

# HARBOR COMMISSION AGENDA

City of Newport Beach  
3300 Newport Blvd.  
Council Chambers  
Wednesday, October 20, 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, October 20, 2010**

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

**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*

**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:**            **Balboa Marina at 201 E. Coast Highway – Public Access Conceptual Review**

**Issue:**             Staff will present a conceptual plan that addresses both the public access requirements and noise problems that have been an issue since the Balboa Marina was constructed in 2009.

**Discussion:**

**Public Comments:**

**Action:**            Provide input to staff. Receive and file.

**ITEM #2**

**Subject:**            **2901 West Coast Hwy – Marina Reconfiguration**

**Issue:**             The applicant at 2901 West Coast Highway is proposing to reconfigure their marina.

**Discussion:**

**Public Comments:**

**Action:**            The Harbor Commission is requested to:

1.        Receive and file.

**ITEM #3**

**Subject:** Essential Harbor Services

**Issue:** Staff is recommending that the Harbor Commission review, discuss and approve the Essential Harbor Services List as requested by Council Liaison Nancy Gardner.

**Discussion:**

**Public Comments:**

**Action:** Approve the Essential Harbor Services List.

**ITEM #4**

**Subject:** Public Piers – New Time Limits and Rules

**Issue:** Because three of the City's public piers were recently reconfigured, staff is recommending that new time limits and rules be established for these three piers as well as for all of the City's public piers to maintain consistency throughout the harbor.

**Discussion:**

**Public Comments:**

**Action:**

1. Recommend the proposed public pier time limits and rules be forwarded to the City Council for consideration.
2. Recommend the proposed public pier time limits and rules, with modifications, be forwarded to the City Council for approval.

**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**

- Eelgrass
- Balboa Island bulkhead report
- Sea Lions
- Dinghy Dock at Lido Bridge – New public pier
- Bay Island update
- Bilge pump-out options
- Bulkhead and Pierhead Lines – Subcommittee report

**ADJOURN MEETING TO OCTOBER 21, 2010 AT 6:30 PM, COUNCIL CHAMBERS**

- Joint Harbor Commission & Planning Commission meeting to introduce the Commissioners to one another and to discuss how land-based projects under the Planning Commission's jurisdiction affect the harbor.

**DATE AND TIME FOR NEXT MEETING:** Wednesday, November 10, 2010, 6:00 PM

# CITY OF NEWPORT BEACH

## HARBOR COMMISSION STAFF REPORT

Agenda Item No. 1  
October 20, 2010

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Chris Miller, Harbor Resources Manager  
(949) 644-3043, [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)

**SUBJECT: Balboa Marina at 201 E. Coast Highway – Public Access Conceptual Review**

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### **ISSUE:**

Staff will present a conceptual plan that addresses both the public access requirements and noise problems that have been an issue since the Balboa Marina was constructed in 2009.

### **RECOMMENDATION:**

1. Provide input to staff. Receive and file.

### **DISCUSSION:**

As part of the original approval for the reconstruction of the Balboa Marina at 201 E. Coast Highway (corner of Coast Highway and Bayside Drive), the Harbor Commission conditioned the marina to provide public access for boaters from the water to the local landside businesses. During the past year, the Irvine Company which owns the Balboa Marina, has had difficulty balancing their needs for a secured marina with the needs of the boaters for access. In addition, the Linda Isle residents have complained about the excessive noise from the late night restaurant guests as they walk the docks to their vessels and motor down the narrow channel.

Harbor Commission Liaison Nancy Gardner and Harbor Resources staff have been working closely with the Irvine Company to address these issues. The attached conceptual plan attempts to solve these concerns by segregating a small area of the marina for public use while still maintaining security for the rest of the slips. In addition, the public slips were relocated as close as possible to the main marina gangway therefore significantly reducing the “walk time” that the restaurant guests will make to the public slips, in effect, reducing the noise levels.

Also, the Irvine Company and the Linda Isle residents have asked for time restrictions for these visitor slips. Staff is proposing that the visitor slips be closed between 10 pm and 7 am daily.

The Harbor Commission is requested to comment on the proposal and provide feedback before a formal plan is submitted.

