

NEWPORT BEACH HARBOR COMMISSION MINUTES
City Council Chambers
November 18, 2009

CALL TO ORDER 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Chair Karen Rhyne, Commissioners Tim Collins, John Corrough, Marshall Duffield, Don Lawrenz, Ralph Rodheim and Vincent Valdes were present. Marshall Duffield was 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 – Resolution No. 2009-001**

Issue: Should the Harbor Commission adopt Resolution No. 2009-001 with affirms the Harbor Permit / Approval in Concept for the AERIE project located at 201-207 Carnation Ave?

Discussion:

Public Comments:

Action: The Harbor Commission passed the motion with all ayes to adopt Resolution No. 2009-001 which affirms the AERIE Harbor Permit / Approval in Concept, incorporating the change in language in Section 2.2 and in the special conditions #15 replacing “yielding” with “currently”.

SUB-COMMITTEE REPORTS:

- Commissioner Rodheim said the water taxi issue will be discussed at the Tuesday, City Council Study Session at 3:30 pm. Councilman Henn presented the harbor guide to City Council and Commissioner Rodheim did a taping of it on the local channel. Commissioner Rodheim went over the issues discussed between the Harbor Patrol and the Harbor Issues Committee (see attached).
- Chairman Rhyne advised that the Harbor Patrol is making modifications to the anchorage rules and wants to be sure that the Harbor Resources or someone knowledgeable is kept informed and has input in it.
- Commissioner Collins gave an update on the lower bay funding and the Army Corp meeting. Long Beach is in need of fill and this may eliminate our need for a CAD or inland island disposal. Chris discussed it further in the Manager’s Report. Commissioner Corrough added that the dredging project in Long Beach is moving up to March.

HARBOR RESOURCES UPDATE – Chris gave a PowerPoint presentation on harbor updates. *The update is posted at <http://www.newportbeachca.gov/index.aspx?page=462> (under Harbor Resources Updates).*

RECOMMENDED TOPICS FOR FUTURE AGENDAS:

- Statewide Coastal Marinas Permit – Report by Jim Sinasek
- Sea Lions – Preventative measures and possibly tighter controls
- Harbor Patrol Update.

- Mark Long – New Dock and Seawall Project
- Update on Balboa Marina

DATE OF NEXT MEETING: January 13, 2010

ADJOURNMENT

DRAFT HARBOR ISSUES

October 29, 2009

1. Welcome to Newport sign
 2. Visitor guest docks
 3. Visitor welcoming and mooring registration procedures
 - a. Length of stay
 - b. Payment method
 - c. Informing visitors about moorings and tackle
 - d. Communicating with visitors renting a mooring
 - e. Public dock designation and information for visitors
 4. Corona del Mar anchorage and regulations
 5. Turning basin anchorage and regulations
 6. Long term rental procedures
 7. Lack of public docks
 8. Dingy docks
 9. Seals
 10. Noise i.e. charter boats/ private vessels
 11. Bay fishing
 12. Overhang and enforcements
 13. Special events and event permits
 14. No discharge harbor enforcement
 15. Public safety/ harbor department open house
 16. Derelict boat procedures and enforcement
 17. Yacht Club coordination
 18. Citizens harbor advisory committee
 - 19.
 - 20.
-

Ralph Rodheim

From: MCCORMICK, STEVEN R [SMcCormick@ocsd.org]
Sent: Thursday, November 12, 2009 11:38 AM
To: Ralph Rodheim
Cc: LONG, MARK E
Subject: Response to Questions
Attachments: BOS Resolution.pdf; BOS Resolution 1.pdf

Ralph,

The following are responses to the questions you had posed to Lt. Long during your meeting on October 29th, 2009.

- Update on the Lower Newport Harbor Bulkhead Replacement Project
 - The project has completed the permits process
 - The County will be accepting bids January 13th, 2010
 - Projected construction start date of March – April 2010, with a construction run time of approximately 260 days
- Does the Harbor Patrol advise renters that mooring equipment may be needed to secure to a mooring can. (Boat Hooks / Lines / Whisker Poles)
 - If asked, a full rundown of equipment associated with the Off-Shore and On-Shore Moorings is provided along with proper tie-up methods and practices.
 - Normally, renters are advised that the cans may or may not have Spreader Lines or Bow and Stern Lines and they are given maps to assist in locating their rental position.
 - If it appears that the boater is new to the harbor or unfamiliar with the tie-up methods additional information is given including the offer to have one of our patrol boats proceed to the specified mooring can and assist the renter in securing his/her vessel.
- C-1 Anchorage (Turning Basin Anchorage) Regulations compared to Corona Del Mar Anchorage Regulations
 - For C-1 Anchorage Regulations see attachments
 - This Board of Supervisors Resolution governs the anchorages within the County of Orange
 - Lists the 6 current regulations
 - Main Regulations governing Corona Del Mar Anchorage Area
 - Must remain onboard continuously between the hours of dusk to dawn

