



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, June 12, 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 May 8, 2019, Regular Meeting**

[Draft Minutes 05-08-2019 Harbor Commission Regular Meeting](#)

6) CURRENT BUSINESS**1. Presentation by Orange County Sheriff's Department on Dock Space at Harbor Patrol Office**

Recently the Orange County Sheriff's Department changed the dock time limits at their facility located on Bayside Drive. The Sheriff's Department will provide a presentation regarding the changes.

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.

2. Proposed Changes to Title 17 - Harbor Code, Sections 17.01 (Definitions), 17.05 (General Provisions), 17.20 (Vessel Launching and Operation), 17.25 (Berthing, Mooring and Storage), 17.30 (Harbor Use Regulations), 17.35 (Harbor Development Regulations)

The City Council requested that the Harbor Commission Review Title 17- Harbor Code, of the Newport Beach Municipal Code in February of 2018. The Harbor Commission appointed an ad hoc committee comprising Commissioners Kenny, Blank and Yahn. The proposed changes are being recommended to the full Harbor Commission.

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 recommended changes to Title 17 (Attachment A) and forward the recommendations to the City Council for consideration.

[Staff Report](#)

[Attachment A – Proposed Changes to Title 17](#)

[Attachment B – Public Comments at April 8, 2019 public meeting](#)

[Attachment C – Public Comments at May 8, 2019 public meeting](#)

[Attachement D - Public Correspondence](#)

[6.2 Additional Material Received Proposed Changes to Title 17 Staff Memo](#)

[6.2 Additional Material Received Proposed Changes to Title 17 Jim Mosher](#)

3. Proposed Amendment to Title 17, the Harbor Code, Regarding Offshore Mooring Extensions

The Harbor Commission established their 2018 Goals and Objectives last year. Goal 3.2 is to “Establish policies for modifications to mooring sizes”. As part of this objective, an analysis of all mooring fields under City management was completed. As a result of that analysis, the Harbor Commission subcommittee is recommending changes to Title 17 to establish maximum lengths of vessels in each row of each mooring field.

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 proposed changes to the Newport Beach Municipal Code and recommend to the City Council for approval.

[Staff Report](#)

[Amended Attachment A – Proposed Ordinance – Title 17](#)

[Attachment A – Proposed Ordinance – Title 17](#)

[Attachment B – Harbor Policy](#)

4. Consideration of Revision to Title 17 - Live-Aboard Definition

The City Council requested that the Harbor Commission Review Title 17- Harbor Code, of the Newport Beach Municipal Code in February of 2018. The Harbor Commission appointed an ad hoc subcommittee comprised of Commissioners Kenny, Blank and Yahn. The ad hoc subcommittee is requesting the Harbor Commission review the definition of live-aboard.

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) Provide direction to staff on any recommendations to the City Council

[Staff Report](#)

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 - May 2019

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 May, 2019.

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 – Marina Park Guest Slip Customer Survey Results for May 2019](#)

[Attachment B – Harbor Department Statistics, Fiscal Year through May 2019](#)

7) **COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**

8) **QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES**

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, July 10, 2019**

11) **ADJOURNMENT**