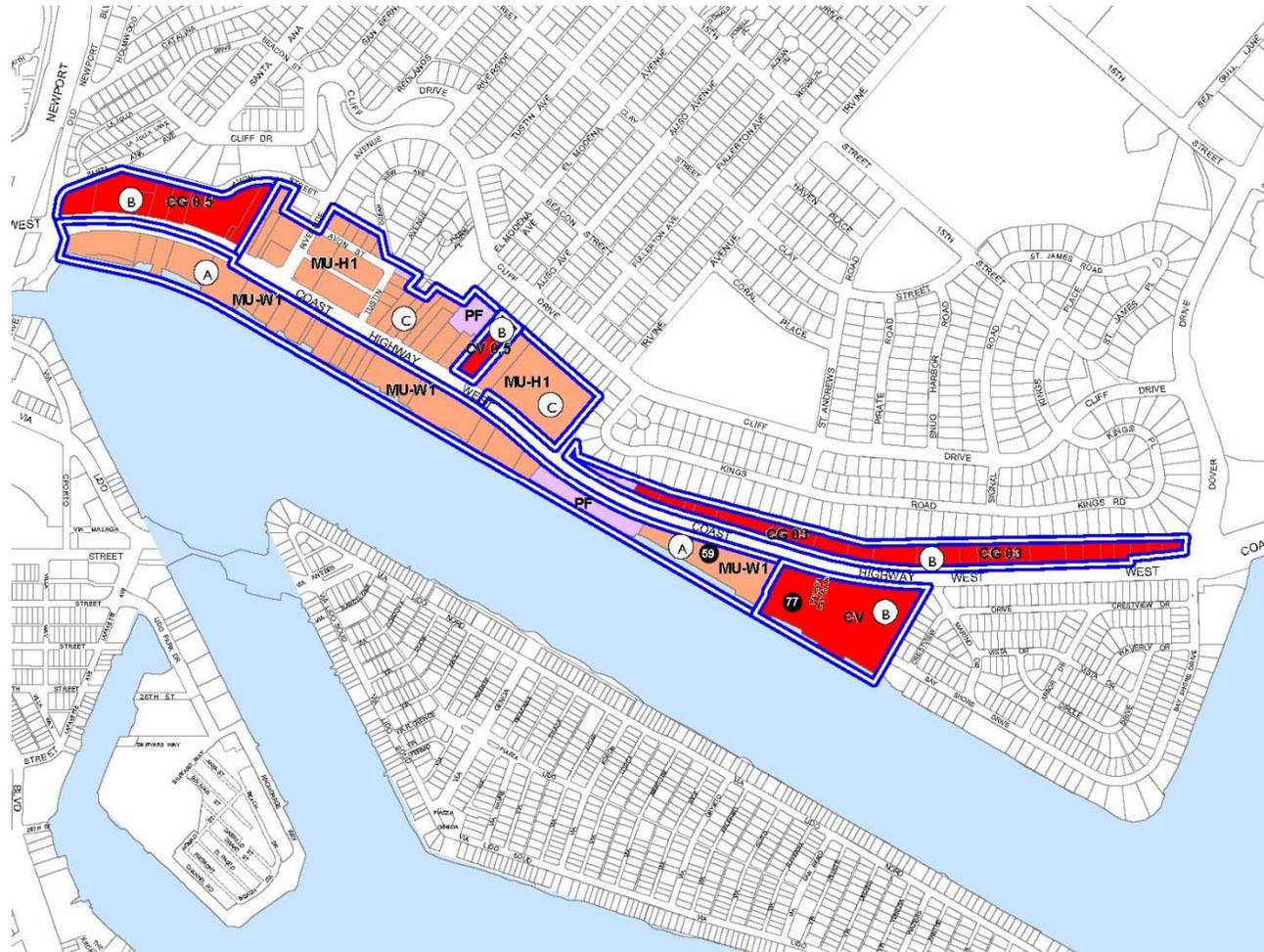
The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Mariners' Mile and Ardell Properties

