



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, January 10, 2024 - 5:00 PM

Harbor Commission Members:

Steve Scully, Chair
Ira Beer, Vice Chair
Marie Marston, Secretary
Scott Cunningham, Commissioner
Rudy Svrcek, Commissioner
Gary Williams, Commissioner
Don Yahn, Commissioner

Staff Members:

Paul Blank, Harbormaster
Jennifer Biddle, Administrative Support Specialist

The Harbor Commission meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Harbor Commission agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Harbor Commission. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

The City of Newport Beach's goal is 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, we will attempt to accommodate you in every reasonable manner. Please contact Paul Blank, Harbormaster, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 270-8158 or pblank@newportbeachca.gov.

Questions and comments may be submitted in writing for the Harbor Commission's consideration by sending them to harborfeedback@newportbeachca.gov. To give the Harbor Commission adequate time to review your questions and comments, please submit your written comments no later than 5 p.m. the day prior to the Harbor Commission meeting. All correspondence will be made part of the record.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the Harbor Department 24 hours prior to the scheduled meeting.

1) **CALL MEETING TO ORDER**

2) **ROLL CALL**

3) **PLEDGE OF ALLEGIANCE**

4) **PUBLIC COMMENTS**

Public comments are invited on non-agenda items. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Harbor Commission has the discretion to extend or shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode

5) **APPROVAL OF MINUTES**

1. **Draft Minutes of the November 8, 2023 Harbor Commission Regular Meeting**

[11-08-2023 Harbor Commission Draft Meeting Minutes](#)

6) PUBLIC HEARING**1. Appeal: Residential Dock Reconfiguration at 101 Bayside Place**

An appeal of Public Works Director's November 1, 2023 decision to approve a residential dock reconfiguration project at 101 Bayside Place ("Property"). The project includes removing the existing U-shaped floating dock, gangway landing, pier platform, pier approach and all piles, and replacing with a new single-finger float, gangway landing, gangway, pier platform, pier approach and new piles (Plan Check #HAIC2022-1651 "Project").

Recommendation:

- 1) Conduct a public hearing;
- 2) Find this Project exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, and that no exceptions under Section 15300.2 apply; and
- 3) Adopt Resolution HC2024-01 of the Harbor Commission of the City of Newport Beach, California denying the appeal and upholding the approval in concept of the residential dock reconfiguration at 101 Bayside Place.

[Staff Report](#)

[Attachment A - Aerials](#)

[Attachment B - Approval in Concept Packet](#)

[Attachment C - Appeal](#)

[Attachment D - Public Outreach](#)

[Attachment E - Public Comments](#)

[Attachment F - Resolution HC2024-01](#)

7) CURRENT BUSINESS**1. Code Enforcement Update - Special Enforcement Programs**

Harbor Department code enforcement officers are responsible for enforcing Title 17, the California Harbors and Navigation Code and various sections of the Newport Beach Municipal Code relating to zoning, noise, specified building codes, water quality, public nuisances and business regulations. Code enforcement officers rely heavily on collaboration and education to encourage voluntary compliance with these laws.

This report will update the Harbor Commission on the Department's special enforcement programs, that further the Harbormaster's goal of keeping the Harbor clean, safe and well-enjoyed.

Recommendation:

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

- 2) Receive and file.

[Staff Report](#)

2. Review of Appraisal and Discussion of Rental Rates for Off-Shore Mooring Permits

The City of Newport Beach (City) manages tidelands in Newport Harbor, including areas of the harbor located bayward of the pierhead lines and designated as mooring fields, for berthing vessels and which are permitted as offshore moorings. In 2016, the City Council adopted fair market value rent for moorings in Newport Harbor. Since 2016, these rental rates have been adjusted annually by changes in the cost of living pursuant to the Consumer Price Index (CPI). As prescribed by City Council Resolution No. 2016-17, a new appraisal of mooring rental rates for offshore moorings has been conducted under the direction of the Harbor Commission subcommittee responsible for 2021 Harbor Commission Objective 1.3. The 2023 appraisal report for offshore moorings is attached for the Harbor Commission's consideration and discussion.

Recommendation:

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

- 2) Issue a recommendation to the City Council regarding this matter.

[Staff Report](#)

[Attachment A - Appraisal Report](#)

[Attachment B - Map](#)

[Attachment C - Resolution No. 2016-17](#)

[Attachment D - Offshore Mooring Appraisal Rate Analysis](#)

3. Ad Hoc Committee Updates

Several ad hoc committees have been established to address short term projects outside of the Harbor Commission objectives. This is the time the ad hoc committees will provide an update on their projects.

Recommendation:

- 1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and

- 2) Receive and file.

[Staff Report](#)

4. Harbor Commission Current Objectives Update - Final Update

At the November 9, 2023 Harbor Commission meeting, the Harbor Commissioners approved their Objectives for 2024. They will provide a final progress report of their

Current Objectives at this meeting and will begin reporting on their 2024 Objectives at the next regularly scheduled Harbor Commission meeting.

Recommendation:

1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and

2) Receive and file.

[Staff Report](#)

[Attachment A - Harbor Commission Current Objectives](#)

5. Harbormaster Update - November & December 2023 Activities

The Harbormaster oversees the City Harbor Department and is responsible for the management of the City's mooring fields, enforcement of the municipal code, events permitting, safety and rescue operations, the Marina Park Guest Marina, marine sanitation pump out equipment and public pier maintenance, impound and disposition of abandoned and unclaimed vessels and public relations and information dissemination on and about Newport Harbor.

This report will update the Harbor Commission on the Harbor Department's recent activities.

Recommendation:

1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

2) Receive and file.

[Staff Report](#)

[Attachment A - Harbor Department Statistics Infographic](#)

8) MOTION FOR RECONSIDERATION

A motion to reconsider the vote on any action taken by the Harbor Commission at either this meeting or the previous meeting may be made only by one of the Commission Members who voted with the prevailing side.

9) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

10) MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

11) DATE AND TIME FOR NEXT MEETING: Wednesday, February 14 at 5 p.m.

12) ADJOURNMENT