

# HARBOR COMMISSION AGENDA

City of Newport Beach  
3300 Newport Blvd.  
Council Chambers  
Wednesday, August 11, 2010  
Regular Meeting – 6:00 pm

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Don Lawrenz - Chairman

Doug West  
Duncan McIntosh  
Marshall Duffield

Karen Rhyne  
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  
City Council Chambers  
3300 Newport Blvd  
Wednesday, August 11, 2010**

**CALL TO ORDER**                      6:00 P.M.

**CLOSED SESSION – Council Chambers Conference Room**

**1. Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation  
(Government Code § 54956.9(c)): one matter(s):**

- Potential initiation of litigation on one matter in which disclosure of its underlying existing facts and circumstances would jeopardize the City's ability to conclude existing settlement negotiations to the City's advantage.

**RECONVENE AT 6:20 PM FOR REGULAR MEETING**

**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*

**CLOSED SESSION REPORT (if applicable)**

**PLEDGE OF ALLEGIANCE**

**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:**            **San Diego copper bottom paint study**

**Issue:**             The Harbor Commission will hear a presentation by John Adriany about the copper bottom paint study in San Diego.

**Discussion:**

**Public Comments:**

**Action:**            Receive and file.

**ITEM #2**

**Subject:** Appeal for Dock Reconfiguration at 411 Edgewater Place

**Issue:** Should the Harbor Commission allow the applicant to relocate an existing float and extend it beyond the Pierhead Line at 411 Edgewater Place?

**Discussion:**

**Public Comments:**

**Action:** The Harbor Commission may:

1. Advise the Harbor Resources Manager to deny the proposal to add an extension to the existing float; or
2. Advise the Harbor Resources Manager to approve the application; or
3. Advise the Harbor Resources Manager to approve the application with modifications.

**ITEM #3**

**Subject:** Anchoring of 110 foot Tall Ship in Newport Harbor and Med-Tie Fifteen vessels at the American Legion Marina, 9/30-10/3-2010

**Issue:** Should the Harbor Commission recommend approving the short term anchoring and med-tie of vessels for the American Legion's second annual Wooden Boat Festival?

**Discussion:**

**Public Comments:**

**Action:** The Harbor Commission may:

1. Approve the short term vessel locations for the Wooden Boat Festival
2. Advise applicant to revise anchoring and med-tie plans for Wooden Boat Festival.
3. Deny application for short term anchoring and med-tie for the Wooden Boat Festival.

**SUB-COMMITTEE REPORTS**

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

**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**

- Harbor Commission Task List
- Rhine Wharf public pier rules (time limits, no fishing etc...)
- Eelgrass
- Balboa Island bulkhead report
- Sea Lions
- Balboa Marina
- Dinghy Dock at Lido Bridge – New public pier
- Bay Island update
- Bilge pump-out options

**DATE AND TIME FOR NEXT MEETING:** Wednesday, September 8, 2010

**ADJOURNMENT**

**CITY OF NEWPORT BEACH  
HARBOR COMMISSION STAFF REPORT**

Agenda Item No. 1  
August 11, 2010

**TO:** HARBOR COMMISSION

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

**SUBJECT:** Copper Bottom Paint Study in San Diego Harbor

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**ISSUE:**

The Harbor Commission will hear a presentation by John Adriany about the copper bottom paint study in San Diego.

**RECOMMENDATION:**

The Harbor Commission is requested to:

1. Receive and file.

**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). It was also posted on the City's website.

**ENVIRONMENTAL REVIEW**

The Harbor Commission's review of this agenda item does not require environmental review.

Prepared by:

Chris Miller  
Harbor Resources Manager

# CITY OF NEWPORT BEACH HARBOR COMMISSION STAFF REPORT

Agenda Item No. 2  
August 11, 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 411 Edgewater Place**

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## **ISSUE:**

Should the Harbor Commission allow the applicant to relocate an existing float and extend it beyond the Pierhead Line at 411 Edgewater Place?

## **OPTIONS:**

The Harbor Commission may:

1. Advise the Harbor Resources Manager to deny the proposal to add an extension to the existing float; or
2. Advise the Harbor Resources Manager to approve the application; or
3. Advise the Harbor Resources Manager to approve the application with modifications.

## **BACKGROUND:**

At 411 Edgewater Place John Morally proposes to relocate an existing float, install three 14" piles, add a new 4' x 8' pier lobe supported by a 12" pile, and install a new 4' x 6' float to the existing dock beyond the Pierhead line (Attachment A).