In addition, the Irvine Company and Harbor Resources will be meeting with the Linda Isle community in November to solicit their feedback on this proposal as well.

**ENVIRONMENTAL REVIEW:**

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

**PUBLIC NOTICE:**

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

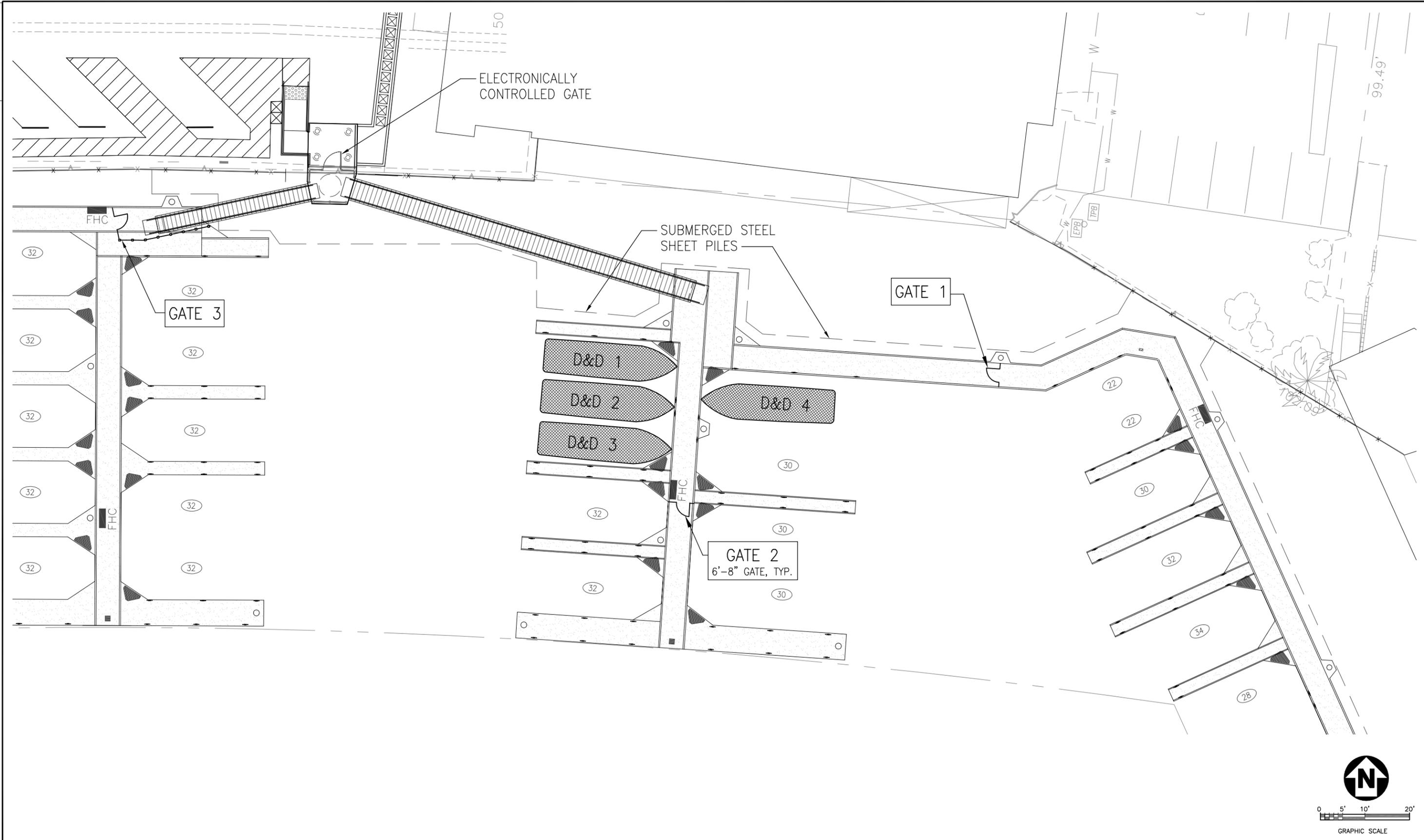
Submitted by:

