



CITY OF NEWPORT BEACH HARBOR COMMISSION STUDY SESSION 4:00 P.M. / REGULAR MEETING 5:00 P.M. AGENDA

Commission members will participate via Zoom. Please see Special Notice regarding COVID-19 for public participation information.

Wednesday, September 9, 2020 - 4:00 PM

Harbor Commission Members:

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

SPECIAL NOTICE REGARDING COVID-19

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 by electronic means. Please be advised that to minimize the spread of COVID-19, Harbor Commission Members may attend this meeting either electronically or 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 will conduct this meeting via Zoom. 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 the Harbor Commission's consideration by sending them to Carol Jacobs, Assistant City Manager, at cjacobs@newportbeachca.gov. To give the Harbor Commission adequate time to review your questions and comments, please submit your written comments by Tuesday, September 8, 2020, at 5 p.m. All emails will be made part of the record.
2. You can connect with a computer by joining through Zoom. Use the link below to register for the meeting using a valid email address. You will receive a confirmation email allowing you to join the meeting: https://zoom.us/webinar/register/WN_m6wF5bHRQSCnEXN6rVTbba.
3. Or you may connect by Phone/Audio Only by calling: 669-900-9128. The meeting ID is 972 4534 3537#

Please know that it is important for the City to allow public participation at this meeting. 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.

1) **ROLL CALL (4 p.m. Study Session)**

2) **CURRENT BUSINESS**

SS1. Review and Consideration of Harbor Commission Goals and Objectives for 2021

[Harbor Commission Study Session - Objectives](#)

[Additional Materials Received Items SS1 10.1 11.1 11.2 Jim Mosher](#)

3) **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

Public comments are invited on non-agenda items. 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 non-agenda items, provided the time limit adjustment is applied equally to all speakers.

4) **RECESS**

5) **RECONVENE AT 5 P.M. FOR REGULAR MEETING**

6) **CALL MEETING TO ORDER**

7) **ROLL CALL**

8) **PLEDGE OF ALLEGIANCE**

9) **PUBLIC COMMENTS**

Public comments are invited on non-agenda items. 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 non-agenda items, provided the time limit adjustment is applied equally to all speakers.

10) **APPROVAL OF MINUTES**

1. **Minutes of August 12, 2020 Harbor Commission Regular Meeting**

[08-12-2020 Harbor Commission Draft Minutes](#)

[Additional Materials Received Items SS1 10.1 11.1 11.2 Jim Mosher](#)

11) **CURRENT BUSINESS**

1. **Waterfront Project Guidelines and Standards - Harbor Design Criteria, Commercial and Residential: Review and Approval**

The Waterfront Project Guidelines and Standards - Harbor Design Criteria, Commercial and Residential Facilities (Harbor Design Standards) have been updated after receiving industry input. Staff requests the Harbor Commission consider approving these standards, then forwarding to the City Council for review and approval.

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 reasonable

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) Approve the Harbor Design Standards and recommend that staff forward to the City Council for consideration and approval.

[Staff Report](#)

[Attachment A - Harbor Design Standards – Redline Pages only](#)

[Attachment B - Harbor Design Standards – Clean Final \(all pages\)](#)

[Additional Materials Received Items SS1 10.1 11.1 11.2 Jim Mosher](#)

[Additional Material Received Item 11.1 Commissioner Marston](#)

2. Proposed Amendments to Title 17 - 17.01 - Definition of Terms; 17.40 - Commercial Live Aboards; 17.20.020 Vessel Operations; and 17.25.020 - Anchorage, Berthing and Mooring Regulations

During the past year the Harbor Commission has reviewed, solicited public input and recommended changes to Title 17 of the Newport Beach Municipal Code (the Harbor Code) to the City Council.

On January 28, 2020, the City Council adopted these proposed changes to Title 17 as recommended. As part of that action, City Council requested the Harbor Commission return to City Council with additional recommendations associated with requirements for live-aboard boaters with vessels in commercial marinas.

Unrelated to the live-aboard related recommendations, staff is also requesting the Harbor Commission consider a recommended set of clarifications to Title 17, associated with use of the in-harbor public anchorage.

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) Approve the recommended changes to Title 17 - 17.01 - Definition of Terms; 17.40 - Commercial Live Aboards; 17.20.020 Vessel Operations; and 17.25.020 - Anchorage, Berthing and Mooring Regulations and forward to City Council for their consideration.

[Staff Report](#)

[Attachment A – Redline recommended changes](#)

[Attachment B – Correspondence](#)

[Additional Materials Received Items SS1 10.1 11.1 11.2 Jim Mosher](#)

[Additional Material Received Item 11.2 Jim Parker](#)

3. Day-Use Mooring Sub-Permit Trial

The Harbor Department is responsible for managing the City's on- and off-shore mooring

fields. Identifying opportunities to increase the utility of these fields, in order to better serve the needs of the local boating community, is a central goal of the department.

Some local boaters have expressed interest in the short-term day-use of vacant off-moorings, allowing them to enjoy secure and stationary/non-operational leisure time aboard their vessels while in the Harbor. To accommodate such requests and to better

evaluate merits of such an offering, the Harbormaster is proposing to implement a six-month trial program, allowing for short-term day-use rental of off-shore moorings, for up to six hours.

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) Approve staff recommendation to implement a day-use mooring program, on a trial basis, through February 28, 2021, as well as requesting staff to report back to the Harbor Commission on the results of this trial program, determining whether or not such a program should be considered as a standing harbor-related offering, beyond the six month trial period.

[Staff Report](#)

4. 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; and

2) Receive and file.

[Staff Report](#)

[Attachment A – Harbor Commission 2020 Objectives](#)

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

5. Harbormaster Report - August 2020

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 August 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; and

2) Receive and file.

Staff Report

[Attachment A – Harbor Department Statistics, Fiscal Year through August 2020](#)

- 12) **COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**
- 13) **QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES**
- 14) **MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**
- 15) **DATE AND TIME FOR NEXT MEETING: Wednesday, October 14, 2020 at 5 p.m.**
- 16) **ADJOURNMENT**