

**NEWPORT BEACH HARBOR COMMISSION
PUBLIC MEETING
Review of Proposed Changes to Title 17 of the Harbor Code
Marina Park, 1600 W. Balboa Blvd., Newport Beach, CA 92663
Monday, April 8, 2019
6:00 PM**

Commissioner Kenney reported proposed changes to Sections 17.01, 17.05, 17.20, 17.25, 17.30, and 17.35 will be addressed during the meeting, if time permits. The Harbor Commission Ad Hoc Subcommittee will consider each comment provided by the public but may not incorporate each into the subcommittee's recommendations to the Harbor Commission. In a public hearing, the Harbor Commission will review the subcommittee's recommendations and may approve the recommendations as written, approve the recommendations with amendments, or deny the recommendations. If the Harbor Commission approves the recommendations, either as written or revised, the City Council will review them in a public hearing.

PUBLIC COMMENT	RESPONSE	SUBCOMMITTEE REVIEW
Applicant definition		
<p>There's no onshore reference at all. When you say applicant, what if someone has a private property interest and they're applying for a permit, dredging or otherwise? Would that not apply to private properties?</p>	<p>We'll have to look at where the "further" is because I'm not sure where that is yet. ["as defined further herein"]</p>	<p>Proposed additional language</p>
Commercial Fishing Vessel		
<p>there was at least one error in the suggested correction on "handwritten page 6" last night in the recommended changes to the definition of "Commercial Fishing Vessel" (a term used only once, in Sec. 17.25.010.A.2).</p> <p>Although the California "Department of Fish and Game" <i>has changed its name</i> to "Department of Fish and Wildlife," so that change is correct, the code (of which it is a small part) is still the "Fish and Game Code," so that name should <i>not</i> be changed.</p> <p>Also, I'm not certain the specific code section referred to is the one intended. FGC Sec. 7880 has to do with the <i>display</i> of the registration number.</p> <p>The actual process of registering a vessel for use in commercial fishing is in FGC Sec. 7881, and that seems more likely what was intended.</p>	<p>From email</p>	<p>City Attorney's office to review.</p>

<p>However, I'm not sure registering a vessel ensures one has the "permit" that seems to be referred to at the end of the definition. Commercial fishing licenses are covered in FGC Secs. 7850 et seq.</p>		
<p>Fairway definition</p>		
<p>My mooring, A308, the first boat in front of the pavilion, has tackle, and it's been set up for a 65-foot boat. The person who bought it just moved to a 50 (inaudible). The buoys are still big enough for the 50 (inaudible). The tackle's there, the weights are there. I have the reports for all that. I bought at the same time this came about. I did talk to you about that. (inaudible) with my boat out there and see if I could get permission to do so. (inaudible) anything like that (inaudible) paying for 5 feet more for mooring the boat.</p>	<p>That's not a topic for this evening. We will get to the issue with respect to how we expand moorings. If that mooring was designed for a 65-foot boat, the fairway should be adequate to meet the definition, I would think.</p>	<p>According to USCG a fairway means a lane or corridor in which no artificial or fixed structure, whether temporary or permanent will be permitted.</p> <p>Proposed additional language.</p>
<p>I believe the fairways are designated by the Federal Government. It defines mooring area by latitude and longitude and have to remain in that area. The fairways are near the outside of the mooring areas. It should be listed on the nautical charts. It should say within the mooring fields.</p>	<p>You, sir, might be right. If so, the intent of this language is to define something other than the navigable channels that are shown on the Federal charts. We need to determine technically how those waterways are defined in the Inland Rules and all of the Federal regulations. We may have to change this definition somewhat to deal with that.</p> <p>This is referring to the fairways within the mooring field. The amount of water between row 1 and row 2 is what we're considering the fairway. We're not considering the fairway to be that water outside the boundaries of the mooring fields.</p>	<p>Proposed additional language.</p>
<p>Graywater definition</p>		
<p>Item 4 says that used for washing and/or cleaning all or any portion of a vessel, but then it refers to the interior of the vessel. Is it exterior and interior?</p>	<p>The intent is interior.</p>	<p>Proposed additional language</p>
<p>Right now, that definition would include blackwater because it</p>		<p>Proposed additional language.</p>