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Chris Miller  
Harbor Resources Manager

Attachments: Proposed Relocation of Public Slips

Path: C:\Projects\Rhm\656100\_Balboa Marina\Drawings\Deck Repl Plans\Dock & Dine Gates\ XREFS : X-SITEPLAN : X-GRADING : XREF2\_LAYOUT : XDBDR : X656100PLAN-D0  
 Filename: 656100-D01.dwg  
 Plot by: raul\_rozomble  
 Plot Date: 09/14/10 - 11:04 am  
 User: Save by: RAUL\_ROZOMBLE  
 ON: 09/14/2010  
 LAYOUT: 34X22



NO.	DATE	DESCRIPTION	BY
09/08/10		CONCEPT	RHM
REVISIONS			



5772 Bolsa Ave, Suite 100  
 Huntington Beach, CA 92649-1134  
 Tel: (714) 895-2072  
 Fax: (714) 895-1291

ENGINEER	FJM
DESIGNER	RLR
CAD OPERATOR	RLR
CHECKER	RHM
PROJECT MANAGER	RHM

**BALBOA MARINA**  
 201 East Coast Hwy.  
 Newport Beach, CA 92660

**DOCK & DINE BERTHING LAYOUT**

SCALE	1" = 10'
PROJECT NUMBER	
DRAWING NUMBER	1

NO.	DATE	DESCRIPTION	BY
1	10/06/10	GATE CONCEPTS	RHM

REVISIONS



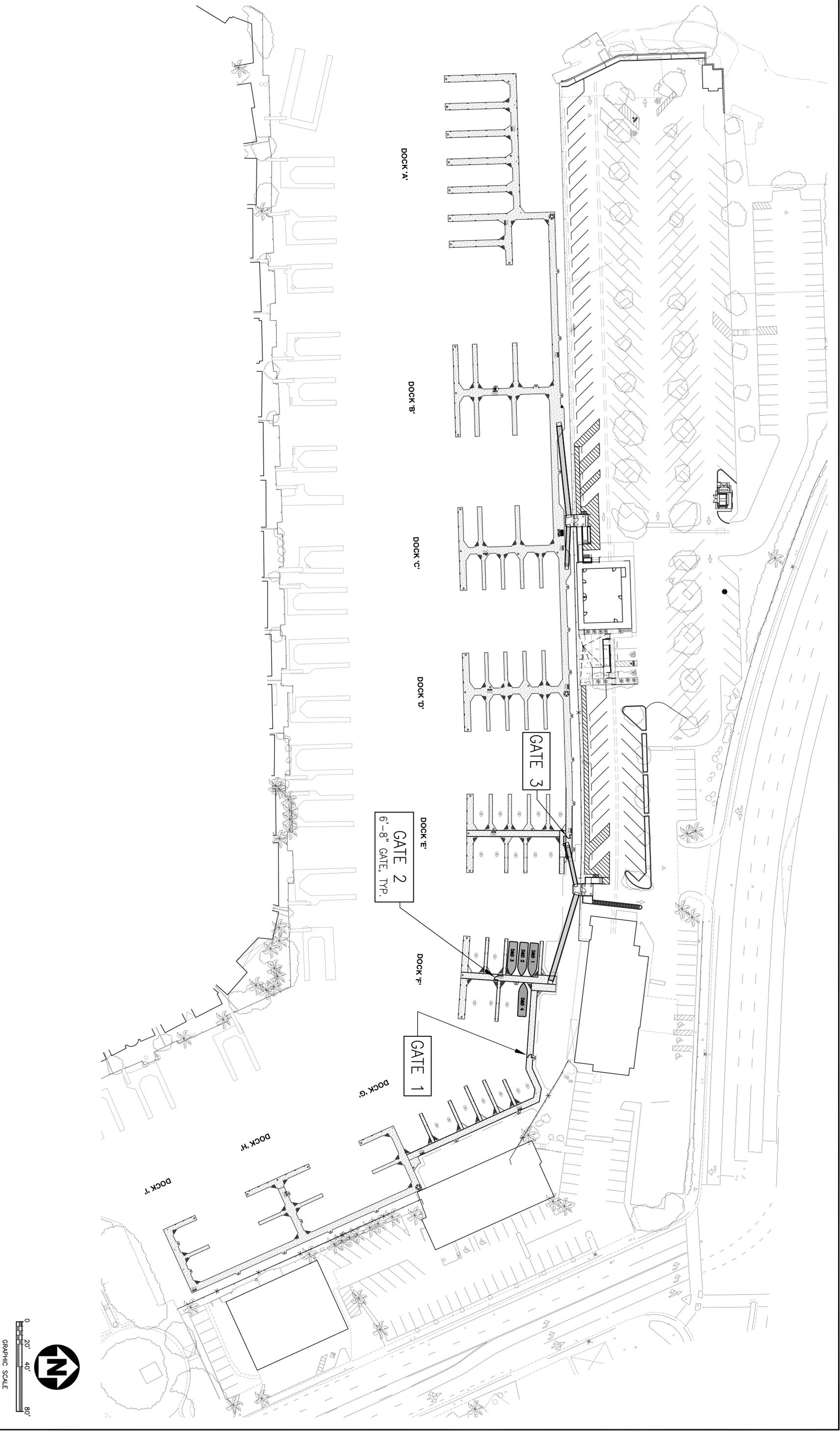
5772 Bolsa Ave, Suite 100  
 Huntington Beach, CA 92649-1134  
 Tel: (714) 895-2072  
 Fax: (714) 895-1291