The proposed design reconfiguration meets the Harbor Design Criteria. However, the position of the structure is outside of the specification of the Council Policy H-1 for Bulkhead Station 112. H-1 Section D states, "U.S. Bulkhead Sta. 112 to No. 113. Piers will be permitted to extend out to the U.S. Pierhead Line. Commercial piers between A Street and Adams Street will be subject to special permits approved by the Harbor Commission." However, the pier currently extends past the Pierhead line, as permitted according to a reconfiguration in 1997. The neighboring pier structures are also positioned outside the Pierhead line (Attachment B).

The Harbor Commission has the discretion to allow special permits for the commercial piers in this Bulkhead Station (Attachment C). The structures in this bulkhead station, both commercial and residential, extend beyond the pierhead line (Attachment C).

After review of this application Harbor Resources staff acknowledges that this proposed reconfiguration does not meet the Council Policy criteria, yet the proposed structure is akin to those in Bulkhead Station 112. Therefore, Harbor Commission is asked to review the application and advise staff to approve the application.

### **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).

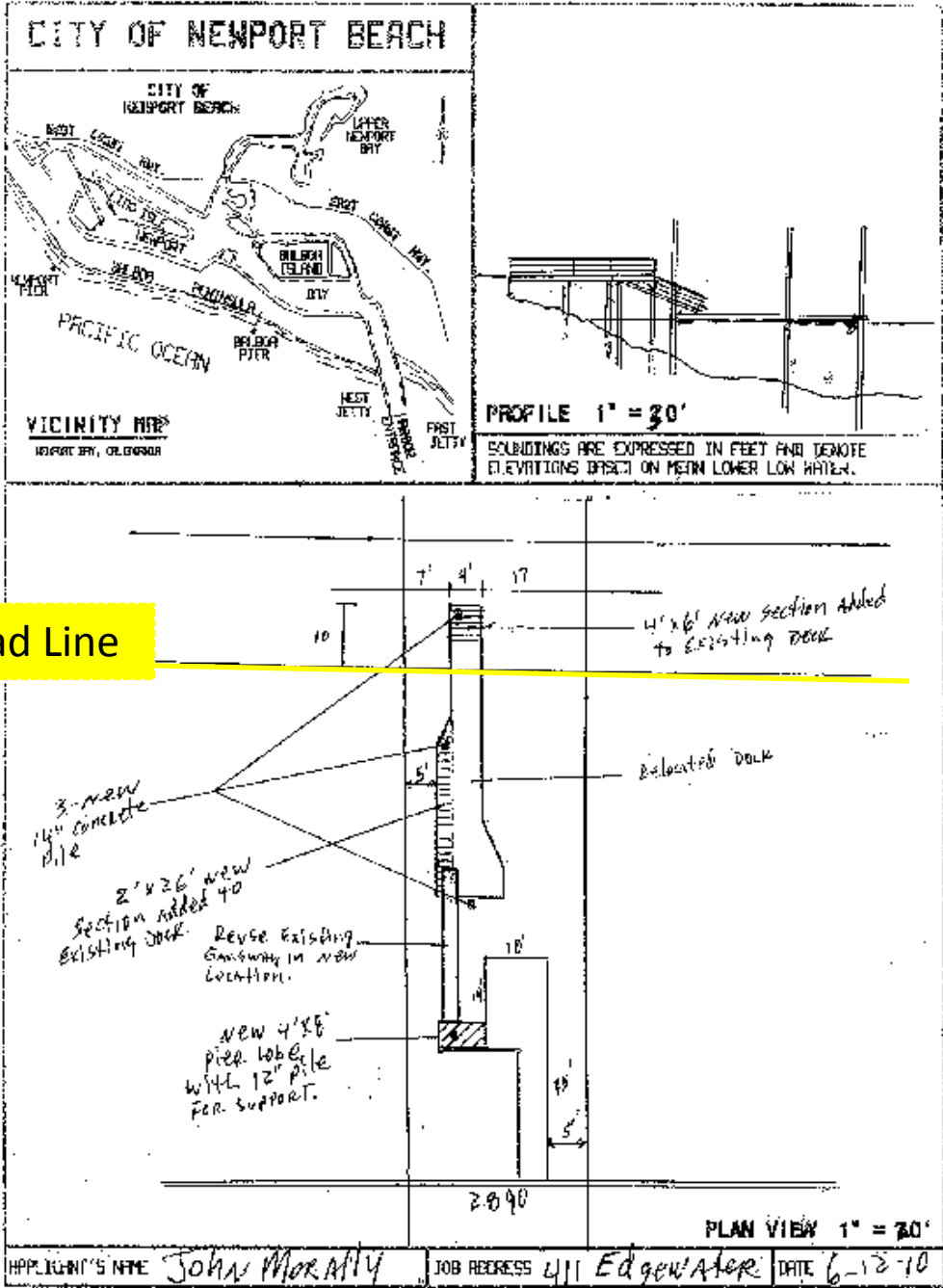
Prepared by:

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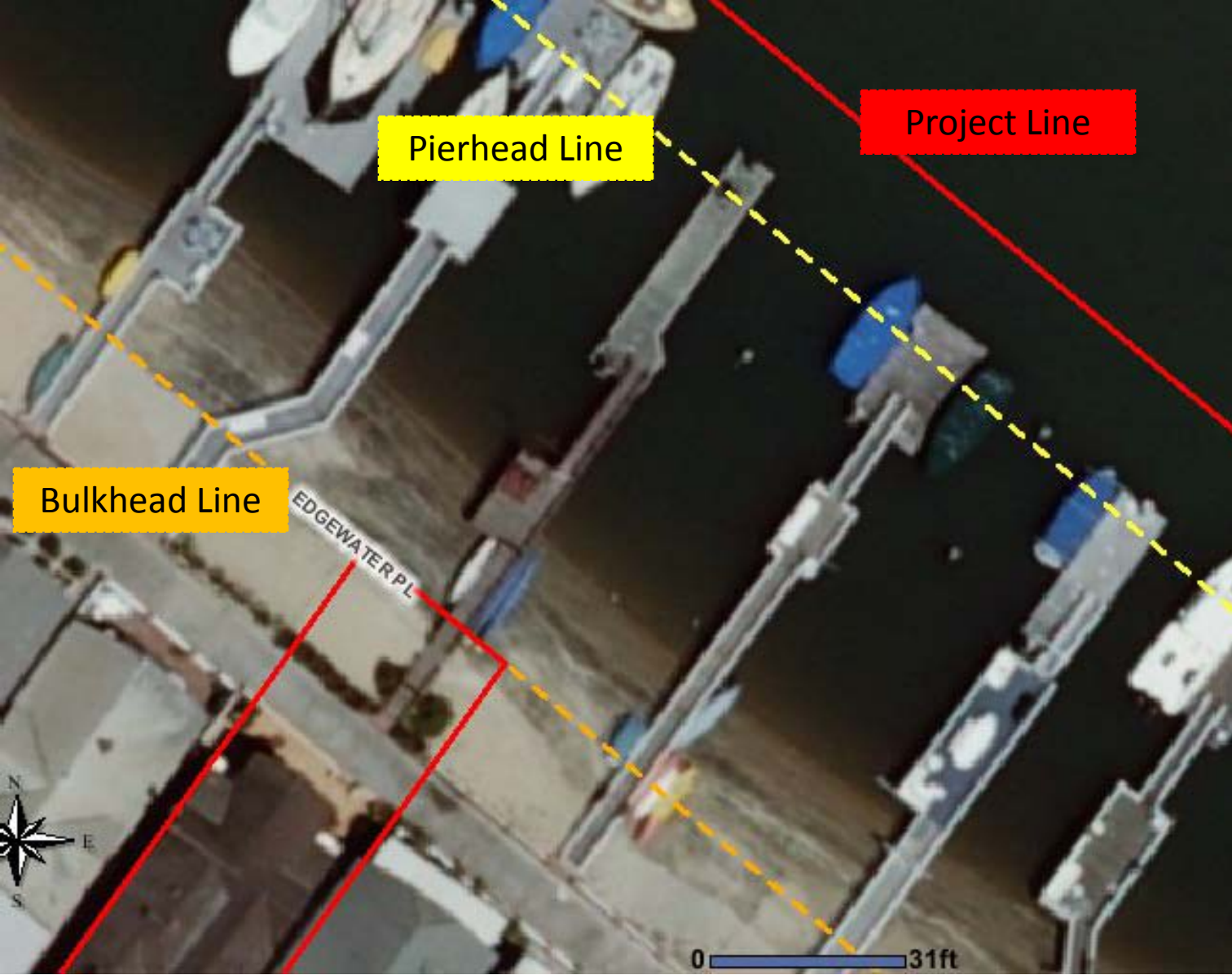
Shannon Levin  
Harbor Resources Supervisor