<p>doesn't exclude blackwater. I don't know where this all gets going with the graywater, but if it's any fluid ...</p>		
<p>It's not limited to heads. We know we're not going to pump the head overboard. The way that reads, it'd be ...</p>	<p>This says the cleaning of heads. There's certainly a difference in the Federal regulations between blackwater and graywater. It's a Federal offense to discharge blackwater in Newport Harbor.</p>	<p>Proposed additional language.</p>
<p>You may want to take care to exclude blackwater.</p>		<p>Proposed additional language.</p>
<p>Did I hear correctly that it's allowable to dump graywater in the Harbor? My question is, has that been run through the County Water Board. I'm shocked.</p>	<p>Yes. In my opinion, a private boat can dump certain portions of graywater. None of this has been run through anybody but us. There's nothing currently in our Municipal Code that says you can't do this because it's not excluded.</p>	<p>Proposed additional language.</p>
<p>I know a little bit about that stuff. That's the way it's been for years. The Water Board's looking at things, sources of pollution. A little bit of graywater from a boat is nothing. The pollution in this Harbor is coming from the land.</p>		<p>Proposed additional language.</p>
<p>Could you clarify what I thought I might have heard you say? Your intention in this was directed at the charter boat fleets. Do you mean this is not intended to focus on all the other kinds of boats? I'm just confused as to what it applies to. For people who start at the beginning of the document, would it have any merit to offer some clarification on that at the definition level?</p>	<p>We're just in definitions. As we go through, you'll find graywater is dealt with later in the Municipal Code as we deal with marine activities permits. We need to define it first. I don't think it applies to a private vessel. As we go through the Municipal Code, I don't believe there's any reference to a private vessel having to capture graywater. The lawyers do this, and this is the way it has always been. There are a number of terms in here that only apply to specific sections of the Code.</p>	<p>Proposed additional language.</p>
<p>What I hear you saying is maybe this should be preceded by "for purposes of a Harbor use permit, the term graywater shall mean"</p>		<p>Proposed additional language.</p>
<p>Speaking on behalf of the group, our concern is that you're slipping in a definition here that might affect the normal use of a boat in private use. Let's say we're on our boat and we</p>	<p>This again is definitions. We're just creating what the words are. The action of those words, what's actionable and whether it's an offense or not, is later on in the</p>	<p>Proposed additional language.</p>

<p>take a swim and we want to rinse off with a shower that's on the swim step. This would not be allowed if somewhere else in the Code it says you're not allowed to discharge any graywater because it says shower. This could be a slippery slope that would erode the use and enjoyment of our boats in ways that you don't intend. I just see it as an easy slip by later saying you can't discharge graywater off your boat. I feel like that's coming.</p>	<p>document. We have the marine activities conversation later on. Unless there's something saying you can't do what you just mentioned, which there isn't, then (crosstalk).</p>	
<p>When you say, "for any purpose whatsoever including but not limited to," that list is infinitely long. You can tie it to a Harbor use permit or you can say what's excluded.</p>		<p>Proposed additional language.</p>
<p>Houseboat Definition</p>		
<p>My perception is the original intent was like in Portland, Oregon, where you have boats with no motors. That would be a houseboat. This one seems a little vague. What is a houseboat? On one hand, you picture something like (inaudible) with a slide and all that. On the other hand, any boat out here has a shower and a bed and that kind of thing. I was just curious if there's a way to clean that up or if you like it. It could be "as determined by the Harbormaster." Maybe it's perfectly vague. You have catamarans now that are houseboat/catamaran. Is their main purpose to cruise the Harbor or to live on it? I don't know. If I wanted to have a houseboat out there, would I be in violation? It's a houseboat by its own definition but not by others. It has motors. It's made for cruising lakes. Am I allowed to put it there under that definition?</p>	<p>We call you a live-aboard if you live on your boat even though it may not be considered a houseboat. I don't know if we've had the discussion about houseboats. This definition has been in the Code for years and years. Your understanding of the intent is correct. Even though there are a lot of people who own boats that don't make it out of the slip very often, the intent of the boat is to be used for transportation, whether it's cruising or fishing or going to Catalina.</p>	<p>After further review, no recommended changes, this is a definition only.</p>
<p>The previous versions of this specifically prohibited houseboats. No houseboats period. If it's still in there or not, I can't say for sure.</p>	<p>I can't answer that.</p>	<p>After further review, no recommended changes, this is a definition only</p>
<p>Is there anywhere in the Code referencing any activity that is related to a houseboat usage other than just the definition itself?</p>	<p>Let us follow up and see what the reference is and see if we can clean it up. I think the intent is that you don't want permanent connections between land and a floating</p>	<p>After further review, no recommended changes, this is a definition only. No other reference in the code.</p>

	structure, a houseboat. Maybe we need to rethink that definition.	
The previous versions of this specifically prohibited houseboats. No houseboats period. If it's still in there or not, I can't say for sure.	I can't answer that.	It is still true. No houseboats.
Is there anywhere in the Code referencing any activity that is related to a houseboat usage other than just the definition itself?	Let us follow up and see what the reference is and see if we can clean it up. I think the intent is that you don't want permanent connections between land and a floating structure, a houseboat. Maybe we need to rethink that definition.	Just the definition.
Live-Aboard definition		
In the marinas I've been in, it's a standard of three nights a week. If we have five weekends in a month, it would take a minimum of 12 days to be more in-line with the standard.		Proposed language changed to 12 nights in any 30 day period.
I believe years ago it used to be 12 nights. I'm not positive. We were always told that it was 12 nights per month. That type of stay allows us to contribute to the businesses in the community.		Proposed language changed to 12 nights in any 30 day period.
I've got a wooden sailboat, and I've been working on it 20 years. I am looking forward to maybe spending one weekend in my lifetime. (crosstalk) by the City is fantastic. It solved that 72-hour thing. What if I got a week off and wanted to spend a week? This is perfect. It's great. I can totally live with that.	We can consider 12 nights.	Proposed language changed to 12 nights in any 30 day period.
Marina definition		
I question the 30-calendar-day period in the definition of marina. There are marinas that are used on a short-term basis including our own Marina Park. I suggest we take the 30-day period out.		No change proposed.
Mono Pile definition		