ENGINEER	RHM
DESIGNER	RLR
CAD OPERATOR	RLR
CHECKER	RHM
PROJECT MANAGER	RHM

**BALBOA MARINA**  
 201 East Coast Hwy,  
 Newport Beach, CA 92660

**DOCK & DINE BERTHING LAYOUT**  
 SITE PLAN

SCALE	1" = 40'
PROJECT NUMBER	
DRAWING NUMBER	



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

Agenda Item No. 2  
October 20, 2010

**TO:** Harbor Commission

**FROM:** Public Works Department  
Shannon Levin, Harbor Resources Supervisor  
(949) 644-3041, [shannon@newportbeachca.gov](mailto:shannon@newportbeachca.gov)

**SUBJECT: 2901 West Coast Hwy – Marina Reconfiguration**

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**ISSUE:**

The applicant at 2901 West Coast Highway is proposing to reconfigure their marina.

**RECOMMENDATION:**

The Harbor Commission is requested to:

1. Receive and file.

**DISCUSSION:**

**Background:**

In 1985 the marina at 2901 West Coast Highway (Attachment 1) was built to accommodate 10 slips and side ties. In the last 25 years the docks and piles have been repaired, replaced or modified several times to accommodate changing uses and increased vessel sizes. The proposed marina at 2901 West Coast Hwy is a state of the art system anticipating future market needs using new design standards.

**Purpose:**

Waterfront Newport Beach, LLC proposes to reinvent the marina to serve as a charter based marina for three existing charter vessels with space for an additional smaller charter vessel and a publicly accessible water taxi dock.

The current marina berths five charter vessels, one of which, Ambassador, is in violation of the overhang limit. A sixth vessel, Majestic, berths in Long Beach and occasionally books charters in Newport Harbor and requires special permission for overnight

berthing. That vessel greatly exceeds the overhang limit and is therefore restricted from full-time berthing in Newport Harbor.

The proposed configuration is designed for the legal berthing of three charter vessels: Majestic, 148 feet length overall (LOA); Ambassador, 126 feet LOA; and Royal Princess, 94 feet LOA. Charter vessels Majestic, Ambassador, and Royal Princess were surveyed by a professional marine surveyor. The new marina and its vessels will be located within the allowable water area defined by the property line extensions, Pierhead Line, and allowable vessel extension beyond the Pierhead Line not to exceed the beam width per NBMC 17.25.020(C).

### Concepts and Design Elements:

The applicant presented at least four alternatives to Harbor Resources before deciding to proceed with “Option A2” (Attachment 2). The selected option provides Mariner’s Mile benefits, and economic, regulatory, and environmental advantages to the charter base.

