



# CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

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

Wednesday, April 14, 2021 - 5:00 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**  
**Jennifer Biddle, Administrative Support Specialist**

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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.

**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](mailto:cjacobs@newportbeachca.gov). To give the Harbor Commission adequate time to review your questions and comments, please submit your written comments by Tuesday, April 13, 2021 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\\_zsMmO8SJQ\\_KCXpCYWLDp2A](https://zoom.us/webinar/register/WN_zsMmO8SJQ_KCXpCYWLDp2A)
3. Or you may connect by Phone/Audio Only by calling: 669-900-9128. The meeting ID is 967 3831 3445#

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) **CALL MEETING TO ORDER**

2) **ROLL CALL**

3) **PLEDGE OF ALLEGIANCE**

4) **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. Attendees must raise their hand in the Zoom module if they would like to speak during Public Comments. If attending by phone, press \*9 to raise hand.*

5) **APPROVAL OF MINUTES**

1. **Draft Minutes of the March 10, 2021 Harbor Commission Regular Meeting**

[3-10-2021 Harbor Commission Draft Minutes](#)

2. **Approval of Corrected January 13, 2021 Harbor Commission Meeting Minutes**

[Staff Memo and Corrected January 13, 2021 Harbor Commission Minutes](#)

6) **PUBLIC HEARINGS**

1. **Request for an Encroachment into the Public Right-of-Way at Topaz Avenue adjacent to 526 S. Bay Front, Balboa Island**

The property owner at 526 S. Bay Front, Balboa Island has requested approval for their vessel to encroach into the Topaz Avenue street end by nine-feet and has proposed to surrender their permitted onshore mooring S-028 located next to their dock.

**Recommendation:**

1) That the Harbor Commission adopt Resolution 2021-\_\_ denying the variance.

Or

2) That if the Harbor Commission can make the requisite findings to support the granting of a variance, then adopt Resolution 2021-\_\_ (a) determining this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 (common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment), and is also categorically exempt under Section 15301 (Existing Facilities) of the CEQA Guidelines; and (b) granting the variance.

[Staff Report](#)

[Attachment A – Pier Plan, 1988](#)

[Attachment B – Property Map](#)

[Attachment C – Resolution HC2021- Denying a Variance for Residential Pier](#)

[Attachment D – Resolution HC2021- Approving a Variance for Residential Pier](#)

[Attachment E - Correspondence](#)

[Additional Material Received 526 S Bay Front - Shore Mooring S-28 Staff](#)

[Presentation](#)

[Additional Material Received 526 S Bay Front - Shore Mooring S-28 Applicant](#)

[Presentation](#)

**2. Lower Newport Bay Confined Aquatic Disposal Construction Project, Draft Final Environmental Impact Report**

The City has been working aggressively with the federal government for several years to undertake a much-needed channel dredging project within the Lower Harbor to reestablish navigation depths as well as to improve overall tidal flushing and water quality. As part of the dredging effort, the City proposes to construct a confined aquatic dredged material disposal site (“CAD”) in the central portion of the Lower Harbor between Bay Island, Harbor Island and Lido Isle into which Newport dredged sediment which is unsuitable for open ocean disposal or nearshore placement, can be placed. Material generated from constructing the CAD will be transported and disposed along nearshore ocean beaches for replenishment or taken to an approved open ocean disposal site.

**Recommendation:**

1) Conduct a public hearing; and

2) Adopt Resolution No. HC2021-002 of the Harbor Commission of the City of Newport Beach, California, recommending the City Council certify Environmental Impact Report No. ER2021-001, adopt the Mitigation, Monitoring and Reporting Program, and approve the construction of a confined aquatic disposal facility and dredging outside the Federal Channels in Lower Newport Harbor (PA2019-020).

[Staff Report](#)

[Attachment A – Resolution HC2021-002](#)

[Additional Material Received Correspondence Lower Newport Bay Confined Aquatic Disposal Construction Project, Draft Final EIR](#)

[Additional Material Received Correspondence Lower Newport Bay Confined Aquatic Disposal Construction Project, Draft Final EIR 04-14-2021](#)

[Additional Material Received Lower Newport Bay Dredging and CAD DEIR Staff Presentation](#)

[Additional Material Received Lower Newport Bay Dredging and CAD DEIR Public Comment](#)

**7) CURRENT BUSINESS**

**1. Harbor Commission 2021 Objectives**

Each ad hoc committee studying their respective Functional Area within the Commission’s 2021 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 2021 Objectives](#)

[Attachment B – Harbor Commission 2021 Objectives Tracking Sheet](#)

**2. Harbormaster Update - March 2021 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 2021.

**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 March 2021](#)

[Additional Material Received Harbormaster Report Staff Presentation](#)

- 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, May 12, 2021 at 5 p.m.**
- 12) **ADJOURNMENT**