Do we have any?	There were some. Maybe they're not used in this Harbor, but I would suggest we leave the definition in.	No change proposed.
Multiple Vessel Mooring System definition		
It says it could be used in the double can mooring areas also. That means there could be a 4-foot wide dock and you could put a Harbor 20 on either side of it as long it wasn't exceeding the area designed for the mooring.	That's correct.	No change proposed.
Operable definition		
In the past, I had the question that the sailboat had to have an operational motor, which a sailboat is entirely capable of moving and maneuvering under sail alone. Enforcement wise, the Sheriff's Department defined that it's a sailboat having an operational motor.	We have not changed that. If you can maneuver under the vessel's own power from the mooring to a demarcation line on a sailboat ... Under this definition, it doesn't need to have a motor.	No changes proposed
Permittee definition		
That's not plural. Sometimes there's more than one, like a husband and wife. Is permittee a general term for whatever names or trusts? Two people as a permittee.	Yes. We do allow two folks on a permit. If you look at how you can hold title to a mooring, you can have two permittees on the same mooring. A permittee could be two permittees, a husband and wife. Not two people as a permittee, two separate permittees. You're allowed to do that. You might have an entity and an individual.	This discussion point has been added to 2 nd draft
Pierhead Line definition		
There's an exception to that, if you encroach on the property line. You could have an extra-wide boat. When I redid mine, I had to sign a declaration that it could not be wider than 18 feet in my case, which means the vessel could not extend beyond the end of the dock more than 18 feet. The reason it was an 18-foot limit is because if I went 18	This refers to going channel wide from the bulkhead. It's going out parallel to the property lines. Sometimes the property lines are not parallel. In his case, he's on a crook. It's possible. He's right. We should improve this to apply that.	No change proposed.

<p>feet and 1 inch, I'd be on the property line.</p>		
<p>Did I hear you say that any problems with the Harbor Commission would then go to the City Council?</p>	<p>That is correct. That would be a change from what happened in your situation. That's a proposed change.</p>	<p>No additional change.</p>
<p>Very shortly before that, it was that way. It was illegally changed without a vote to the way you had it for me. Now it's gone back to this because you understand what it's supposed to be. In that circumstance, since it was wrongfully done because it was wrongfully approved as a change when it was meant for something else, what would be the situation?</p>	<p>The decision that was made under those rules would stand. We're changing the rules now.</p>	<p>No additional change.</p>
<p>The problem is also the fees I paid were for the City Council, not for a Harbor.</p>	<p>I don't think this is the appropriate place to talk about your situation. This is just a definition. None of this has been changed yet.</p>	<p>No additional change.</p>
<p>Why was that chore taken away from the Harbor Commission? The point being, we're moving a Harbor Commission role to the City Council.</p>	<p>I don't know. It was before I got here. In the current Title 17, there are certain areas where decisions by the Harbormaster are appealable to the City Council. There are other sections where that decision is appealable to an administrative law judge, which in our opinion does not make any sense. What we're proposing is to make everything consistent. Any decision by any of the boards or commissions in the City of Newport Beach are ultimately appealable to the City Council. They are the court of last resort. We're going to talk about the appeal process in another set of meetings. If you have an interest in that, you'll want to come to those.</p>	<p>This will be addressed separately by the Commission through the Attorney's office.</p>
<p>I was also surprised by the suggested changes to the sentence on handwritten page 12 saying "<i>Vessels may extend channelward of the pierhead line by the maximum beam of the vessel.</i>" It</p>	<p>From an email</p>	<p>No proposed change</p>

<p>seems to me that is the statement of a <i>regulation</i>, and has nothing to do with <i>defining</i> what a "pierhead line" is. I would hope the allowable amount of overhang is dealt with elsewhere. So rather than trying to revise that sentence, I would have deleted it (making sure overhang <i>is</i> dealt with in the "Berthing" regulations -- specifically Sec. 17.25.020.C).</p>		
<p>Seaworthy definition</p>		
<p>How do you differentiate between seaworthy and operable?</p>	<p>I'm not a lawyer, but operable is a defined term, and now it's used as seaworthy. If you went back, seaworthy would mean a vessel that is capable of safely and consistently maneuvering under its own power, etc.</p>	<p>Added additional language to clarify</p>
<p>Sub-Permit definition</p>		
<p>There may not need to be parts a and b. Maybe it should be titled Mooring Sub-Permit.</p>	<p>We need to look at that.</p>	<p>Deleted Sub-Permits a.</p>
<p>Wind-Powered Vessel definition</p>		
<p>A Harbor 20 is classified as a sailboat powered by wind. As soon as the motor goes in the water, a sailboat becomes a motor boat.</p>	<p>Wouldn't any sailboat be a wind-powered vessel?</p>	<p>No change.</p>
<p>Vessel Length/Width definition</p>		
<p>In my view, it needs to be the deck length of the boat and not include the bowsprit for an overhanging dinghy or even an outboard that sticks out from the stern of the boat. If you use the term overall length, that means from the tip of the bowsprit to the back of the davits. For a motorboat, if it's an outboard, the extension of the motor. If you go by deck length, you've got something much more related to the mooring length. The deck length relates to the weight of the boat. The overhangs don't mean much in those terms. There's a lot of confusion around that.</p>		<p>Added additional language</p>