- Must remain onboard continuously during any Small Craft or greater weather advisory
- 72 hours anchorage restriction
- One shore excursion daily no to exceed 3 hours
- The County of Orange is currently rewriting the resolution the governs anchorages
 - During the rewrite the possibility does exist to change the rules governing the C-1 Anchorage
 - Possible changes to C-1 could include
 - Must remain onboard between the hours of 10:00pm to 06:00am
 - Must remain onboard continuously during any Small Craft or greater weather advisory
 - 5 day limit would remain the same
 - One shore excursion daily not to exceed 4 hours (Shore excursion may shall not be allowed if it is in conflict with bullets 1 or 2)
- Overhang Enforcement
 - The governing section is no longer in Harbor Permit Policy Appendix H. It has been imbedded in Title 17 of NBMC. The highlighted area covers the violation, I believe, you were addressing.

17.25.020 Anchorage, Berthing and Mooring Regulations.

A. Location. No person having charge of any vessel shall berth or anchor the same in Newport Harbor except within the designated areas. Any vessel which is berthed, moored or anchored at a place not designated for such vessel shall be moved as directed by the Harbor Resources Manager. In the designation of mooring areas and anchorage areas, consideration shall be given to the needs of commerce, the utilization of turning basins, the use of channels for navigation, and the economy of space. No vessels shall be moored or anchored in any part of any turning basin or channel unless secured both fore and aft except as provided in subsection (l) of this section. Every vessel moored or anchored in any part of the harbor outside of any turning basin or channel shall be so moored or anchored as to prevent such vessel from swinging or drifting into any turning basin or channel.

(1) It is unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any vessel to: (a) berth or anchor the same in Newport Harbor except within the designated areas; or (b) anchor a vessel at any location on the open waters of the Pacific Ocean within five hundred (500) yards of a designated protected swimming area for a cumulative period of time that exceeds seventy-two (72) hours within any thirty (30) calendar day period. The Harbor Resources Manager or his designee may authorize an extension to the seventy-two (72) hour time limit if the Harbor Resources Manager determines that given the particular circumstances an extension of time is reasonable and warranted.

(2) Any vessel which is berthed, moored or anchored at a place in Newport Harbor not designated for such vessel shall be moved as directed by the Harbor Resources Manager. In the designation of mooring areas and anchorage areas in Newport Harbor, consideration shall be given

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to the needs of commerce, the utilization of turning basins, the use of channels for navigation, and the economy of space.

B. Application of Chapter. The terms of this chapter, as they relate to moorings and buoys, shall apply to "on-shore moorings" which are moorings located landward of the pierhead line and to "offshore moorings" which are located bayward of the pierhead line, with equal force and effect.

C. Berthing.

1. Boats berthed at private or public piers shall not extend beyond the projection of the property lines of the property to which the pier is connected in accordance with Section 17.35.020.

2. Any boat berthed at a pier or slip shall not extend bayward a distance of more than the maximum width of its beam beyond the end of the pier, or slip. Between Bulkhead Station 256, beginning at Collins Avenue to Bulkhead Station 255, boats moored at a pier or slip shall not extend more than fifteen (15) feet bayward from the end of the pier or slip or more than the width of the beam of the boat, whichever is less.

- o Now that the section has been imbedded in Title 17 of the NBMC it is technically a citable section, but there are a few reasons as to why a criminal citation is not the best course of action.
 - We have spoken to Chris Miller at the Harbor Recourses Office and he has informed us that the City of Newport Beach has traditionally utilized NB Code Enforcement to address overhang or extension violations.
 - Chris Miller stated that the City of Newport Beach has granted exemptions to the overhang or extension rule and the Sheriff's Department does not have access to those records.
 - Without those records the Sheriff's Department would not be able to determine if a violation existed or if the overhand was legally permitted.
 - If the Sheriff' Department issued a citation and it was later learned that the City had allowed the overhang or extension, the citation would be issued in error.
 - As a result of conversations with Chris Miller, he believes that the best course of actions would be for the Sheriff's Department to notify the Harbor Recourses Department of any reported violation and the City's Code Enforcement would investigate and take action if necessary.

If you have additional question please let me know.

Thanks,

Sergeant Steve McCormick

Administrative / Training Sergeant
 Orange County Sheriff's Department
 Newport Harbor Patrol
 (949) 673-0933