



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, April 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, Executive Assistant

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 1, 2024 Harbor Commission Special Meeting**

[02-01-2024 Harbor Commission Special Meeting Draft Minutes](#)

[02-01-2024 Harbor Commission Special Meeting Draft Minutes Chair Scully Comments](#)

[02-01-2024 Harbor Commission Special Meeting Draft Minutes Vice Chair Beer Comments](#)

2. Draft Minutes of the March 18, 2024 Harbor Commission Special Meeting

[03-18-2024 Harbor Commission Special Meeting Draft Minutes](#)

[03-18-2024 Harbor Commission Special Meeting Draft Minutes Chair Scully Comments](#)

[03-18-2024 Harbor Commission Special Meeting Draft Minutes Secretary Marston Comments](#)

[03-18-2024 Harbor Commission Special Meeting Draft Minutes Vice Chair Beer Comments](#)

6) CURRENT BUSINESS

1. Review of Appraisal, Discussion, and Recommendation of Rental Rates for Mooring Permits

The City of Newport Beach (City) manages tidelands in Newport Harbor, including: (i) 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, and (ii) areas of the shore that are permitted for onshore 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 the lesser of 2% or the change in the cost of living pursuant to the Consumer Price Index (CPI). Under the direction of the Harbor Commission subcommittee responsible for 2021 Harbor Commission Objective 1.3, new appraisals of the on- and offshore mooring rental rates were commissioned. The reports were previously submitted to the Harbor Commission and are submitted for the Harbor Commission's further consideration and discussion.

Recommendation:

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

[Staff Report](#)

[Attachment A - March 18, 2024 Staff Report regarding On- and Offshore Mooring](#)

[Attachment B - Netzer & Associates memo regarding 2023 Netzer Report](#)

[Attachment C - Comments Received from the Public](#)

[Item No. 6.1 Additional Material Received Staff Memo - State Lands](#)

[Letter 04-10-2024 Harbor Commission Meeting](#)

[Item No. 6.1 Additional Material Received Public Correspondence 04-10-2024](#)

[Harbor Commission Meeting](#)

[Item No. 6.1 Additional Materials Received Public Correspondence 04-10-2024](#)

[Harbor Commission Meeting](#)

[Item No. 6.1 Additional Material Presented at Meeting Staff](#)

[Presentation 04-10-2024](#)

[Item No. 6.1 Additional Material Presented at Meeting Vice Chair Beer](#)

[Presentation 04-10-2024](#)

[Item No. 6.1 Additional Material Presented at Meeting Commissioner Svrcek](#)

[Comments 04-10-2024](#)

2. Create and Appoint Members to a Proposed Ad Hoc Committee to Review the Utilization of Public Dock and Recommend Potential Improvements

At the Harbor Commission meeting on March 18, 2024, the Harbor Commission requested consideration of establishing an ad hoc subcommittee to review the utilization of the 15 public docks in Newport Harbor. The Commissioners feel now is an appropriate time to review and potentially recommend improvements to the functional uses, time limits and other operational characteristics of the public docks based on feedback and experience with the current utilization. Once convened, the Subcommittee will research and review the current operational characteristics of the public piers and evaluate alternatives.

Recommendation:

a) 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

b) Establish a subcommittee and appoint Harbor Commissioners to review and evaluate the utilization of the public piers in Newport Harbor. Identify up to three Harbor Commissioners to serve on the subcommittee.

[Staff Report](#)

[Item No. 6.2 Additional Material Presented at Meeting Vice Chair Beer](#)

[Presentation 04-10-2024](#)

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:

a) 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

b) Receive and file.

[Staff Report](#)

4. Harbor Commission 2024 Objectives

Each ad hoc committee studying their respective Objective within the Commission's 2024 Objectives, will provide a progress update.

Recommendation:

a) 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

b) Receive and file.

[Staff Report](#)

[Attachment A - Harbor Commission 2024 Objectives](#)

5. Harbormaster Update - March 2024 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:

a) 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

b) 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 04-10-2024](#)

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, May 8, 2024 at 5 p.m.**

11) **ADJOURNMENT**