<p>The bowsprit or the overhang on the back makes a significant difference at the docks. Not on the moorings, but at the docks.</p>		<p>Added language additional</p>
<p>The length of the vessel as determined by the Coast Guard Documentation Center is the length on deck.</p>		<p>Added language additional</p>
<p>I believe what we're looking at here is what is the determination for purposes of issuing, say, a mooring permit, whether it's offshore or onshore, or what number in feet is allowed. Historically, unlike marinas which are done completely differently, no one has ever been using tape measures to try to figure out what was approval worthy for the (inaudible). It has always been one of two things, either the documented length of the vessel or, if it is in State registration, the State-registered length.</p>		<p>Added language. additional</p>
<p>Maybe there should be an offshore vessel length with a certain definition, an onshore vessel length with a certain definition, a private pier split vessel length.</p>		<p>Added language. additional</p>
<p>A vessel length, which is the documented or the DMV, and a length overall would give you two different definitions. If you want to use the length overall, you'd use that definition.</p>		<p>Added language. additional</p>
<p>Use the length overall because that implies everything you've got.</p>		<p>Added language. additional</p>
<p>One definition is vessel length, which is your documented length. Your other definition is length overall, which would include ...</p>		<p>Added language. additional</p>
<p>The moorings have been here close to 100 years. It's quite simple. Almost every boat on their documents of ownership, whether it's State registration or anything else, the manufacturer throws out ... I've got a 50-plus year-old sailboat, and it says 35 feet. That is the length on deck. Anybody that wants to bolt anything on—it can get to the</p>	<p>We understand the concept. We need to do some work on that. It may be that there needs to be different definitions depending on whether it's an offshore mooring or a slip.</p>	<p>Added language. additional</p>

<p>point where it's going to be a problem. As far as moorings especially, what we're worried about is the space between the two balls plus the rise and fall of the tide and the chain and the weight. The weight of the boat is important and the length on deck. It's where the lines are tied up to the boat basically. That's usually within a foot of the front and the back.</p>		
<p>The word to consider in there is nominal.</p>		<p>Added additional language.</p>
<p>In the boating world, there are only two definitions, length on deck and length overall.</p>		<p>Added additional language.</p>
<p>Would it be possible on this definition to add a sentence that says something like "for the purpose of the moorings, we'll be using Coast Guard documented length" (inaudible).</p>	<p>That would be possible. We wouldn't deal with it here. We would deal with it when we get into the moorings.</p>	<p>Added additional language.</p>
<p>Section 17.20.10.A</p>		
<p>I take my 8-foot dinghy out of the back of my truck, put it over the seawall at the end of Fernando Street, drag it down the sand, and paddle out. Is that prohibited under this? It talks about special launching areas, and I couldn't find any on the website anywhere.</p>	<p>It deals with all that. It says except designated launching sites.</p>	<p>No revisions at this time. Hand launching map is available on website.</p>
<p>The ends of all the streets were originally designated as launching sites. That has been removed here without any comment or input from anyone. This is the first time I've seen it written like this.</p>	<p>Nothing has been changed. I have no idea how long this has been like that. We certainly didn't take anything out. It may have been done a long time ago, but that's why we're here. It looks like the last time it was changed was in 2008.</p>	<p>Nothing has changed with location of launching sites since 1971.</p>
<p>This is clearly a time when we can clear all these issues up. That whole section, 17.20.10, how did it not apply to small craft, like everybody launches their boat over the seawall on Devil Island on the weekend? How about when it talks about no trailers, dollies and rollers? There are people that have these (inaudible) kayaks that are rather</p>	<p>I agree with you. This provision has been here for quite a while. I find it interesting that visiting yachtsmen can't take an inflatable and put it on the beach for an hour. (inaudible) tied to a public dock. I know of a couple of launch sites. There's one at 19th Street, two in the Back Bay.</p>	<p>Additional language has been added.</p>

<p>heavy. They use sand dollies to walk them down the beach. That's been taken away. A petite lady no way can carry a (inaudible) kayak. I think we need to look at that whole section in terms of making it clear on what you can do and from where.</p>		
<p>There is a launching ramp next to the public pier on your way out of the Harbor. There is a ramp there.</p>	<p>That's private property, I believe.</p>	<p>No comment</p>
<p>You're saying at Devil Island the whole perimeter would have to be designated for people to launch their boats by hand.</p>	<p>Under the current Code, I think it would.</p>	<p>No comment.</p>
<p>At one time in the '70s and '80s, all street ends were allowed to have launching over the street end.</p>		<p>Nothing has changed since 1971.</p>
<p>There were a lot of changes to the regulations that weren't really authorized. It would be better to go back to the original regulations and make the modifications from there because there have been a lot of reversals suggested that were in the regulations when they originated.</p>	<p>This is difficult to determine, the 2008 revisions were a complete re-work of the code, I would recommend the subcommittee make recommendations on what they would like to see done today.</p>	<p>Nothing has changed since 1971. We can review signage if necessary.</p>
<p>There's a lot of user-friendly stuff that has been taken out from the '80s and '90s. It's going to be considerably different in a lot of places.</p>	<p>We'll go back and take a look.</p>	<p>Recommend moving forward, not looking back.</p>
<p>This summer, my son was launching his dinghy off one of the beaches where he was allowed to, and he had wheels on it. He got accosted by the police, and the police almost gave him a ticket. This is something that you changed and might want to tell the police as well.</p>	<p>It's not changed yet.</p>	<p>No comment.</p>
<p>My concern is that the signs at the end of the streets represent clearly what this law is going to be. As he stated, it says hand-carried boats. My husband and I carry our quarter boat sometimes and put it in the water there. If there's some kind of discrepancy between the two, we should make sure that doesn't happen.</p>		<p>Staff will review signage.</p>

