

HARBOR COMMISSION AGENDA

City of Newport Beach
Bonita Creek Community Center
3010 La Vida
c/s University, near Jamboree
Wednesday, April 21, 2010
Regular Meeting – 6:00 pm

Karen Rhyne - Chairman

John Corrough
Tim Collins
Marshall Duffield

Don Lawrenz
Ralph Rodheim
Vincent Valdes

The Harbor Commissioners are citizens of Newport Beach who volunteer to serve on the Harbor Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

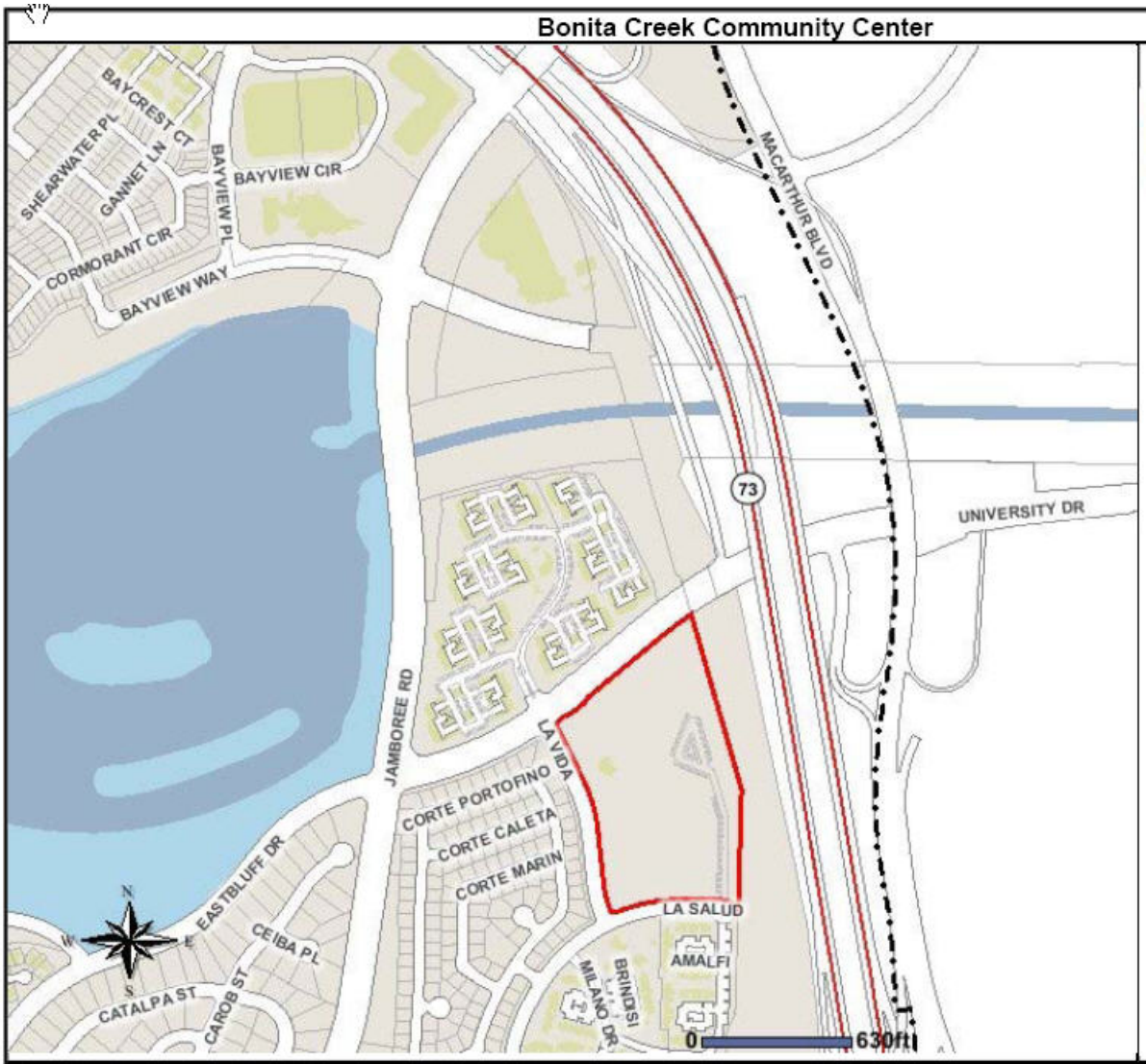
Chris Miller
Manager, Harbor Resources

Shannon Levin
Supervisor, Harbor Resources

NOTICE TO THE PUBLIC

Regular meetings of the Harbor Commission are generally held on the second Wednesday of each month at 6:00 p.m. Staff reports or other written documentation have been prepared. The agendas, minutes and staff reports are available on the City's web site the Friday afternoon before the meeting. The address is: <http://newportbeachca.gov/> under Agendas & Minutes, then Harbor Commission. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Harbor Resources staff at (949) 644-3034.

It is the intention of the City of Newport Beach 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, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Shannon Levin, Harbor Resources Supervisor at (949) 644-3041, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.



NEWPORT BEACH HARBOR COMMISSION AGENDA
Bonita Creek Community Center
3010 La Vida
c/s University, near Jamboree
Wednesday, April 21, 2010

CALL TO ORDER 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL/INTRODUCTION:

“The Commissioners sitting before you are citizens of Newport Beach who volunteer to serve on the Harbor Commission. They were appointed by the City Council at large by majority vote for 4-year terms. The people sitting at the table in front are City staff members and are here to advise us during the meeting. Immediately to my left are:

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

MINUTES:

Recommended Action: Approve minutes from last meeting.

PUBLIC COMMENTS: *Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Harbor Commission – Speakers must limit comments to 3-minutes. Before speaking, please state your name and address for the record.*