1. Provides a custom-built, fully-parked and passenger-staged charter base and marina adhering to the parking conditions required in the Marine Activities Permit.
2. Provides berthing for three major charter vessels, and other supported commercial berthing for a combination of uses and vessel sizes.
3. Provides for easy passenger and crew access and boarding.
4. Proposed berthing does not affect navigation access or berthing of adjacent parcels.
5. Reduces water coverage (~11% from the original 1985 permitted configuration).
6. Increases harbor water view frontage from 30% to 60% of bulkhead boardwalk length.
7. Reduces vessel overhangs by 36 feet and 21 feet.
8. Reduces offsite charter parking otherwise used by Mariner’s Mile visitors.
9. Project revenues support project investment, operation, and contributions to local economy.

	<b><u>Current Dock System</u></b>	<b><u>Proposed Marina</u></b>
Covered Water Area	4850 sf	4325 sf (-525 sf)
Dock Guide Piles	21 @ 18”	19 @ 18” (-2 piles)
Gangway Structural Piles	2 @ 14”	4 @ 14” (+2 piles)

The dock system will be designed and constructed according to the Harbor Design Criteria, Council Policy H-1, California Department of Boating and Waterways Standards, ADA, LEED, Army Corps, Coastal Commission, and California Green Marina standards. The facility will operate as a California Green Marina.

### Steps Forward:

The Harbor Resources Division will issue an Approval in Concept. Once issued the applicant may submit plans to the Building Department for plan check. Concurrently, the applicant will submit the project to the California Coastal Commission and Army Corps of Engineers for permits. Should the agencies approve the project, the City of Newport Beach will approve the plans.

The charter business operation will continue to operate according to the requirements of a Marine Activities Permit. The permit will be revised upon completion of the marina construction.

**ENVIRONMENTAL REVIEW:**

The Harbor Commission's approval of this item is categorically exempt from CEQA under section 15302, Class 2, Replacement or Reconstruction:

*"Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced."*

**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).

Submitted by:

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Shannon Levin  
Harbor Resources Supervisor

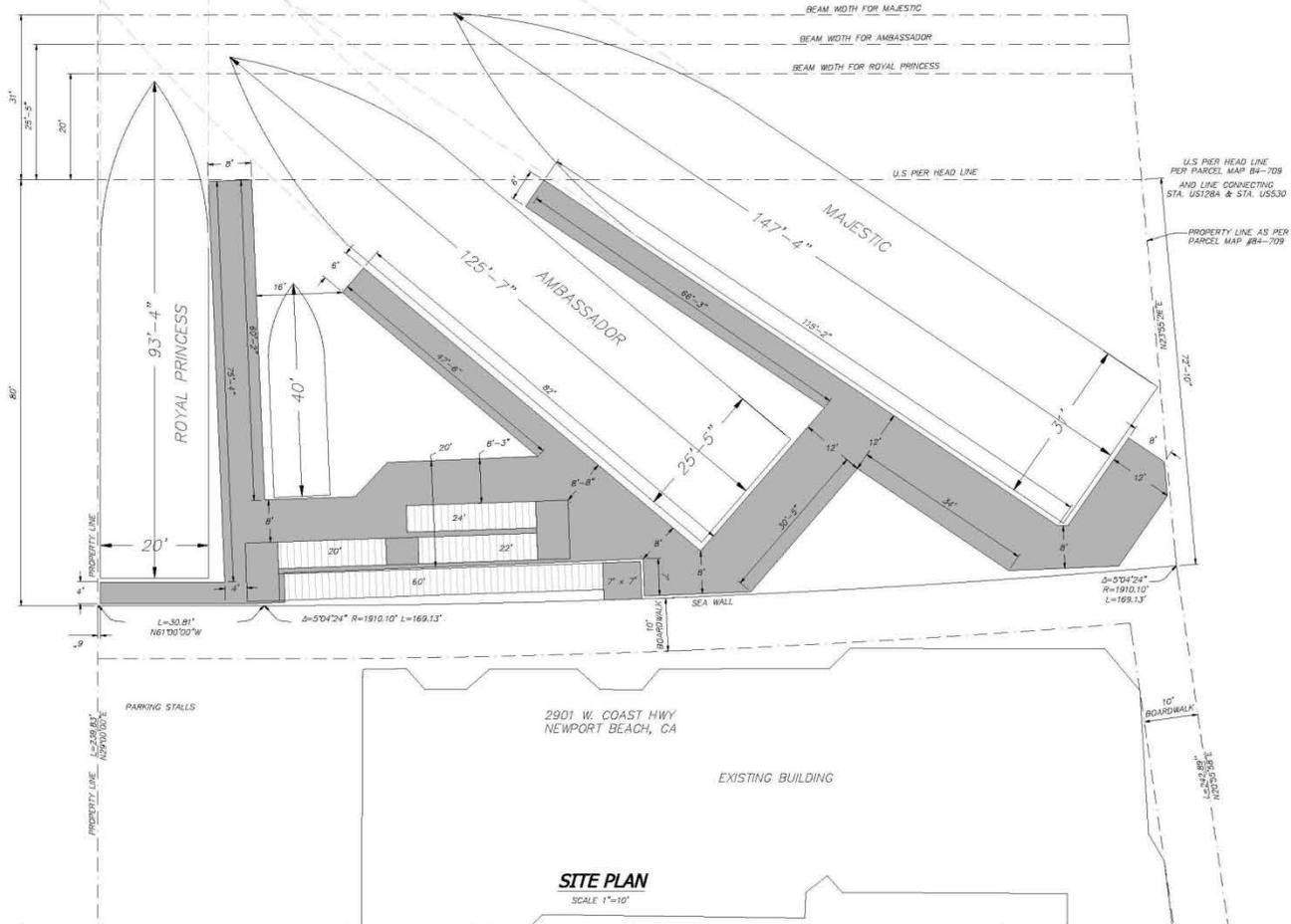
Attachments: Aerial Photo of Project Site  
Proposed Dock System

