



# CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, October 9, 2024 - 5:00 PM

**Harbor Commission Members:**

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

**Staff Members:**

Paul Blank, Harbormaster  
Jennifer Biddle, Executive Assistant

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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 August 14, 2024 Harbor Commission Regular Meeting**

[08-14-2024 Harbor Commission Regular Meeting Draft Minutes](#)

[08-14-2024 Harbor Commission Regular Meeting Draft Minutes Commissioner Scully Comments](#)

[08-14-2024 Harbor Commission Regular Meeting Draft Minutes Secretary Marston Comments](#)

6) **PUBLIC HEARING**

1. **Appeal of Harbormaster's Decision to Deny Robalo 180 Vessel Assignment and Variance to Onshore Mooring S-124**

The permit guidelines for onshore moorings indicate the maximum mooring length is eighteen feet. On September 5, 2024, a mooring permittee requested a variance to the mooring length limit and assignment of a new, proposed vessel to onshore mooring S-124. On September 10, 2024, the Harbormaster denied the request as the length of the vessel is documented at eighteen feet, four inches and exceeds the eighteen feet maximum length of the permitted mooring. The permittee has appealed the denial to the Harbor Commission.

**Recommendation:**

a) Determine that the action is not subject to 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) Hold an appeal of denial hearing and, if justified, adopt Resolution No. HC2024-03 affirming the Harbormaster's decision to deny the variance and vessel assignment request to Mooring S-124.

OR

c) Hold an appeal of denial hearing, amend or rescind the Harbormaster's decision and allow the vessel assignment to Mooring S-124 after making all of the requisite findings pursuant to Newport Beach Municipal Code Section 17.05.140.D.2.

[Staff Report](#)

[Attachment A - Mooring Assignment Request Letter](#)

[Attachment B - Mooring Assignment Denial Letter \(w/out attachments\)](#)

[Attachment C - Onshore Mooring S-124 Permit and Transfer Information](#)

[Attachment D - Robalo 2025 R180 Manufacturer's Brochure](#)

[Attachment E - Appeal Application S-124](#)

[Attachment F - Casey Jones – Appeal to the City of Newport Beach Harbor Commission \(HBR001\) Harbormaster Action to the Harbor Commission](#)

[Attachment G - Resolution HC2024-03](#)

[Additional Material Received Item No. 6.1 Appeal of Harbormaster's Decision to Deny Assignment & Variance to Onshore Mooring S-124 10-09-2024](#)

[6.1 Additional Material Presented at Meeting Staff Presentation 10-09-2024](#)

[6.1 Additional Material Presented at Meeting Appellants Exhibits 10-09-2024](#)

7) **CURRENT BUSINESS**

1. **General Plan Harbor & Bay Element Update**

The City is currently engaged in an update to the General Plan. Curtis Black, a member of the General Plan Advisory Committee seeks input from the Harbor Commission on the Harbor and Bay Element of the General Plan. Chapter 4 of the City's General Plan is the Harbor and Bay Element. It has been suggested the Harbor Commission review the existing Harbor and Bay Element, a presentation to the Planning Commission from 2017 related to maintaining a vibrant harbor and contribute suggested revisions for the current General Plan Update. The Commission may wish to discuss and suggest revisions during a regular Harbor Commission meeting or convene an ad hoc subcommittee to develop recommendations for the full Harbor Commission to consider at a subsequent meeting.

**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.

OR

c) Convene an ad hoc subcommittee to develop a revised vision statement to be presented at a subsequent meeting.

[Staff Report](#)

[Attachment A - General Plan Harbor and Bay Element – 2006](#)

[Attachment B - Harbor Commission Presentation to Planning Commission – 2017](#)

[Attachment C - Harbor Commission and the General Plan](#)

[7.1 Additional Material Presented at Meeting Staff Presentation 10-09-2024](#)

[7.1 Additional Material Presented at Meeting GPAC Member Presentation 10-09-2024](#)

## 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:**

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](#)

## 3. 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](#)

[Additional Material Received Information from Subcommittee for Objective #9](#)

## 4. Harbormaster Update - August and September 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](#)

[7.4 Additional Material Presented at Meeting Harbormaster Presentation 10-09-2024](#)

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, November 13, 2024 at 5 p.m.**

12) **ADJOURNMENT**