ALL TESTIMONY GIVEN BEFORE THE HARBOR COMMISSION IS TAPE RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.)

ACTION & APPEAL ITEMS

ITEM #1

Subject: ***Appeal for Dock Reconfiguration at 2115 Bayside Drive***

Issue: Should the Harbor Commission allow the applicant to add an extension to his float beyond the Pierhead Line at 2115 Bayside Drive?

Discussion:

Public Comments:

Action: The Harbor Commission may:

1. Affirm the decision of the Harbor Resources Manager to deny the proposal to add an extension to the existing float; or
2. Modify the decision of the Harbor Resources Manager; or
3. Reverse the decision of the Harbor Resources Manager.

ITEM #2

Subject: *Appeal of Harbor Resources Revocation of Mooring H-714*

Issue: Should the Harbor Commission reverse the decision of the Harbor Resources Manager to revoke mooring H-714 for unpaid fees?

Discussion:

Public Comments:

Action: The Harbor Commission may:

1. Affirm the decision of the Harbor Resources Manager to revoke the mooring permit for mooring H-714; or
2. Reverse the decision of the Harbor Resources Manager by reinstating the mooring permit for H-714.

SUB-COMMITTEE REPORTS – Receive and File

HARBOR RESOURCES UPDATE – Receive and File

PUBLIC COMMENTS ON SUB-COMMITTEE REPORTS OR HARBOR RESOURCES UPDATE

COMMISSIONER'S ANNOUNCEMENTS OR MATTERS TO BE PLACED ON FUTURE AGENDAS FOR DISCUSSION, ACTION OR REPORT

RECOMMENDED TOPICS FOR FUTURE AGENDAS

- Rhine Wharf public pier rules (time limits, no fishing etc...)
- Eelgrass
- Balboa Island bulkhead report
- Sea Lions
- Harbor Patrol authority to impound vessels during special events
- Balboa Marina

DATE AND TIME FOR NEXT MEETING: Wednesday, May 12, 2010

ADJOURNMENT

CITY OF NEWPORT BEACH HARBOR COMMISSION STAFF REPORT

Agenda Item No. 1
April 21, 2010

TO: HARBOR COMMISSION

FROM: Harbor Resources Division (City Manager's Office)
Shannon Levin, (949) 644-3041
Shannon@newportbeachca.gov

SUBJECT: Appeal for Dock Reconfiguration at 2115 Bayside Drive

ISSUE:

Should the Harbor Commission allow the applicant to add an extension to his float beyond the Pierhead Line at 2115 Bayside Drive?