Attachment A: Proposed Configuration  
Attachment B: Aerial Photo of 411 Edgewater Place & Surrounding Area  
Attachment C: Aerial of Bulkhead Station 112, Existing Structures

# Attachment A Proposed Configuration



**Attachment B**  
**Aerial of 411 Edgewater Existing Structure**





# Attachment C

## Aerial of Bulkhead Station 112, Existing Structures



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

Agenda Item No. 3  
August 11, 2010

**TO:** Harbor Commission

**FROM:** Shannon Levin, Harbor Resources Supervisor  
(949) 644-3041, shannon@newportbeachca.gov

**SUBJECT:** Anchoring of 110 foot Tall Ship in Newport Harbor and Med-Tie  
Fifteen vessels at the American Legion Marina, 9/30-10/3-2010

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**ISSUE**

Should the Harbor Commission recommend approving the short term anchoring and med-tie of vessels for the American Legion's second annual Wooden Boat Festival?

**RECOMMENDATION**

Approve the proposal to anchor and med-tie for the Wooden Boat Festival on September 30, 2010 through October 3, 2010.

**BACKGROUND**

The American Legion Yacht Club is hosting the second annual Wooden Boat Festival in Newport Harbor. The festival draws exhibitors to display their wooden boats at the American Legion marina and on trailers in the parking lot behind the facility. The Wooden Boat Festival is scheduled for October 2, 2010 and the applicant is asking for permission to prepare and take down event exhibits in the waters of Newport Harbor from September 30 through October 3, 2010.

**PROPOSAL**

The applicant proposes two items calling for Harbor Commission input including tall ship anchoring and med-tie on the American Legion marina. The applicant proposes to anchor tall ship *Irving Johnson*, 110' LOA, in the turning basin approximately 400 feet from the Lido bridge. The ship will be tied parallel to the bridge with the bow into the prevailing westerly wind. (Attachment A)

The vessel is Coast Guard Certified and all ground tackle for bow and stern anchoring meets or exceeds Coast Guard regulations. All anchors, buoys, and

navigational lighting will be installed according to the Orange County Sheriff's Harbor Patrol requirements.

The tall ship festival spectators will board at the 15<sup>th</sup> Street public dock a 25 passenger launch skippered by a Coast Guard licensed captain and deckhand. The tall ship will be boarded using the loading platform, and the launch boat will make approximately two round trips per hour.

The loading platform will be delivered to the ship by Swift Slip and fastened to the ship by Swift Slip and crew members. Staff has discussed different approaches of fastening the 8' x 20' float including anchoring, and determined with the contractor's assistance, that the best method is to tie the float to the vessel. This is also the *Irving Johnson* crew's preferred method. Event staff will limit float capacity to 15 persons at a time. Other passengers must wait aboard the launch or on the tall ship.

ALYC staff and professional crew will be on hand throughout the event and the ship's crew will be onboard 24 hours a day. The crew will maintain minimal security lighting at night. The ship is self-sustained and will not require utilities. There will be no amplified sound. There are two heads available to crew and the tanks will be pumped out on October 1<sup>st</sup> and 2<sup>nd</sup> by a local service.

All yacht clubs within Newport Harbor have been notified and all club race schedules have been reviewed. Accordingly, there appears to be no conflict with the proposed anchoring location and scheduled races.

In addition, the applicant proposes to med-tie exhibitor vessels on October 2<sup>nd</sup> only. Vessels will be med-tied to the bayward fingers of the American Legion marina. Med-tie vessels will also tie to each other. Vessels will adhere to anchor, buoy, tie, and lighting requirements of the Harbor Patrol. The vessels will range from 25' to the largest at 60'. The navigation channel at this location is 250' wide. The ALYC will provide any additional measures required by the City of Newport Beach Fire Department. An updated drawing will be provided as soon as exhibitor list is finalized, and no later than 30 days before the event. (Attachment B)

Approval of this application and subsequent conditions will become part of the City of Newport Beach Special Events Permit.

## **ENVIRONMENTAL REVIEW**

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

## **ALTERNATIVES**

The Harbor Commission may:

1. Approve the short term vessel locations for the Wooden Boat Festival
2. Advise applicant to revise anchoring and med-tie plans for Wooden Boat Festival.
3. Deny application for short term anchoring and med-tie for the Wooden Boat Festival.