<p>It's great that you're trying to take out the trailers, dollies, and rollers, but people need some help getting their boat out. Boats are too heavy. As we get older, we hurt ourselves doing things we think we can.</p>		<p>No comment.</p>
<p>I believe what you want to do is prohibit what amounts to a vehicle that is powered by an engine of some sort, four-wheel drive or otherwise or tractor, from going out on these beaches. On the other hand, what has happened over the years is the proper need and opportunity to use a dolly, which you then propel by hand Section 4 went in the right direction, but Section 3 in a sense conflicts with it. You have an opportunity to make this work better for everybody.</p>		<p>Added language</p>
<p>Except for the (inaudible) fisherman, which can take a truck and launch their boats.</p>	<p>They have special dispensation from the Council. They are not subject to Title 17. And they're on the beaches as opposed to the Harbor.</p>	<p>No action on this item.</p>
<p>It's Federal law that commercial vessels are exempt from a lot of this.</p>		<p>No action on this item.</p>
<p>Maybe this section a is just too restrictive.</p>	<p>We'll take a look at the whole section. We understand your concerns. We need to be a little clearer and more user-friendly.</p>	<p>Reviewed by subcommittee. Additional language added.</p>
<p>What about number 2, that you're launching a small dinghy, so you can't use the motor for 200 feet.</p>	<p>That has to do with the proximity of swimmers. There's Federal law that covers swim areas. I'm not saying it would be strictly enforced, but I'm saying it is commensurate and in concert with the designation of the swim area.</p>	<p>Added additional language!</p>
<p>Are shore moorings going to be extended to 200 feet long?</p>	<p>No.</p>	<p>No action.</p>
<p>That would mean that both the docks at 19th Street and 16th Street, if you park in the back at low tide, you'd be breaking that law because you're on the sand almost.</p>		<p>No action taken on this item.</p>

<p>The California boating law, I believe, says within 200 feet and it's an exceeding speed. You couldn't drive down this channel. You're within 200 feet of a swim area. 19th Street is lined off. The same thing with Peninsula Point or at the (inaudible) Street dock. That public pier has swim lines. You wouldn't be able to go in and out of the Harbor.</p>	<p>We'll clarify this where you don't come in conflict with swim areas.</p>	<p>No comment</p>
<p>A number of years ago, I was trying to sail off the beach. There isn't a single place I can launch it on this entire island except to go to the Dunes. I'm precluded from going anywhere in the Harbor because of rules.</p>	<p>One of the objectives of the Harbor Commission is to try to create additional launch facilities. We're absolutely stymied. We cannot find a location in Newport Harbor where either physically or economically we could add another launch ramp. All we have is the Dunes.</p>	<p>No action taken on this item.</p>
<p>All the more reason this Section a should be less restrictive. Just let people launch off the beach.</p>		<p>No action taken on this item.</p>
<p>How about Lower Castaways eventually?</p>	<p>There are issues at Lower Castaways. We've looked at it.</p>	<p>No action taken on this item.</p>
<p>Many harbors use a stationary crane for launching vessels, where it's permanently mounted onshore. You pull up alongside, and they pick up the boat, swing it over, and set it down right in the Harbor. It could possibly work at Rhine Wharf.</p>	<p>The issue is finding enough land to park larger vehicles with trailers for a period of time.</p>	<p>No action taken on this item.</p>
<p>Section 17.20.20.A</p>		
<p>Are we changing that for racing sailboats?</p>	<p>That's already been changed. It's in there.</p>	<p>No action taken on this item.</p>
<p>Someone can't say "I'm only going 5 knots." The wake governs, correct? There are a lot of maritime lawyers that want to contest all that, every time you say something.</p>	<p>The wake. It's either/or.</p>	<p>No action taken on this item.</p>
<p>The rental craft use the main channel because it's impossible to tell them to slow down when they're outbound and they're late coming back in.</p>		<p>No action taken on this item.</p>
<p>It doesn't matter if you tell them to use the main channel, tell them not to speed. It's all about enforcement. You've got to make it a little</p>		<p>No action taken on this item.</p>