Harbor Commission
March 9, 2016



Mariners' Mile



General Plan Land Use Element

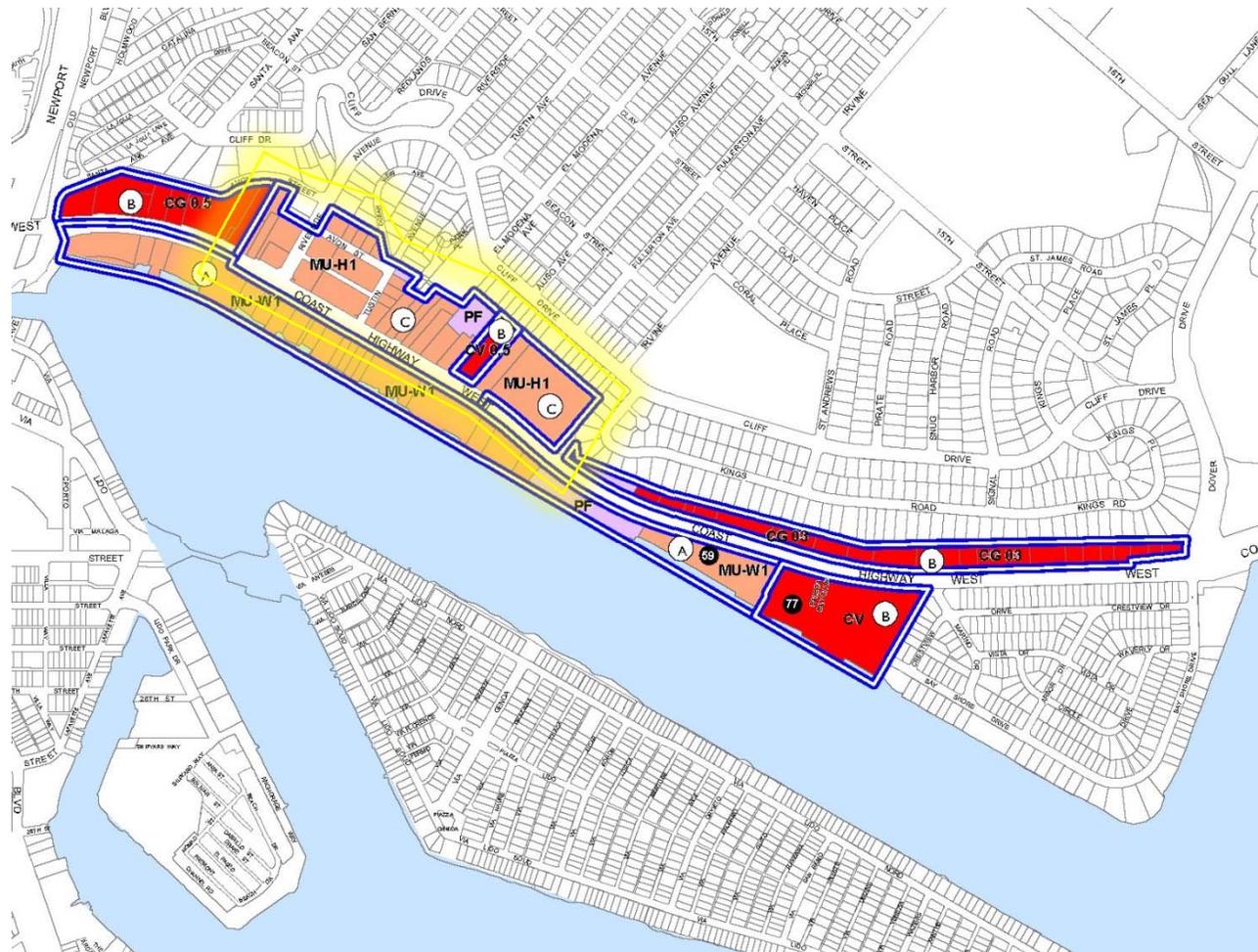
Three Districts:

- Highway-oriented commercial corridor
- Community/Neighborhood-serving village
- Harbor-oriented with limited residential

