



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, May 10, 2023 - 5:00 PM

Harbor Commission Members:

Steve Scully, Chair
Ira Beer, Vice Chair
Don Yahn, Secretary
Scott Cunningham, Commissioner
Marie Marston, Commissioner
Rudy Svrcek, Commissioner
Gary Williams, 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 February 8, 2023 Harbor Commission Regular Meeting**

[Harbor Commission Draft Minutes 02-08-2023](#)

[02-08-2023 Harbor Commission Draft Minutes Chair Scully Comments](#)

2. Draft Minutes of the April 12, 2023 Harbor Commission Regular Meeting

[Draft Minutes of 04-12-2023](#)

[04-12-2023 Harbor Commission Draft Minutes Chair Scully Comments](#)

[04-12-2023 Harbor Commission Draft Minutes Vice Chair Beer Comments](#)

[04-12-2023 Harbor Commission Draft Minutes Commissioner Marston Comments](#)

6) CURRENT BUSINESS**1. Review of Proposed Changes to Newport Beach Municipal Code As It Relates to Proposed Updates to Council Policy H-1**

Council Policy H-1 (H-1) describes the distance that piers and floats may extend channelward throughout the harbor. At the April 2023 meeting, the Harbor Commission approved the proposed changes to H-1 and recommended they be forwarded to the City Council for review and approval. While preparing for the City Council meeting, staff determined that minor updates to the Newport Beach Municipal Code (NBMC) were required to provide greater clarity to H-1. The Harbor Commission is requested to review and approve the proposed changes to the NBMC and recommend that it be forwarded with H-1 to the City Council for final approval.

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) Approve changes to NBMC and recommend that it be forwarded to the City Council for final approval.

[Staff Report](#)

[Attachment A - NBMC - Redline](#)

[Attachment B - Aerials](#)

[Item No. 6.1 Additional Material Presented at Meeting Staff Presentation May 10, 2023](#)

2. Establish Ad Hoc Committee to Provide Guidance to the Balboa Ferry with Compliance of California Regulations

The Harbor Commission establishes annual Objectives to focus the Commission on issues that are important to the City Council, the Harbor Commission and community. At the Harbor Commission meeting of April 12, 2023, Chair Scully requested an Ad Hoc Committee be set up to provide guidance to the Balboa Ferry and help them with compliance of California regulations.

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) Establish and Appoint Harbor Commission Members to an Ad Hoc Committee to provide guidance to the Balboa Ferry with compliance of California regulations.

[Staff Report](#)

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 2022 Objectives Update

At the February 8, 2023, Harbor Commission meeting the decision was made by the Commission to continue the 2022 Objectives instead of creating new ones for 2023. The Commission felt there was still much work to be done on the 2022 Objectives and it would allow the new City Council Members to get settled and learn about the Harbor Commission. Each ad hoc committee studying their respective Functional Area within the Commission's 2022 Objectives, will provide a progress update.

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 2022 Objectives](#)

[Attachment B - Harbor Commission 2022 Objectives Tracking Sheet](#)

5. Harbormaster Update - April 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](#)

[Attachment B - Harbor Department Statistics by Month, Current Year](#)

[Attachment C - Harbor Department Statistics, Year over Year Comparison](#)

[Attachment D - Harbor Department Definitions](#)

[Item No. 6.5 Additional Material Presented at Meeting_ Staff Presentation_ May 10, 2023](#)

[Item No. 6.5 Additional Material Presented at Meeting_ Staff Presentation_ May 10, 2023](#)

7) **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.

8) **COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**

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

10) **DATE AND TIME FOR NEXT MEETING: Wednesday, June 14, 2023 at 5 p.m.**

11) **ADJOURNMENT**