Attachment A  
2901 West Coast Highway, Aerial Photo



Bulkhead Line - Orange  
Pierhead Line - Yellow  
Project Line - Red

DOCK AREA: 4,096 SF  
 GANGWAYS & PIER WATER COVERAGE: 344 SF  
 TOTAL WATER COVERAGE: 4,440 SF



PROJECT **WATERFRONT  
 NEWPORT BEACH  
 2901 W. COAST HWY,  
 NEWPORT BEACH, CA**

CONTRACTOR


**BLUEWATER**  
 Design Group  
 Planning and Engineering Services  
 San Marcos and Newport Beach, CA

2500 Via Caballero Marina, Suite 200  
 San Pedro, CA 90731  
 Tel: 310 548 3132  
 Fax: 310 548 1924  
 DESIGNED BY: PT  
 DRAWN BY: JH

**DOCK LAYOUT  
 CONCEPT-A2  
 RAMP SYSTEM**

DATE	BY
AS NOTED	09-07-2010
JOB NO.	2303
SHEET	L-2
SHEET #	

# CITY OF NEWPORT BEACH HARBOR COMMISSION STAFF REPORT

Agenda Item No. 3  
October 20, 2010

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Chris Miller, Harbor Resources Manager  
(949) 644-3043, [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)

**SUBJECT:** Essential Harbor Services

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**ISSUE:**

Staff is recommending that the Harbor Commission review, discuss and approve the Essential Harbor Services List as requested by Council Liaison Nancy Gardner.

**RECOMMENDATION:**

1. Approve the Essential Harbor Services List.

**DISCUSSION:**

At the September 2010 Harbor Commission meeting, Council Liaison Nancy Gardner requested the Harbor Commission to compile a list of essential harbor services for Newport Harbor. A subcommittee was formed and was tasked with submitting a completed list at the October Commission meeting.

**ENVIRONMENTAL REVIEW:**

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

**PUBLIC NOTICE:**

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

Submitted by:

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Chris Miller  
Harbor Resources Manager

# CITY OF NEWPORT BEACH

## HARBOR COMMISSION STAFF REPORT

Agenda Item No. 4  
October 20, 2010

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Chris Miller, Harbor Resources Manager  
(949) 644-3043, [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)

**SUBJECT:** Public Piers – New Time Limits and Rules

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### **ISSUE:**

Because three of the City's public piers were recently reconfigured, staff is recommending that new time limits and rules be established for these three piers as well as for all of the City's public piers to maintain consistency throughout the harbor.