## **PUBLIC NOTICE**

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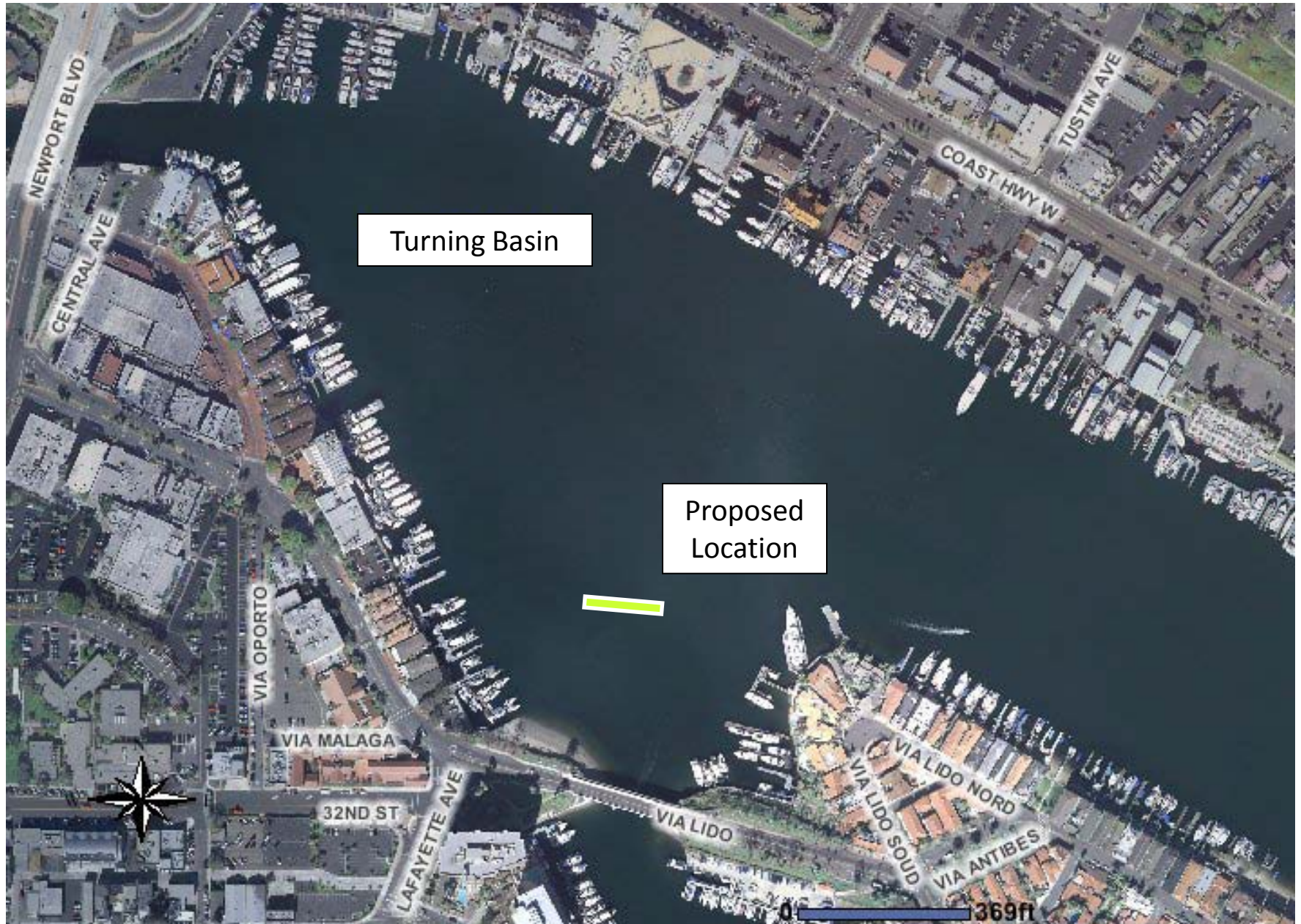
Submitted by:

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Shannon Levin  
Harbor Resources Supervisor

Attachment A: Proposed Location of Tall Ship Irving Johnson  
Attachment B: Proposed Med-Tie System

Attachment A: Proposed Location of Tall Ship *Irving Johnson*



Attachment B:

Proposed Med-Tie System at American Legion Marina

