



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, March 9, 2022 - 5:00 PM

Harbor Commission Members:

William Kenney, Jr., Chair
Ira Beer, Vice Chair
Steve Scully, Secretary
Scott Cunningham, Commissioner
Marie Marston, 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.

[Additional Material Presented at Meeting Public Comment Wade Womack Presentation March 9, 2022](#)

5) APPROVAL OF MINUTES

1. Draft Minutes of the February 9, 2022 Harbor Commission Regular Meeting

[2-9-2022 Harbor Commission Draft Minutes](#)

[2-9-2022 Harbor Commission Draft Minutes Secretary Scully Comments](#)

[2-9-2022 Harbor Commission Draft Minutes Commissioner Williams Comments](#)

[2-9-2022 Harbor Commission Draft Minutes Commissioner Marston Comments](#)

6) **PRESENTATION**

1. **State Lands Commission Presentation on Tidelands Stewardship**

The City of Newport Beach was granted sovereign tidelands and submerged lands in trust in 1919. This grant and its amendments were repealed in 1978 and a new grant was enacted tasking the City with stewardship over all of the sovereign tide and submerged lands located within the City's 1919 city limits. A representative of the granting authority, the California State Lands Commission will give a presentation related to the stewardship of those granted tidelands.

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](#)

[Additional Material Presented at Meeting CA State Lands Commission Presentation March 9, 2022](#)

[Additional Material Presented at Meeting CA State Lands Commission Public Comment Wade Womack Presentation March 9, 2022](#)

7) **PUBLIC HEARING**

1. **Residential Dock Reconfiguration at 815 Via Lido Soud**

Rob and Brooke Coldren ("Applicant") have applied for a harbor development permit to reconfigure a portion of their shared residential dock system at 815 Via Lido Soud which will include widening the eastern U-shaped slip and repositioning the piles at the end of the finger floats ("Project"). The finger floats extend beyond the pierhead line by 20-feet which is the same distance the adjacent, shared finger float and U-shaped slip extends. Because Applicant is proposing to construct bayward beyond the pierhead line, staff is unable to approve the project. Therefore, Council Policy H-1 directs the Harbor Commission to hold a public hearing for the proposed project.

Recommendation:

1) Conduct a public hearing; and

2) Find the 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

3) Adopt resolution HC2022-003 approving in concept the Project.

[Staff Report](#)

[Attachment A - Aerial Photos](#)

[Attachment B - Existing Approved Plans and Configuration](#)

[Attachment C - Proposed Configuration](#)

[Attachment D - Public Outreach](#)

[Attachment E - Resolution HC2022-003](#)

[Additional Material Presented at Meeting 815 Via Lido Soud Staff Presentation March 9, 2022](#)

8) **CURRENT BUSINESS**

1. **Marine Activities Permit Program Update**

The City Council adopted Ordinance 2021-3 amending Chapter 17.10 and other provisions of the Newport Beach Municipal Code (“NBMC”) related to Marine Activities Permits (“MAP”). The revisions to Chapter 17.10 included: A) a registration program for businesses previously exempt from obtaining a MAP; B) increased penalties for violations of Chapter 17.10 including operating without a MAP; and C) updates to the MAP standard conditions of approval. This report will update the Harbor Commission on enforcement activities since the adoption of Ordinance 2021-3 in January 2021.

Recommendation:

1) Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it will not result in a physical change to the environment, directly or indirectly; and

2) Receive and file.

[Staff Report](#)

[Additional Material Presented at Meeting Marine Activities Permit Staff Presentation March 9, 2022](#)

2. **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](#)

3. Harbor Commission 2022 Objectives

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 2021 Objectives Tracking Sheet](#)

[Additional Material Presented at Meeting Secretary Scully Document for Presentation March 9, 2022](#)

4. Harbormaster Update - February 2022 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](#)

[Additional Material Presented at Meeting Harbormaster Presentation March 9, 2022](#)

9) 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.

- 10) **COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**
- 11) **QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES**
- 12) **MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**
- 13) **DATE AND TIME FOR NEXT MEETING: Wednesday, April 13, 2022 at 5 p.m.**
- 14) **ADJOURNMENT**