



# CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, November 9, 2022 - 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.*

[Additional Material Received at Meeting Public Comment Womack 11-09-2022](#)

- 5) **APPROVAL OF MINUTES**

1. **Draft Minutes of the October 12, 2022 Harbor Commission Regular Meeting**

[10-12-2022 Harbor Commission Draft Meeting Minutes](#)

[10-12-2022 Harbor Commission Draft Minutes Chair Scully Comments](#)

[10-12-2022 Harbor Commission Draft Minutes Vice Chair Beer Comments](#)

6) **CURRENT BUSINESS**

1. **Harbor and Beaches Master Plan Projects - Review**

The Harbor Commission subcommittee has reviewed the Harbor and Beaches Master Plan ("PLAN") and is seeking input from the Harbor Commission. It is anticipated the subcommittee will return with a final draft for approval at the December meeting.

**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 - 2022 Harbor and Beaches Master Plan Projects](#)

2. **Council Policy H-1: Review of Proposed Changes to Pier and Float Extensions Beyond the Pierhead Line**

At the May 2022 meeting, the Harbor Commission formed a subcommittee to review Council Policy H-1 (H-1) which addresses the pier and float extensions beyond the pierhead line. The Committee requests the Harbor Commission's review of the proposed draft changes to H-1 so that staff may return later with a final proposed document for review and 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) Receive and file.

[Staff Report](#)

[Attachment A - Council Policy H-1 - Proposed Redline](#)

[Attachment B - Council Policy H-1 - Current Version](#)

3. **Recommendations Resulting from Commission Objective 2.3 to Improve Navigation Safety, Allow for Additional Moorings Within the Fields and Mooring Size Exchanges Requests**

At the Harbor Commission meeting of June 12, 2019, the Harbor Commission reviewed proposed amendments regarding offshore mooring extensions in conjunction with their 2018 Goals and Objectives to "Establish policies for modifications to mooring sizes". At that meeting, Commissioner Beer took responsibility for analyzing the mooring field layouts and drafting policies for review and consideration by the Harbor Commission. Commissioner Beer has conducted significant research with the aid of City staff and

documented his findings. He continues to put significant effort into a proposal which will include optimizing the mooring field layouts, perhaps allowing for additional moorings as well as providing a pathway and policies for those offshore mooring permittees who wish to adjust the length of the mooring for which they are currently permitted.

This report and presentation will update the Harbor Commission on Commissioner Beer's efforts, process and research. The Commission will be asked to approve recommendations related to optimizing utilization of the mooring fields and allowing mooring permittees to request a permit exchange to mooring of a different size. The recommendations are included in proposed draft ordinance amending City of Newport Municipal Code, Title 17.

**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) Review modify and/or approve changes proposed by the Harbor Commission subcommittee on improvements to the mooring fields and process for requesting a mooring size exchange and forward the recommendations to the City Council for consideration.

[Staff Report](#)

[Attachment A - Proposal for Mooring Field Reorganization 11.2.22](#)

[Attachment B - 17.25.020 strikeout 11.1.22](#)

[Attachment C - 17.60.040 strikeout 11.1.22](#)

[Attachment D - Feedback Received through 11.2.22](#)

[Additional Materials Received Item 6.3 Correspondence 11-09-2022](#)

[Additional Material Received at Meeting Item 6.3 Public Comment Farley 11-09-2022](#)

[Additional Material Received at Meeting Item 6.3 Public Comment](#)

[Womack 11-09-2022](#)

[Additional Material Presented at Meeting Item 6.3 Mooring Field Objective 2.3](#)

[Presentation 11-09-2022](#)

**4. Harbor Commission Draft 2023 Objectives Review**

The Harbor Commission periodically conducts a review and updates their objectives. An ad hoc committee was appointed to conduct a review of the Commission's 2022 objectives and recommend modifications for 2023 to be reviewed by the entire Harbor Commission. At their October 12, 2022 meeting, the Harbor Commission approved formation of an ad hoc subcommittee to draft objectives for 2023. Eventually, the approved objectives will be forwarded to the City council for review and consideration.

**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, review and provide guidance for further refinement of the Commission's

2023 Objectives.

[Staff Report](#)

[Additional Material Presented at Meeting 6.4 2023 Draft Goals 11-09-2022](#)

## 5. 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](#)

## 6. 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 2022 Objectives Tracking Sheet](#)

## 7. Harbormaster Update - October 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 Item 6.7 Harbormaster Report 11-09-2022](#)

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, December 14, 2022 at 5 p.m.**

11) **ADJOURNMENT**