



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, January 8, 2020 - 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

[Humor Slide](#)

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 November 13, 2019, Harbor Commission Regular Meeting

[11-13-2019 Harbor Commission Draft Minutes](#)

[Additional Materials Received Minutes of November 13, 2019 Commissioner Beer Comments](#)

6) PRESENTATIONS

1. Presentation on Draft Disposable Food Service Ware Ordinance

The Water Quality/Coastal Tidelands Committee (WQCTC) has been reviewing the City's Municipal Code since September of 2019 to determine if the Code could be modified to provide additional regulations to improve the environment and water quality. This presentation will provide the Harbor Commission with an update of the work in progress.

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; and

2) Receive and file.

[Staff Report](#)

[Attachment A – PowerPoint Presentation](#)

[Attachment B – Santa Monica Food Service Ware Guidelines](#)

[Attachment C – Manhattan Beach Balloon Ban](#)

2. Update on the Water Wheel

The City has a robust water quality program that is overseen by the Public Works Department and the Water Quality/Coastal Tidelands Committee. In June of 2019, the City entered into an agreement with the State of California Natural Resources Agency for the Newport Bay Water Wheel Project. Public Works staff will provide a presentation on this project.

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; and

2) Receive and file.

[Staff Report](#)

[6.2 Update on the Water Wheel Staff Presentation January 8, 2020](#)

7) PUBLIC HEARING

1. Residential Dock Reconfiguration at 117 North Bay Front

The applicant at 117 North Bay Front is proposing to reconfigure the residential dock in essentially the same orientation by shifting the structure to the south. The proposed float will not extend bayward any further than the existing float, and this dock is in an area where the harbor lines (bulkhead, pierhead and project) are not clearly defined. Because the applicant is proposing a different configuration within an area where the harbor lines are not defined, staff is unable to approve the project. Therefore, Council Policy H-1 directs the Harbor Commission to hold a public hearing for the proposed project. The applicant requests the Harbor Commission to approve the proposed dock configuration.

Recommendation:

- 1) Conduct a public hearing; and
- 2) Find the Project exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and
- 3) Approve the Project at 117 North Bay Front by making specific findings to allow the dock to be reconfigured pursuant to the provisions in Council Policy H-1.

[Staff Report](#)

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

[Attachment B - Aerial Photos](#)

[Attachment C - Existing Approved Plans and Configuration](#)

[Attachment D - Proposed Configuration](#)

[Attachment E - Public Outreach](#)

[7.1 Residential Dock Reconfiguration at 117 North Bay Front Staff Presentation January 8, 2020](#)

8) CURRENT BUSINESS

1. Harbor Commission 2020 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 Council Consideration in January 2020. The subcommittee for Objective Review will report their recommendations for consideration of 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; and
- 2) Review and approve updates to the Harbor Commission Objectives for 2020, and recommend that they be forwarded to the City Council for consideration.

[Staff Report](#)

[Attachment A – Harbor Commission 2018 Objectives, Revised July, 2019](#)

[Additional Materials Received Staff Memo 2020 Objectives Draft and Harbor Stats](#)

2. Harbormaster Update - December 2019 Activities

The Harbormaster is responsible for the management of the City's mooring fields, the Marina Park Guest Marina and Harbor on-water code enforcement activities. This report will update the Commission on the Harbor Department's activities for December 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; and

2) Receive and file.

[Staff Report](#)

[Additional Materials Received Staff Memo 2020 Objectives Draft and Harbor Stats](#)

[8.2 Harbormaster Update Staff Presentation January 8, 2020](#)

- 9) **COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**
- 10) **QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES**
- 11) **MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**
- 12) **DATE AND TIME FOR NEXT MEETING: Wednesday, February 12, 2020 at 6:30 p.m.**
- 13) **ADJOURNMENT**