OPTIONS:

The Harbor Commission may:

1. Affirm the decision of the Harbor Resources Manager to deny the proposal to add an extension to the existing float; or
2. Modify the decision of the Harbor Resources Manager; or
3. Reverse the decision of the Harbor Resources Manager.

BACKGROUND:

At 2115 Bayside Drive Mr. Tsong proposes to add (1) 23' float to the existing landward-most finger and (1) 10" pile on the U-shaped float that currently extends past the U.S. Pierhead Line and is considered 'existing non-conforming' (Attachment C). Unless otherwise noted in Council Policy H-1, dock structures are not permitted to extend beyond the Pierhead Line. In addition, Council Policy H-1 requires that "piers shall be subject to special permits approved by the Harbor Commission."

Harbor Resources denied the permit because the proposed addition increases the overhang of the float beyond the Pierhead Line. With a slip width of 20 feet, an 83 feet vessel with a 20 feet beam could berth in the slip causing a Project Line overhang of at least 12 feet (Attachments B).

With respect to the frontage on the property, there appears to be space for the extension without encroaching upon the neighbor's property to the east. In addition, there are (2) single-can moorings that are located approximately 200' away from the proposed finger and existing float. As part of the City's upcoming mooring boundary readjustment, this mooring field will be relocated slightly northward and will decrease the distance between the float and nearby moorings (Attachment D). Because of the large channel area in

front of this property, there appears to be significant space for safe ingress and egress from the slip and side tie.

For all dock projects which involve reconfiguration, Special Conditions are written outlining the responsibilities the pier permittee has in relation to the dock, the property lines and the allowable overhang into the harbor. Typically, piers are also conditioned to allow vessels to overhang beyond the fingers by their beam width only. Since this proposal extends beyond the Pierhead Line and is therefore requesting an exception, the Commission might consider an overhang limit for the inside slip and outside side-tie if they approve the proposed configuration.

In 2006, the applicant applied to extend each finger of the existing dock by 40'. The proposal was denied by Harbor Resources and subsequently heard before the Harbor Commission as an appeal. The Commission affirmed Harbor Resources' decision.

ENVIRONMENTAL REVIEW

The Harbor Commission's approval of this item is categorically exempt from CEQA under section 15301, Class 1, Existing Facilities.

"Class 1 consists of the operation, repair, maintenance, permitting, licensing, or minor alternation of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

PUBLIC NOTICE:

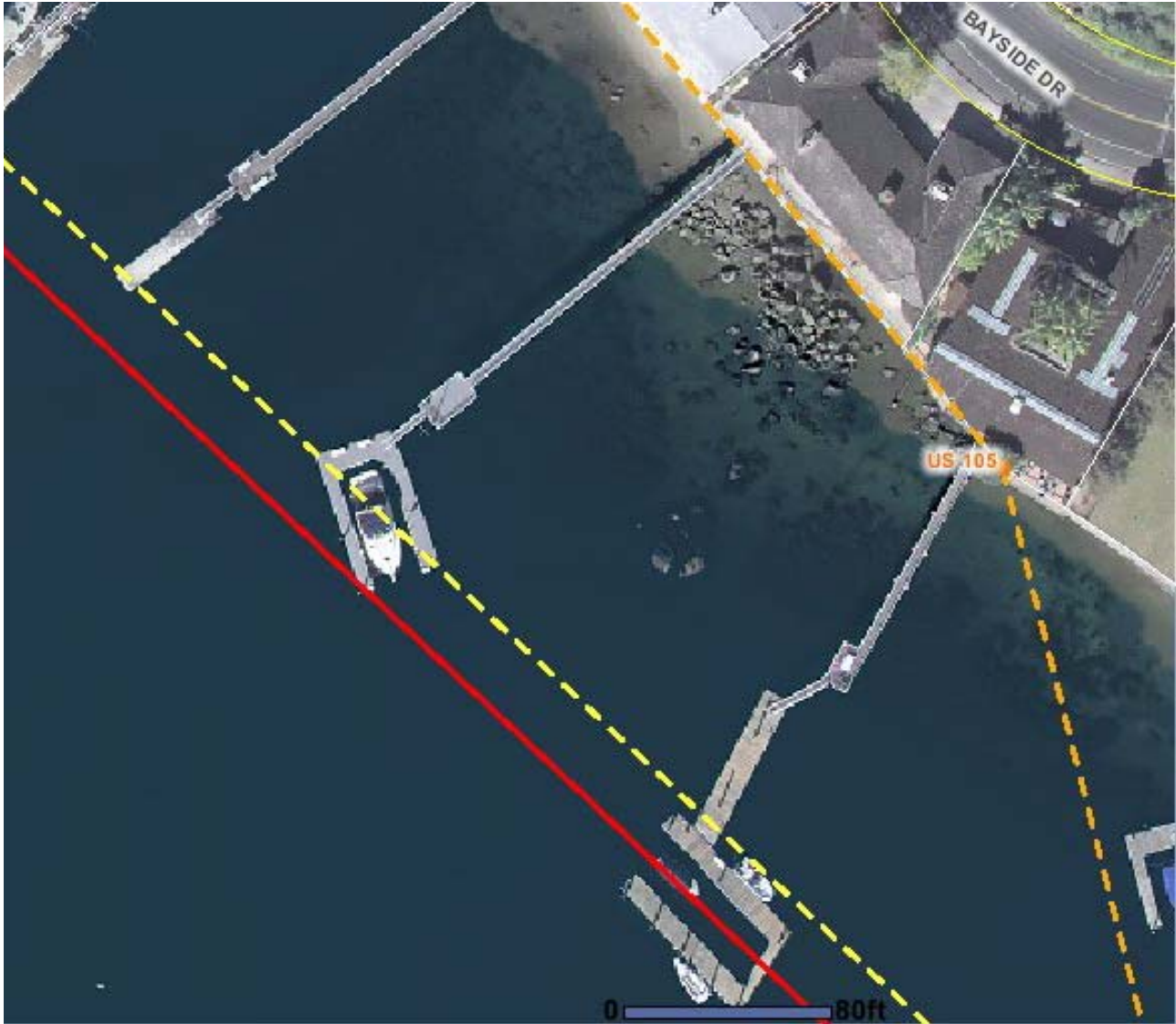
This agenda item has been noticed according to the Ralph M Brown Act (72 hours in advance