complicated. I appreciate the idea of instructing them to do that. On Thursday afternoon when the beer can races are flying down the middle of the channel, I don't think anyone wants in the Main Channel.		
Section 17.20.20.C		
How about during the Christmas Boat Parade? What does that do? Are there any restrictions?		No action taken on this item.
Should that read Harbormaster?	No. The Harbormaster works for the City Manager.	No action taken on this item.
One of the first things the new Harbormaster did was respond to a call by me. During the Boat Parade when everybody was speeding, my dock was going into convulsions. From the next day on, everything was good. I don't think it needs to go higher. That's a minor thing. When people have a complaint, they're not going to call the City Manager.		This is for something extraordinary, not everyday operations. No action taken on this item.
That should be enforced by whoever is enforcing the laws of the Harbor. That's strictly a law enforcement situation.	It's currently the Sheriff.	No action taken on this item.
May I suggest that you talk to the guys that run the Christmas Boat Parade to see if there's any additional language that might make their jobs easier. It seems to be a big problem during those five nights of the Boat Parade, with the rental duffies cutting in and out of the parade for instance.		No action taken on this item, this is operational not code related.
Section 17.20.20.B.2		
Grand Canal during the summer months, how about allowing human-powered craft, like standup paddleboards and kayaks?		Proposed human powered craft year round.
There are people who live on the Canal and use them.		No action.
The problem there is a good percentage of the time there's low	Hopefully that's not the case. The dredging of the north end is just	Proposed human powered craft year round.

tide and there's hardly any water there.	being completed. The south end was dredged late last year.	
I'm suggesting you consider "the closure shall not apply to vessels berthed at residential piers or human-powered crafts."		Proposed human powered craft year round.
Section 17.20.40		
Trespasser entry on a vessel only speaks within the City. Shouldn't that be expanded to—if you're worried about a vessel being anchored in the Pacific Ocean, wouldn't you be worried about somebody trespassing on a vessel anchored in the Pacific Ocean.	The purpose of the anchoring restrictions in the Pacific Ocean are merely safety. If you're anchoring in the Pacific Ocean, you're in open water and subject to wind, waves, and tides. The City wants vessels out there to be manned pretty much all the time.	We only have jurisdiction within the City. No action taken on this item.
They didn't want permanently moored boats off the beach.		No action taken on this item.
Section 17.20.20.E		
I understand the purpose, but I still think three hours is restrictive. By the time you get in, pick somebody up, grab some groceries, and come back, it's going to be longer than three hours. I would prefer five hours.		No action.
Does that mean anchoring off Big Corona? The turning basin?	Yes. No.	No action.
Section 17.25.10.C.f		
Assume the scenario that somebody is gone for the weekend, they come back to their boat. They go to work early the next morning and return at 10:00 p.m. They can't be away from the dock for more than 24 hours because they're going back to work, and they leave their boat on the dock.	We may need to look at the 24 hours.	Complete review will be undertaken by Harbor Department.
When there were no dinghy docks in the C field, there were a lot of boats in disarray. We got some dinghy docks, and it helped. We got the 72 hours, and it really helped. The moorings are better and more people spend time on their boats and have easy access. If I come down the third day in the 72 hours and go out to my boat for 5 or 6		To be reviewed by Harbor Department.

<p>hours to do some work, where do I put the dinghy for 24 hours?</p>		
<p>The way this is written is totally, absolutely unworkable and totally unenforceable. If they move for 20 hours, (inaudible) into it somewhere, which is a good idea. The minute these docks were put in as they are now, and (inaudible) there's going to be storage before that. There were like three or four boats tied up at a public dock. As soon as it became public that there was going to be boat storage, they've filled up, and they've been totally full ever since. They've added all these extra spaces, and they've immediately filled up. It's almost impossible to get in and tie up most days. Sometimes it takes 15 minutes after you're there to work your way between boats because so many boats are stored there. Boats are stored there for six months and longer. We need something that will fix the problem. Enforcement would work if it was set up in two different stages. The first thing is identify all the vessels tied up in the 24/72 hours. The 24/72 is fine for people with 72, but it's biased against the people that are stuck with 24 hours. Start with indicating it should be 72 hours on some portion of each of the docks.</p>	<p>Why don't those of you that are impacted take a shot at giving us your version of this paragraph and submitting it to us in an email? We'll take all of those into consideration.</p>	<p>To be reviewed by the Harbor Department</p>
<p>The County Harbor Patrol took away the dinghy dock over at the Harbor Patrol facility because they were tired of the messes. They painted it all red. I appreciate that you guys are trying to make this work. In Avalon, there's a tag system where they tag the boat. That's their system for the 72 hours.</p>		<p>This is a County facility, we do not have jurisdiction on this dock.</p>
<p>A helpful direction would be finding and arranging more tie-up space. We're aware of opportunities and look forward to your working on that.</p>		<p>No action on this item.</p>
<p>The situation that would work would be to first identify all the boats using the 72-hour with a CF number. Otherwise, there's no way to identify the boat. First, issue a notice of</p>	<p>What you have explained is what the Harbormaster is working on right now. I have seen how he's going to enforce the time limits on the docks with CF numbers and</p>	<p>No action on this item.</p>

