



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, January 9, 2019 - 6:30 PM

Harbor Commission Members:

David Girling, Chair
Scott Cunningham, Vice Chair
John Drayton, Secretary
Ira Beer, Commissioner
Paul Blank, Commissioner
William Kenney, Jr., Commissioner
Don Yahn, Commissioner

Staff Members:

Carol Jacobs, Assistant City Manager
Kurt Borsting, 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 Carol Jacobs, Assistant City Manager, 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) 644-3001 or cjacobs@newportbeachca.gov.

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 agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Harbor Commission. 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 agenda or 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. **Minutes of December 12, 2018, Study Session and Regular Meeting**

[12-12-2018 HARBOR COMMISSION STUDY SESSION AND REGULAR MEETING DRAFT MINUTES](#)

6) **PUBLIC HEARING(S)**

1. **2888 Bayshore Drive (Newport Marina) - Appeal**

The Harbor Commission will consider an appeal of the City's approval of the proposed marina reconfiguration project at 2888 Bayshore Drive.

Recommendation:

1) Find the project exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

2) The Harbor Commission may either uphold, amend or reverse the Harbor Resources Manager's approval of the proposed marina reconfiguration at 2888 Bayshore Drive.

STAFF REPORT

ATTACHMENT A - 2016 AERIAL

ATTACHMENT B - EXISTING AND 2016 PROPOSED

ATTACHMENT C - OCTOBER 2016 HARBOR COMMISSION MINUTES

ATTACHMENT D - OCTOBER 2016 NOTICE OF HARBOR COMMISSION'S DECISION

ATTACHMENT E - 2018 PROPOSED

ATTACHMENT F - APPROVAL IN CONCEPT FOR 2018 PROPOSED

ATTACHMENT G - APPEAL FILED AGAINST 2888 BAYSHORE DRIVE

ATTACHMENT H - COMMERCIAL CITY STANDARD STD 607-L

ATTACHMENT I - RESIDENTIAL PIER CITY STANDARD STD 608-L AND NBMC

ATTACHMENT J - DISTANCE FROM VESSEL AT 2782 TO PROPERTY LINE

ATTACHMENT K - PUBLIC NOTICE

6.1 Additional Material Received Correspondence - Bayshore Community Association

6.1 Additional Material Received Correspondence - John Davenport

6.1 Additional Material Received Correspondence - Mary Ann Soden

6.1 Additional Material Received Correspondence -Cameron and Shelley Todd

6.1 Additional Material Received Correspondence - Alan and Alexandra Airth

6.1 Additional Material Received Correspondence - Carl McLarand

6.1 Additional Material Received Correspondence - Gemma Robles

6.1 Additional Material Received Correspondence - Nordlund and Ronnenberg

6.1 Additional Material Received Correspondence -Marge and Jeff Lewis

6.1 Additional Material Presented at Meeting Chris Miller Presentation

6.1 Additional Material Presented at Meeting CAA Planning Presentation

6.1 Additional Material Presented at Meeting Michael Hewitt Presentation

6.1 Additional Material Received After the Meeting Correspondence -Jack Langson

7) **CURRENT BUSINESS**

1. Presentation by National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) Regarding Sea Lion Deterrents (This item may be continued to a future meeting due to the Federal Government shutdown)

As part of the City's Harbor Department, staff works closely with vessel and property owners regarding sea lion deterrents. Sea Lions have an active season within the harbor and NOAA will provide the Harbor Commission with options for sea lion deterrents.

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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

2) Receive and file and if appropriate provide direction to staff.

[STAFF REPORT](#)

2. Harbor and Beaches Master Plan Projects: Review and Approve

Staff requests the Harbor Commission review and approve the Harbor and Beaches Master Plan Projects, and recommend forwarding it to the City Council for approval.

Recommendation:

1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect 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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

2) Approve the Harbor and Beaches Master Plan Projects and recommend staff forward to the City Council for review and approval.

[STAFF REPORT](#)

[ATTACHMENT A - HARBOR AND BEACHES CAPITAL PLAN](#)

[7.2 Additional Material Presented at Meeting Chris Miller Presentation](#)

3. Navigational Aids Welcoming Boaters into Newport Harbor

There is currently a navigational aid on the west end of the Newport Jetty to aid boaters as they enter into Newport Harbor. The current structure is functional, however may not be considered as welcoming as it could be to boaters. The United States Coast Guard is contemplating a replacement program and there may be an opportunity to enhance the look of the navigational aid.

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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

2) Receive and file and provide direction to staff as appropriate.

[STAFF REPORT](#)

[ATTACHMENT A - 2016 NEWPORT BAY HARBOR STRUCTURE CONDITION INSPECTION](#)

[7.3 Additional Material Presented at Meeting Keith Yonkers Presentation](#)

4. Proposed Language to Amend Title 17 to Allow for Offshore Mooring Extensions

The Harbor Commission established their 2018 Goals and Objectives, Goal 3.2 is to “Establish policies for modifications to mooring sizes”. As part of this objective, the Harbor Commission heard this item on October 10, 2018. The Harbor Commission subcommittee has drafted proposed language for the Harbor Commission to consider in order to allow for offshore mooring extensions.

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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

2) Approve the language as proposed or provide modifications. Direct staff to work with the City Attorney’s office to update the Newport Beach Municipal Code.

[STAFF REPORT](#)

[ATTACHMENT A - DRAFT LANGUAGE FOR MOORING LENGTH MODIFICATIONS](#)

[7.4 Additional Material Received Commissioner Beer](#)

5. Harbor Commission 2018 Objectives: Ad Hoc Committee Updates

Each ad hoc committee studying their respective Functional Area within the Commission’s 2018 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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

2) Receive and file.

[STAFF REPORT](#)

[ATTACHMENT A – HARBOR COMMISSION 2018 OBJECTIVES](#)

6. Harbormaster Update - December, 2018

The Harbormaster is responsible for on-water management of the City’s moorings, the Marina Park Marina and code enforcement on the water. This report will update the Commission on the Harbor Department’s activities for December, 2018.

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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

2) Receive and file.

[STAFF REPORT](#)

[ATTACHMENT A - HARBOR DEPARTMENT STATISTICS - DECEMBER 2018](#)

[7.6 Additional Material Presented at Meeting Kurt Borsting Presentation](#)

- 8) **COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**
- 9) **QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES**
- 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, February 13, 2019**
- 12) **ADJOURNMENT**