

NEWPORT BEACH HARBOR COMMISSION MINUTES
City Council Chambers
September 16, 2009

CALL TO ORDER 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Commissioners John Corrough, Tim Collins, John Corrough, Marshall Duffield, Ralph Rodheim and Vincent Valdes were present. Chairman Rhyne and Commission Lawrenz were absent.

Staff: Lorrie Arcese, Chris Miller and Shannon Levin

MINUTES: The minutes from the last meeting were approved.

ACTION & APPEAL ITEMS

Subject: AERIE Dock Structure at 201-207 Carnation Avenue – Continue Item
Issue: The AERIE applicant has requested that the Harbor Permit / Approval in Concept appeal be continued to the date certain Harbor Commission meeting on October 14, 2009.

Discussion:

Public Comments:

Action: The motion was made and carried with all ayes to continue the AERIE appeal to the October 14, 2009 Harbor Commission meeting.

ITEM #2

Subject: Bluewater Grill, Harbor Permit Appeal
Issue: In July 2009 City staff was notified that a shade structure was constructed on the patio / pier of Bluewater Grill without prior approval and permits. According to the Harbor Development Regulations no permanent structures are allowed on patios/piers, therefore, the applicant was informed that Harbor Resources would not issue a Harbor Permit. The applicant is appealing to the Harbor Commission to reconsider and issue a permit for the shade structure.

Discussion: It was agreed that the structure was well done and looks good. There have been no complaints from the neighbors. The appellant said it is much safer than the umbrellas that were used before, which caught on fire and blew over.

Public Comments:

Action: The motion was made and carried to approve the applicant's appeal and advise Harbor Resources to grant a Harbor Permit for the structure.

ITEM #3

Subject: Sea Lion Presentation by the Pacific Marine Mammal Center
Issue: The Harbor Commission heard a presentation about sea lions from a representative of the Pacific Marine Mammal Center.

Discussion: The center takes care of sick and injured animals. The sea lions that are in the harbor are non-migratory. The males only leave the harbor to eat after the mating season and then come back. There are now fewer sharks in our waters which are their predators. The population is rising each year, but Mother Nature usually has some event that does decrease the numbers, such as bacteria outbreaks and El Niño. They have learned that man means a meal. The public must be made aware that feeding of the sea lions must be stopped. It adds to their aggressive behavior. Harbor Resources explained that we are

acting on all complaints with calls and letters to the boaters and dock owners. In order for them to react they must get calls from the residents with the can numbers. They cannot act if they are not informed. Procedures must be followed and they are following them.

Public Comments: Chuck South expressed concern with the protection of the animals and their proliferation over the years.

Action: The commissioners asked this to be agendized. The City needs to send out a letter to the residents reminding them not to feed the sea lions and that preventions must be taken. The stickers that Harbor Resources gave to the commercial boating industry will be redone and handed out. There need to be a review of the lengthiness it takes to remove a derelict vessel. Receive and file.

SUB-COMMITTEE REPORTS:

- Mooring transferability is being fine tuned and will go to a City Council Study Session.
- The Water Taxi issue is on schedule for the City Council meeting in December.
- The harbor guide has been printed and will be distributed.

HARBOR RESOURCES UPDATE – Chris gave an update on the harbor. He was advised by the Commissions to not issue a permit for both races on the same day. Chris was asked to check with the City Attorney if we cannot grandfather the Linda Isle issue. A question on the public access at the Balboa Marina, which the Harbor Commission requested came up, the marina is built with the public access location, but there is not a well thought out plan. It is a private gated marina and has public access which conflicts. So they are taking reservations and asking for proof of insurance and registered due to liability. Commissioner Rodheim felt that was unacceptable until it is open to the public. Chris has come up with ideas which they are considering. We need to give them a date to be in compliance. Please refer to the following website: ***The update is posted at <http://www.newportbeachca.gov/index.aspx?page=462> (under Harbor Resources Updates).***

PUBLIC COMMENTS ON SUB-COMMITTEE REPORTS OR HARBOR RESOURCES UPDATE:

Commissioner Rodheim said that the harbor guide is complete and he wanted to send special thanks to Sheila Barger and Doug West for their help in producing a good product.

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

RECOMMENDED TOPICS FOR FUTURE AGENDAS:

- Sea Lions mitigation
- Coastal Marina Process

DATE OF NEXT MEETING: October 14, 2009, November meeting will be the 18th

ADJOURNMENT