<p>pending violation. Illegal to remove the notice from the vehicle by a third party. The vessels tied up get 24-72 hours from the time the notice is posted at which time it needs to be removed. If the notice has been removed, it goes with the time stamp from when it was marked. If it's still there 72 hours later, it's subject to penalty. The 24-hour removal would be if you receive a notice, it has to be removed for 24 hours. The 24-hour notice should exempt live-aboard people because (inaudible) post our boats. We're there every day and using the boat every day. The way to enforce it could be with laptops with a photo galley for each dock.</p>	<p>notices. He's doing an education piece right now. You should see some of those on the docks. Our goal is to get people who are storing their boats for six months at a time out of there. They will be documented. It takes a long time to take care of an asset that has been ignored decades. We are trying to do that.</p>	
<p>Another way to eliminate the congestion at these docks. I pay \$25 a month for a dinghy rack so I can get back and forth to my mooring. Maybe you can put a dinghy rack somewhere on the dock. It might alleviate some of that congestion.</p>		<p>No action on this item.</p>
<p>In the markings by times, is there any merit in a 12-hour zone?</p>		<p>Harbor Department to review.</p>
<p>The three-hour zone for most people that live on their boats and the 20-minute zone don't work because we go in the morning to do our chores on land. We come back more than three hours later.</p>		<p>Harbor Department to review.</p>
<p>A lot of the larger dinghies don't fit in the 72-hour.</p>		<p>Harbor Department to review.</p>
<p>Is Rhine Wharf a dinghy dock ever?</p>	<p>No.</p>	<p>No action taken on this item.</p>
<p>Section 17.25.10</p>		
<p>You might look further at the history regarding the double moorings where connector lines were required rather than an option. The fairways don't work when people don't have lines connecting the buoys. It's a thought for your consideration.</p>		<p>This does not relate to 17.25.10 No action taken on this item.</p>

With floats.		This does not relate to this item. No action taken on this item.
Harbor Patrol was at the back area, and he watched a 35-foot boat go through two moorings and break both of the spring lines. He did nothing.		No action taken on this item.
Could it also be said that mooring field areas are not navigable areas for traffic?	That's probably not enforceable.	No action taken on this item.
Not everybody can do this, but I have dinghy I put in between my line and the lines out of the water. They can see the dinghy, so they're not going to run through that. If it's visible with enough floats or a dinghy, that helps a lot.	Why doesn't the Mooring Association get together and come back to us with a recommendation on this?	Waiting for response from Mooring Association
<p>The added language to 17.25.10 C.1.f needs to be cleaned up a bit....</p> <p>vessels tied up or secured in marked areas designated for either twenty-four (24) hours or seventy-two (72) maximums may not continue to use that same dock area beyond those established periods by relocating</p> <p>Perhaps with "either twenty four (24) hour or seventy two (72) hour maximums."</p>	Email	To be reviewed by Harbor Department
<p>1. 19th St. public dock. A. Many dinghies in violation of 72 hr. limit. B. 19th St. dock needs to be extended @ 10' into the bay so that dinghies can make their way to the 72 hr. area (back side) at low tide. Now at low tide you cannot get in or out of that area.</p> <p>2. Harbor use, recreational and live aboard. A. With more and more people using the harbor each year, the key is not more restrictions, but better management. B. mooring holders should have permitted for the 72hr area at the public docks that area should be for those permits only.</p>		<p>Dock time limits to be reviewed by Harbor Department.</p> <p>Some items to be addressed at a later time or are code enforcement related.</p>

<p>C.live aboard permits should be for 12 months, The city should have a use permit for people like my wife and I who like many others have boats on moorings and live out of the area, and like to come to Newport and stay on their boats. I would suggest the use permit would allow 7days per month and the boat would have to comply pump out regulations and be inspected for compliance.</p>		
Section 17.25.20 Sea Lions		
<p>How about putting up a sea lion island so they have someplace?</p>	<p>That issue was addressed at the Harbor Commission meeting in March.</p>	<p>No action taken on this item.</p>
<p>What will you use to deter them? Seal stops are the only thing that works. If you're going to charge for buckets and things, that's worthless.</p>	<p>Should we take this out?</p>	<p>Revised language.</p>
<p>What did you have in mind for bill the mooring permittee for such deterrents?</p>	<p>If we have to spend \$300 on something for your boat because you're out of town or an absentee boat owner ... I'd like to ask the Newport Mooring Association to weigh in on this. We can take this language out. Part of this is to protect your boats if you're not there for 24 or 72 hours or two weeks. If you'd prefer to handle this privately, we'll stay out of it. We can issue a citation, and that's already in the Code.</p>	<p>Waiting for Mooring Association Revised language.</p>
<p>At the beginning it should say if the permittee does not respond within a designated timeframe. They should be receiving a notice of the timeframe to care of the situation.</p>		<p>Revised language</p>
<p>This is under moorings, but sea lions get on swim steps on boats or at docks as well. It says moored vessels.</p>	<p>The intent of this is it pertains not only to boats on moorings but also boats on docks.</p>	<p>Revised language</p>
<p>Dock owners would prefer to have no City involvement in sea lions.</p>		<p>No action.</p>