of the public meetings at which the Harbor Commission considers the item).

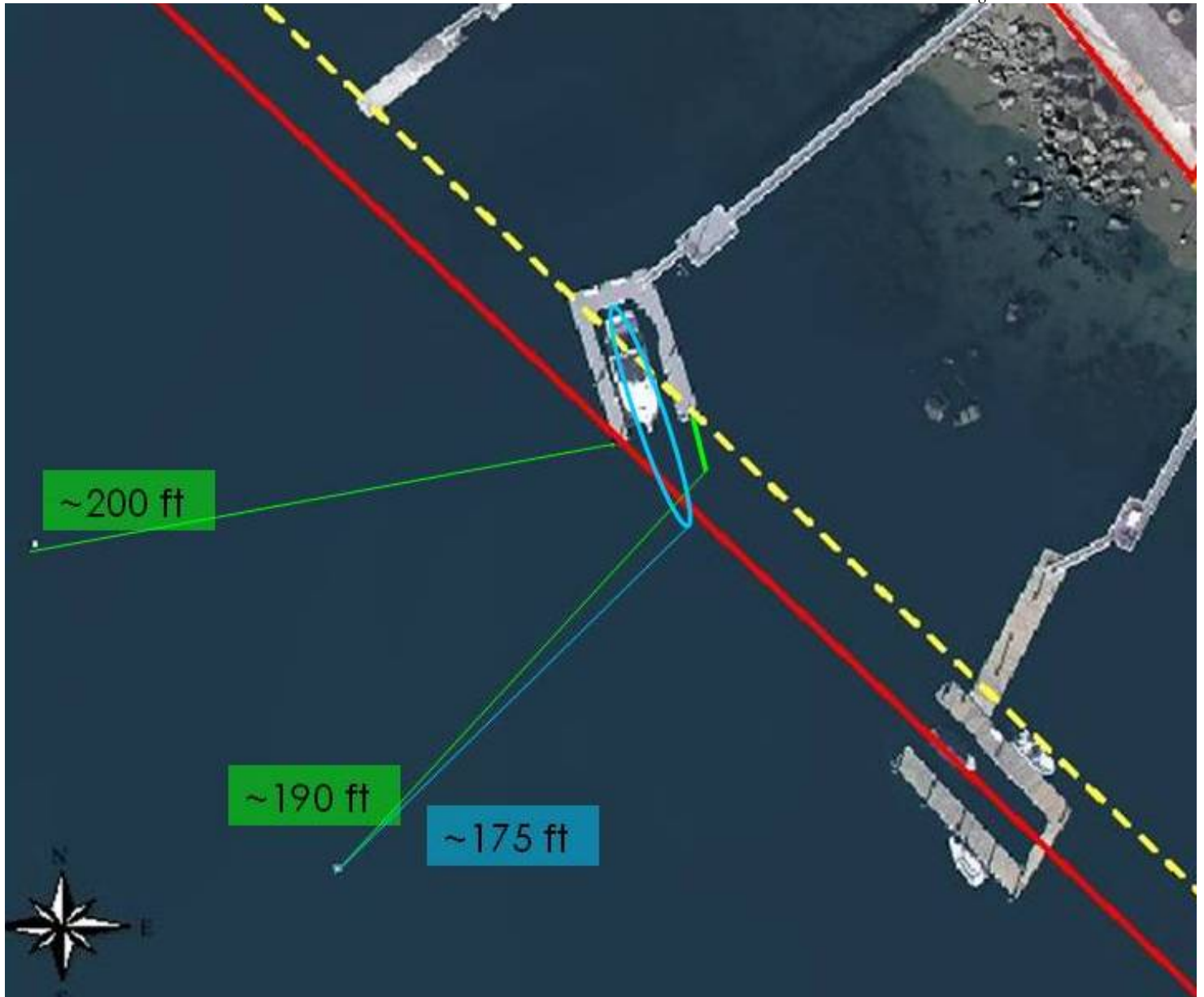
Prepared by:

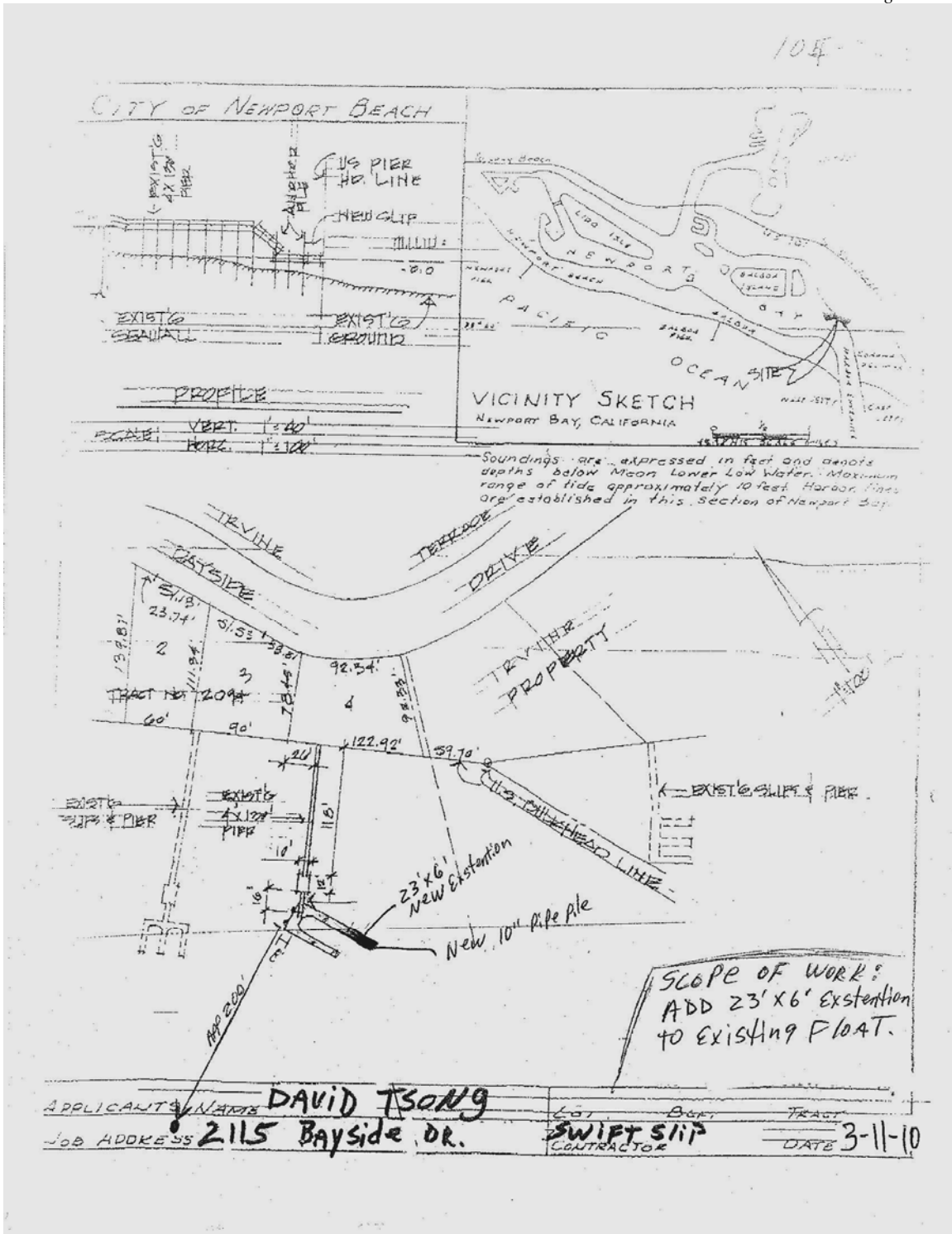
Shannon Levin
Harbor Resources Supervisor