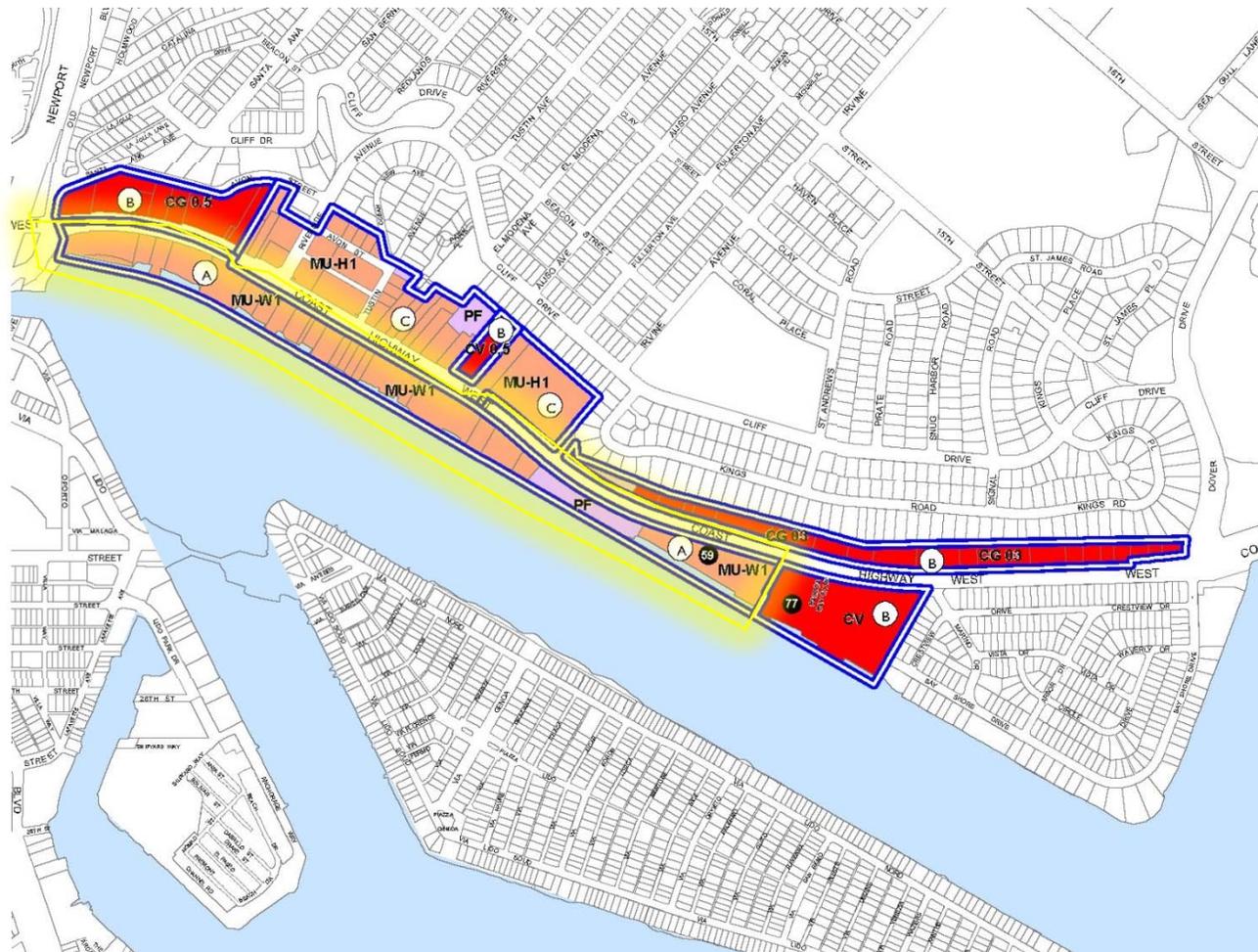
Mariners' Mile Highway Corridor



Mariners' Mile Village



Mariners' Mile Waterfront



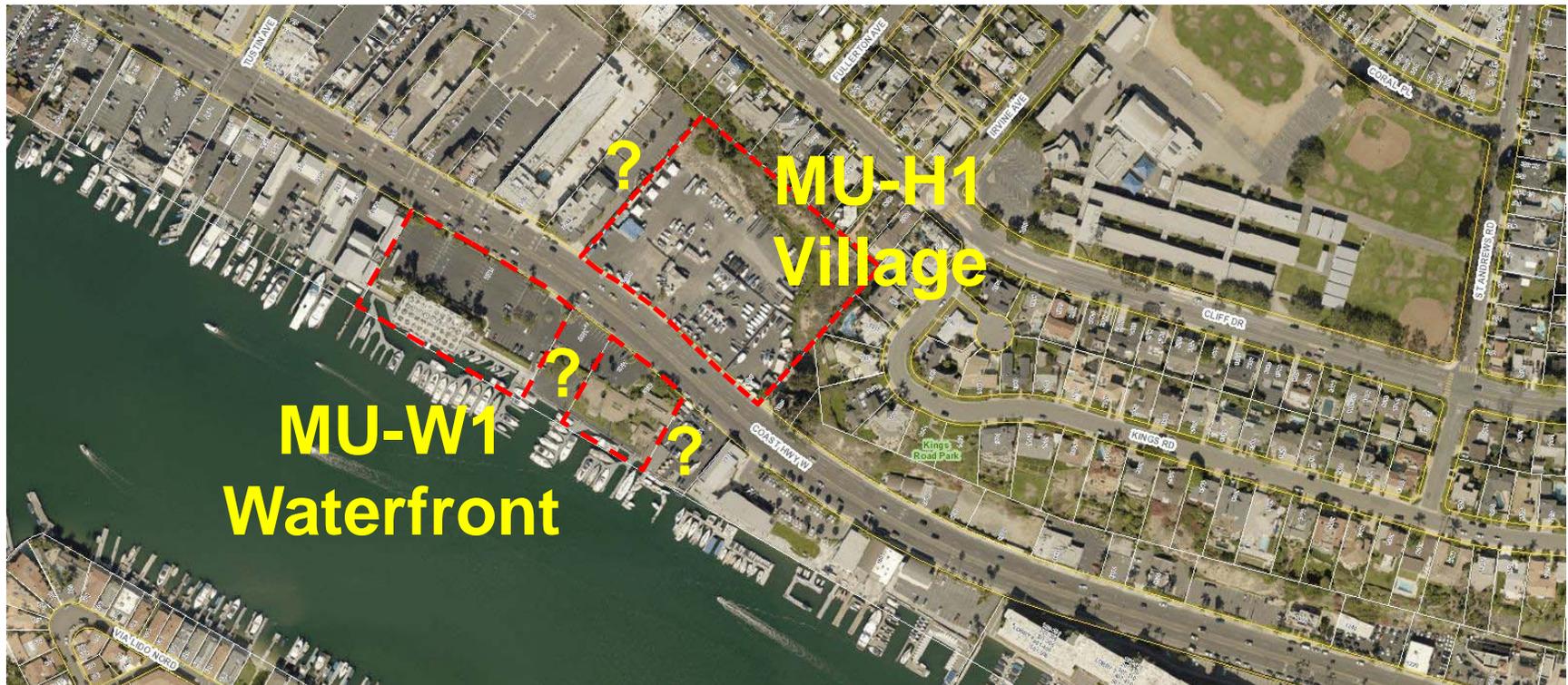
Waterfront Land Uses

- Encourage marine-related/visitor-serving
 - Retail
 - Restaurant
 - Hotel
 - Institutional
- Residential Mixed-use
 - Min. 200 ft. of frontage
 - Min. 50% floor area for nonresidential uses
 - Max. 50% land area for residential uses

Waterfront Design Elements

- Required adequate parking
- Pedestrian promenade
- Access and Views
 - Corridors
 - Modulate building volume and massing
 - Vary building heights
 - “See-through” elements
 - Minimize features that block views
 - Coordinate with adjacent properties

Ardell Properties



Master Plan

- Viewshed Protection
- Resource Protection
- Building scale/massing
- Architectural character
- Streetscape amenities
- Access and parking
- Traffic
- Bayfront connectivity



Master Plan RFP

- Distributed Feb. 8
- Proposals due Mar. 1
- Evaluation Mar. 14
- Award Apr. 12



CITY OF NEWPORT BEACH
REQUEST FOR PROPOSAL
Mariners' Mile Revitalization Master Plan



Due Date: March 1, 2016
Contact: Brenda Wisneski, AICP
Deputy Community Development Director
T: 949.644.3297 F: 949.642.3229
bwisneski@newportbeachca.gov



For more information contact:

Patrick J. Alford, Planning Manager
949-644-3235
PAlford@newportbeachca.gov
www.newportbeachca.gov