<p>The Mooring Association Board particularly cares about representing all the opinions out there. We will definitely be doing survey activity, and the City will help us with that. In that manner, your input will be received.</p>		<p>Waiting on information from the Mooring Association.</p>
<p>There is a cheap way to deter sea lions.</p>		<p>Revised language.</p>
<p>I think we need to dwell on "bill the mooring permittees for such deterrents." What are you talking about? That language needs some work.</p>	<p>It's a catchall phrase. If you don't want it in there, we can take it out.</p>	<p>Revised language</p>
<p>Section 17.25.30</p>		
<p>Does that mean standup paddleboards or kayaks when you say vessel storage?</p>	<p>They're vessels under the Inland Rules.</p>	<p>No action taken on this item.</p>
<p>(crosstalk) kayak over to shore (crosstalk) up to three hours and go somewhere (crosstalk)?</p>		<p>No action taken on this item.</p>
<p>Can we make it four hours?</p>		<p>No. Remain at 3 hours.</p>
<p>For the majority of people heading to San Diego for the (inaudible), they've already figured out (inaudible) work. They've pulled up on beaches countless times. In Seattle, you go ashore, and you pull your dinghy up on shore. If you've got any brains at all, you set it up so it's not going to float away. You do your shopping and come back. The dinghy docks aren't always available. It's just being a more welcoming place for people to stop and spend money if we made ourselves a little more accessible to cruisers.</p>	<p>.</p>	<p>No action taken on this item.</p>
	<p>The second word in i, ii, iii, and iv should be permittee rather than permit. We may have to look at Section 17.30.30 as it pertains to the bait barge.</p>	<p>Changed.</p>
<p>Where does the white sea bass fall? I recommend Title 17 deal with it.</p>	<p>We need to look at that.</p>	<p>This is covered within 17.30.030. No changes.</p>

	I'm sure there's a special permit for that that may not be dealt with in the Municipal Code.	
Section 17.35.020		
If we wanted to put motion sensor lights on regular docks for nighttime, would that have to be in here? When I've had to drop my husband off and come home by myself at night, I wasn't happy that the street lights were dark and the dock was dark.	That's not a Title 17 issue, but you should address it to the Harbormaster.	No action taken on this item. This is operational, not code related.
They do make timing, mounted, LED, solar photo infrareds. It gathers sun. It has a low-cast light. When you walk in front of it, it brightens up.		No action taken on this item. This is operational, not code related.
EMAILS RECEIVED		
Finally, as I expressed to the Harbor Commission at their last meeting, I am a bit disappointed in the decision to bring the revisions to the City Council in two parts, which precludes the possibility of comprehensively rearranging Title 17 as a whole into a more logically organized and readable form. It also means the Council will be asked to approve some of the definitions before considering the code in which they are used.		Staff will work to make sure the revisions are consistent across all sections of Title 17.
As the year progressed the larger boats started encroaching on the inside channel. I am not sure when that restriction was no longer enforced. As I and hundreds of others paddleboard around the Island, we are constantly subject to the larger boats looming down on us and to be honest, most of them are not even paying attention to what and most importantly who is on the water in front of them. I've seen some close calls where boats have had to either slam it in reverse suddenly or veer off to avoid running over a small children who were playing in the water in front of their vessel. You use it every day and especially on the weekends. That happens a lot with these rented Duffy's as		No action on this item.

<p>well. You've probably witnessed these incidents yourself when you are out enjoying the water.</p> <p>These hazardous situations can and should be easily avoided; as well as a law suit to the City. Many big, and I mean 30' – 60' boats cruise through the inside channel every weekend when most of the human activity is in the channel.</p> <p>Boats use to only be allowed in the inside channel if they were going to or leaving their moorings. Let's be a smart and pro-active City and make the inside Channel all the way around the Island safe for the hundreds of children, youngsters, teens and adults to enjoy again without fear of being run over by an skipper not paying attention and potentially and realistically being impacted with the reality of on oncoming propeller. A reality each party will have to live with for the rest of their lives, and you too.</p>		
<p>As a resident of Balboa Island and a sailboat owner/racer, I am concerned with the large charter party boats being allowed to cruise close to the shore on the island. We have observed these large boats running too fast for safety and many have too much beam for safe passage of other smaller boats travelling in opposite direction. This sometimes causes boats to veer towards the shore to avoid collision, thereby endangering swimmers, paddle boarders and kayakers.</p>		<p>No action.</p>
<p>I am is against live-aboards for the following reasons: I feel about 70% of them are not good people; and They're one step away from being homeless, which brings about the same kinds of issues with the homeless – more thefts in the neighborhood, scavenging through the trash, leaving litter on the docks, drug dealing, etc.</p>		

<p>I do not feel that the current liveaboards are being monitored to prevent discharge into the bay and late night engine and generator noise. Until the City develops a plan and has sufficient staff to monitor such, the City should not extend the allowable stays by redefining live aboard.</p>		<p>Expanded how many nights per month non-liveaboards can stay.</p>
<p>He believes that the City has taken away a great public access when they put the "No Fishing" signs on the 19th Street dock. He would like to see fishing allowed on the dock. In addition, he would like to see enforcement on dinghy's by chaining up boats and not hire any additional staff .</p>		<p>No change.</p>
<p>I cannot attend the meetings, but I concur with those who believe large boats should not be allowed passed a certain point on the back side of balboa island.</p>		<p>No change.</p>

Note: Emails received that are not specific to the Title 17 sections covered will be included during the review of those sections.

Assistant City Manager Jacobs announced another public meeting is scheduled for May 6. Comments can be emailed to title17review@newportbeachca.gov . Information about the Title 17 Review is available on the City website. Anyone can register to receive emails about Harbor Commission activities on the City website.