



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, November 13, 2019 - 6:30 PM

Harbor Commission Members:

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

[Additional Material Presented at Meeting - Humor Slide 11-13-2019](#)

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. Draft Minutes of October 9, 2019, Harbor Commission Regular Meeting

[10-09-2019 Harbor Commission draft minutes](#)

6) CURRENT BUSINESS**1. Referral of Marine Activities Permit Application to Harbor Commission**

SoCal Cycleboats Inc., a commercial operation interested in providing a human powered multi-passenger cycleboat experience on the waters of Newport Harbor, has submitted a Marine Activities Permit Application for consideration. Since no similar business currently operates in the Harbor, there is no basis of comparison for staff to evaluate if this operation will adversely affect the health, safety or welfare of those who use, enjoy, or own property near Newport Harbor. As such, the Harbormaster is referring the application to the Harbor Commission for their recommendation, as to whether or not a Marine Activities Permit should be issued for this type of operation (such referrals for Harbor Commission consideration are provided for in NBMC Section 17.10.050).

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 staff direction regarding the request for issuance of a Marine Activities Permit for the SoCal Cycleboats Inc. proposal, subject to any additional approvals from other City Departments or outside agencies with authority over the proposed business.

Staff Report

[Attachment A - Marine Activities Permit Application](#)

[Attachment B - Cascade Cycleboats - US Coast Guard Info Sheet](#)

[Attachment C - Powerpoint - Newport Beach Project Description and Justification](#)

[Additional Material Received Correspondence - Ford 11-13-2019](#)

[Additional Material Presented at Meeting Applicant](#)

[Presentation 11-13-2019.docx](#)

[Additional Material Presented at Meeting Correspondence to Marine Activities](#)

[Permit 11-13-2019.docx](#)

2. Lower Bay Dredging Update

Public Works Manager Chris Miller will update the Harbor Commission on the latest planning efforts on the future Lower Bay dredging project.

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, Chapter 3, because it will not result in a physical change to the environment, directly or indirectly.

2) Receive and file.

[Staff Report](#)

[Additional Material Presented at Meeting Dredging Staff Presentation 11-13-2019](#)

3. Proposed Changes to Title 17 - Harbor Code

The City Council requested that the Harbor Commission review Title 17 (Harbor Code) of the Newport Beach Municipal Code in February 2018. The Harbor Commission created a subcommittee consisting of Commissioners Kenney, Blank and Yahn to provide recommended changes based on the changed conditions within the Harbor. The proposed changes reflect all chapters of the Harbor Code with the exception of chapter 17.10 - Marine Activity Permits which will be provided to the Harbor Commission at a future date.

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 and forward to the City Council for their consideration.

[Staff Report](#)

[Attachment A – Recommended changes to Title 17 \(clean\)](#)

[Attachment B – Recommended changes to Title 17 \(redline\)](#)

[Attachment C – Public Comments](#)

[Additional Material Received Correspondence - Gribble 11-13-2019](#)

[Additional Material Received Correspondence - Delaney 11-13-2019](#)

[Additional Material Presented at Meeting Correspondence Received Title 17 11-13-2019](#)

4. Proposed City Council Policy - Offshore Mooring Extensions

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”. The Commission reviewed and approved a Harbor Department Policy based on this recommendation. After further review, it is recommended that the Harbor Commission recommend a new City Council Policy establishing how and when moorings may be extended.

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;

2) Approve the proposed City Council Policy on mooring extensions and request staff to present to City Council for consideration.

[Staff Report](#)

[Attachment A – Proposed City Council Policy – Mooring Extensions \(including](#)

[Attachment A to the policy\)](#)

[Attachment B - Aerial Photos of Mooring fields](#)

5. Create a Subcommittee to work with the Parks, Beaches and Recreation Commission to Explore a Community Pool at Lower Castaways Park

At the City Council meeting of November 5, 2019, the City Council directed the Parks, Beaches and Recreation Commission and the Harbor Commission to work together to explore the possibility of a community pool at Lower Castaways Park.

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;

2) Appoint three members of the Harbor Commission to a subcommittee to work with the Parks, Beaches and Recreation Commission on a community pool at Lower Castaways Park.

[Staff Report](#)

[Attachment A – Staff Report from Recreation and Senior Services](#)

[Attachment B – Site Map](#)

6. Harbor Commission 2020 Objectives and Subcommittee Reports for Progress of Current Objectives

The Harbor Commission has completed a number of Objectives since the last full update of the Objectives in 2018. At the October 9, 2019 meeting, the Harbor Commission created a subcommittee to review the current updated Objectives. They were tasked with adding to, deleting and modifying the current Objectives for the City Council's Consideration in January 2020. The subcommittee for Objective Review will report their recommendations for consideration of the full Harbor Commission. Each subcommittee will also report their progress from the last month.

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) Review and approve updates to the Harbor Commission Objectives for 2020, and recommend that they be forwarded to the City Council for consideration.

3) Receive and file current subcommittee reports.

[Staff Report](#)

[Attachment A - Harbor Commission Objectives 2019](#)

7. Harbormaster Update - October 2019

The Harbormaster is responsible for the 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 October 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 – Harbor Department Statistics, Fiscal Year through October 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, December 11, 2019**
- 11) **ADJOURNMENT**