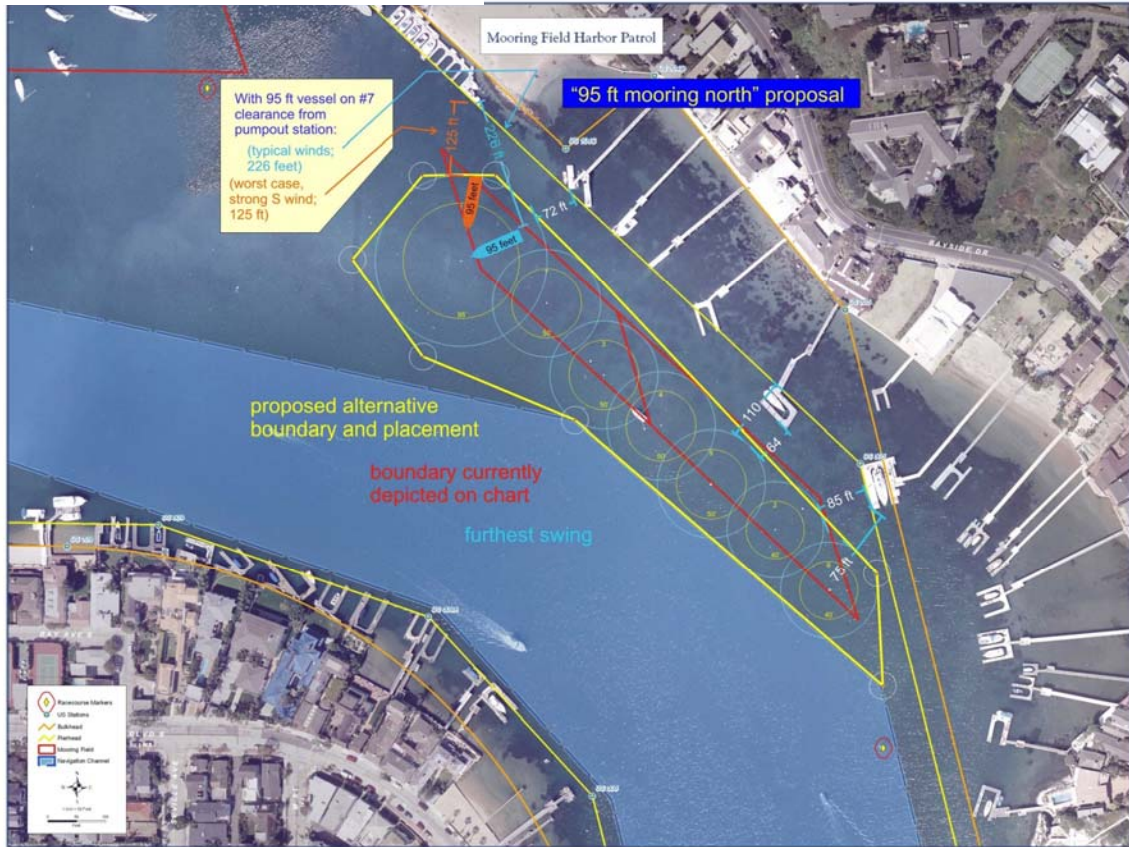
Attachments

Attachment A- 2115 Bayside Dr.









CITY OF NEWPORT BEACH HARBOR COMMISSION STAFF REPORT

Agenda Item No. 2
April 21, 2010

TO: Harbor Commission

FROM: Harbor Resources Division (City Manager's Office)
Shannon Levin, Harbor Resources Supervisor
(949) 644-3041, shannon@newportbeachca.gov

SUBJECT: Appeal of Harbor Resources Revocation of Mooring H-714

ISSUE

Should the Harbor Commission reverse the decision of the Harbor Resources Manager to revoke mooring H-714 for unpaid fees?

OPTIONS

The Harbor Commission may:

1. Affirm the decision of the Harbor Resources Manager to revoke the mooring permit for mooring H-714.
2. Reverse the decision of the Harbor Resources Manager by reinstating the mooring permit for H-714.

BACKGROUND

On December 11, 2007 mooring permit H-714 was transferred to Mark Slagle. The assigned vessel was a 10' outboard yet the vessel on the mooring was a 43' sailboat registered to Slagle. The 2008 annual permit was paid by check on February 6, 2008.

The 2009 permit invoice for mooring H-714 was mailed on January 27, 2009 by the Revenue Division to Mark Slagle at the registered address on the mooring permit. Upon failure to pay, the past due notice with penalty was mailed to Slagle on March 6, 2009. On April 7, 2009 the second past due notice, or third invoice, with additional penalty was mailed to the Slagle to the address registered on his permit. At that point, \$1,500 in fees were due.

The permittee paid with a check dated April 22, 2009 a partial bill of \$1,250 leaving a balance of \$250. On May 5, 2009 and June 9, 2009 the Revenue Division mailed balance due notices.

In July 2009 Harbor Resources was informed of delinquent mooring fees. Harbor Resources mailed the permittee an Intent to Cancel to the registered mailing address. On October 8, 2009 Harbor Resources mailed a second Intent to Cancel. Finally, on

November 12, 2009 the Notice of Cancellation was mailed to the registered address and the mooring permit was revoked by Harbor Resources on November 17, 2009 according to Newport Beach Municipal Code Section 17.60.040(D).

17.60.040(D) Mooring Permits, Unpaid Fees

When the permittee is in arrears for a period of one hundred twenty days or more, the Harbor Resources Manager may , at his discretion, cancel the permit upon five days written notice to the permittee by first class mail... If the mooring is not removed by the permittee within 30 days after cancellation of the permit, then it shall be deemed abandoned and the title thereto shall vest in the City.

The Harbor Patrol was notified to begin the impound notice period for the vessel on H-714. In January 2010 Harbor Resources was contacted by Marilyn Crouch for Slagle, and was informed that the mooring was revoked nearly two months prior. Crouch contacted the Harbor Patrol and commenced discussions on the status of the vessel.

The mooring was then overhauled in February 2010 and paid by the Harbor Resources Division since the mooring belonged to the City at this point.

In March 2010, Crouch and Slagle petitioned the City to reinstate the mooring. The applicant has paid all fees including past due balance, 2010 balance and overhaul. The 2010 fees were assigned as appeal fees in order to secure funds in the case that the appeal is granted. Should the appeal be overturned 2010 fees will be refunded.

ENVIRONMENTAL REVIEW:

The Harbor Commission's approval of this Agenda Item does not require environmental review.

PUBLIC NOTICE:

This agenda item has been noticed according to the Ralph M Brown Act (72 hours in advance of the public meetings at which the Harbor Commission considers the item).

Prepared by:

Shannon Levin
Harbor Resources Supervisor