



# CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, June 10, 2020 - 5:00 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](mailto: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.

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Harbor Commission Members to attend Harbor Commission meetings telephonically. Please be advised that to minimize the spread of COVID-19, some, or all, of the Newport Beach Harbor Commission members may attend this meeting telephonically.

Also, please be advised that on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allows for the public to participate in any meeting of the Harbor Commission telephonically or by other electronic means. Given the health risks associated with COVID-19, the City of Newport Beach has decided to not have the City Council Chambers open to the public for this meeting. As a member of the public, if you would like to participate in this meeting, you can participate via the following options:

1. You can submit your questions and comments in writing for Harbor Commission consideration by sending them to the Assistant City Manager [cjacobs@newportbeachca.gov](mailto:cjacobs@newportbeachca.gov). To give the Harbor Commission adequate time to review your questions and comments, please submit your written comments by Tuesday, June 9, 2020, at 5 p.m.
2. In addition, members of the public can participate in this meeting in person in the Community Room. Specifically, this meeting will be viewable via video feed in the Community Room. As a member of the public, during this meeting, you will be able to comment on specific agenda items in person from the Community Room. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the process set forth above, please contact Carol Jacobs at 949-644-3313 or [cjacobs@newportbeachca.gov](mailto:cjacobs@newportbeachca.gov) and she will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

The City of Newport Beach thanks you in advance for continuing to take precautions to prevent the spread of the COVID-19 virus.

**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 March 11, 2020 Harbor Commission Regular Meeting**

[03-11-2020 Harbor Commission Draft Minutes](#)

[Additional Material Received Minutes of 03-11-2020 and Harbor Commission 2020 Objectives June 10, 2020](#)

**6) PUBLIC HEARING****1. Residential Dock Reconfiguration at 511 36th Street**

The applicant at 511 36th Street is proposing to reconfigure the residential dock by reorienting the position of the float as well as shifting the entire structure to the north. The proposed float will not extend bayward any further than the existing float. This residential dock is located in the West Newport area where pierhead lines do not exist. Because the applicant is proposing a new configuration of the dock, staff is unable to consider approving 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 (Project).

**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 511 36th Street 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](#)

[Additional Material Received 511 36th St. Dock Reconfiguration 06-10-2020](#)

[Additional Material Received 511 36th St. Dock Reconfiguration 06-10-2020](#)

7) **CURRENT BUSINESS**

1. **Harbor Commission 2020 Objectives**

Each ad hoc committee studying their respective Functional Area within the Commission's 2020 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 2020 Objectives](#)

[Attachment B – Harbor Commission 2020 Objectives Tracking Sheet](#)

[Additional Material Received Minutes of 03-11-2020 and Harbor Commission 2020 Objectives June 10, 2020](#)

2. **Harbormaster Update - March, April and May 2020 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 March through May 2020.

**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 May 2020](#)

- 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, July 8, 2020 at 6:30 p.m.**
- 12) **ADJOURNMENT**