### **RECOMMENDATION:**

1. Recommend the proposed public pier time limits and rules be forwarded to the City Council for consideration.
2. Recommend the proposed public pier time limits and rules, with modifications, be forwarded to the City Council for approval.

### **DISCUSSION:**

Earlier this summer, the three public piers at Fernando St, 15<sup>th</sup> Street and 19<sup>th</sup> Street were completely reconfigured to better accommodate the boater's needs for dinghy space. These new docks have been very well received and have greatly eased the overcrowding issues that have plagued these areas for years.

As part of these new dock reconfigurations, it is necessary to formulate new rules and time limits. However, staff and volunteers felt it was important to first install the new docks then let the public use them for the summer before new rules were developed. This strategy allowed us time to observe the natural flow of usage so we could then establish our rules and time limits around an already functioning system.

Subsequent to the above mentioned dock project, a Harbor Commission subcommittee was formed to develop a plan for managing the docks. In addition to the subcommittee's input, a public meeting was also held at the 15<sup>th</sup> Street dock in July to seek input and feedback from the actual end users. And lastly, this proposed plan was also vetted several times with the Mooring Master Plan Subcommittee.

**Time Limits:**

The subcommittee agreed that the dock sides should be easily identifiable with their respective time frames, so a color system (solid stripe on the topside of the dock) was conceptualized much like curb colors for street parking. These colored stripes will also be clearly marked on the new signs posted on each of the docks. In addition, this new sign will have all the rules for each dock as they may apply, therefore minimizing some of the ‘sign clutter’ currently on our piers.

Blue Zone	=	20 minutes
Green Zone	=	3 hour maximum
Black Zone	=	24 hour maximum
Yellow Zone	=	72 hour maximum
Red Zone	=	No tie-up

- **Blue Zone (20 minutes):** Generally for the bayward facing side of the docks (current practice).
- **Green Zone (3 hours):** Generally for the sides of the docks allowing adequate time for the public to use land-based facilities, i.e. restaurants. Current 2 hour limit is inadequate.
- **Black Zone (24 hours):** Generally for the backside of the docks that were not recently reconfigured. Current 12 hour limit is inadequate.
- **Yellow Zone (72 hours):** Generally for the reconfigured piers at Fernando, 15<sup>th</sup> and 19<sup>th</sup> Streets where demand is highest and space is now abundant.
- **Red Zone (no tie-up):** Generally for the small areas on the backsides of the reconfigured piers to help manage dock congestion.

**Rules:**

1. Locking boats not permitted in the blue (20 minute) or green (3 hour) zones.
2. No unattended boats next to a pumpout (blue zone).
3. No dinghies in the blue zone at Fernando, 15<sup>th</sup> and 19<sup>th</sup> Streets.
4. No fishing at Washington, Fernando, 15<sup>th</sup>, 19<sup>th</sup> Streets, Opal Avenue and the Rhine Wharf.
5. Maximum dinghy length in the “inner lagoon” at 15<sup>th</sup> Street dock is 9 feet.
6. Rhine Wharf only: Pier closed from 12 AM to 6:00 AM.

In addition, Code Section 17.25.10.D needs clarification to allow dinghies to tie up bow only. Currently, it states:

*Vessel Tie-up Method. Every vessel berthed at any pier in Newport Harbor shall be fastened in such a manner as to assure the security of such vessel fore and aft at a minimum.*

Upon the Harbor Commission’s approval, staff will coordinate with the City Attorney’s office to properly phrase this proposal for the Municipal Code before it is forwarded to the City Council for consideration.

Enforcement of the time limits will still be under the Harbor Patrol’s jurisdiction with input from Harbor Resources.

**ENVIRONMENTAL REVIEW:**

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

**PUBLIC NOTICE:**

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

Submitted by:

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Chris Miller  
Harbor Resources Manager

**Attachments:**

Exhibit 1: Public Pier Locations

Public Pier Locations