Manager's Report

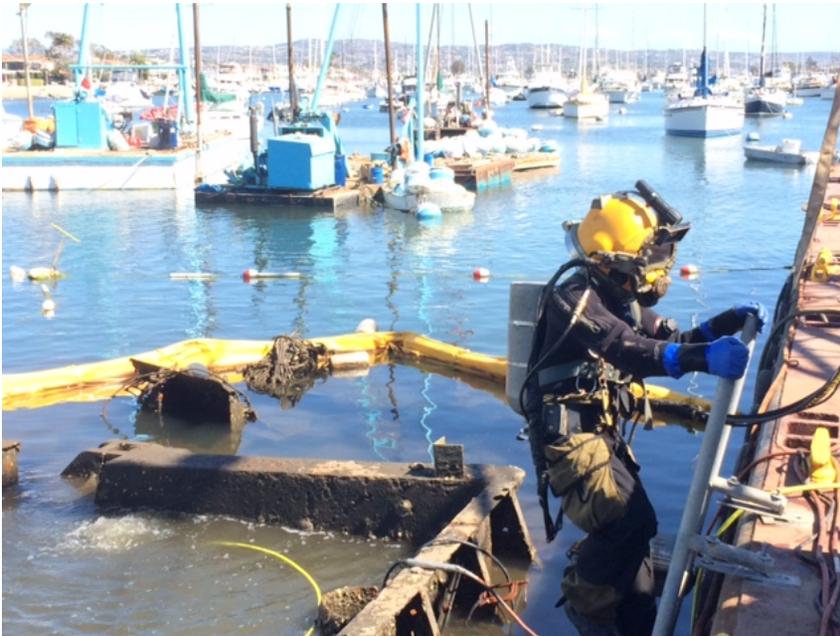
Harbor Commission

March 9, 2016

Gemini Update



Gemini Update



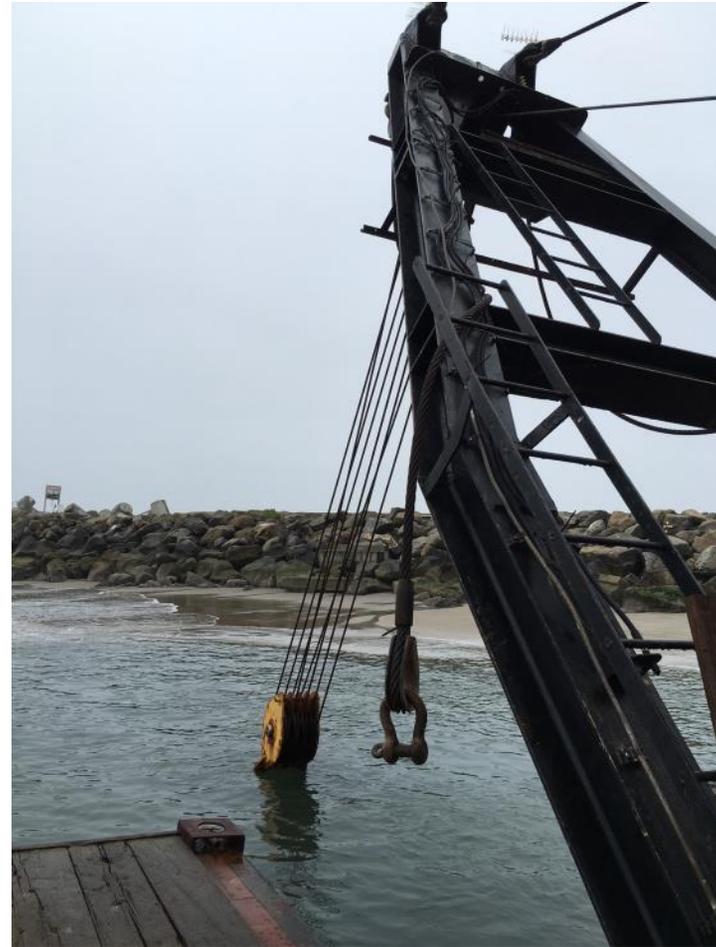
Santa Cruz Harbor Dredging



Santa Cruz Harbor Dredging



Santa Cruz Harbor Dredging



Santa Cruz Harbor Dredging



Santa Cruz Harbor Dredging



Many Thanks to Bill Lee –
Santa Cruz Port Commissioner & “The
Wizard”

