



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, July 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
Paul Blank, Harbormaster
Jennifer Biddle, Administrative Support Specialist

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.

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**
- 2) **ROLL CALL**
- 3) **PLEDGE OF ALLEGIANCE**
- 4) **PUBLIC COMMENTS**

Public comments are invited on 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 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 the June 9, 2021 Harbor Commission Regular Meeting**

[6-9-2021 Harbor Commission Draft Minutes](#)

[Additional Material Received Comments to 6-9-2021 Draft Minutes Commissioner Scully.pdf](#)

[Additional Material Received Comments to 6-9-2021 Draft Minutes Commissioner Marston.pdf](#)

6) **ELECTION OF OFFICERS**

The Harbor Commission will elect officers for the 2021-22 year.

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) Elect Chair;

3) Elect Vice Chair; and

4) Elect Secretary.

7) **PUBLIC HEARING(S)**

1. **Residential Dock Reconfiguration at 605 Via Lido Soud**

The applicant at 605 Via Lido Soud is proposing to reconfigure the residential dock system by replacing the pier, pier platform, gangway and U-shaped float with a similar dock system including a single-finger float. The proposed float extends beyond the pierhead line, but less than the existing, permitted float. Because the applicant is proposing to position the float beyond the pierhead line, 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.

Recommendation:

1) Conduct a public hearing;

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 605 Via Lido Soud 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 605 Via Lido Soud - Addendum Swift Slip.pdf](#)

[Additional Material Presented at Meeting Staff Presentation 605 Via Lido Soud 07-14-2021 HC Meeting.pdf](#)

2. Residential Dock Reconfiguration at 633 Via Lido Soud

The applicant at 633 Via Lido Soud is proposing to reconfigure the residential dock system by replacing the pier, pier platform, gangway and float with a similar dock system. The proposed float extends beyond the pierhead line the same distance as the existing permitted float. Because the applicant is proposing to position the float beyond the pierhead line, 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.

Recommendation:

1) Conduct a public hearing;

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 633 Via Lido Soud 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 Presented at Meeting Staff Presentation 633 Via Lido Soud 07-14-2021 HC Meeting.pdf](#)

8) **CURRENT BUSINESS**

1. Caulerpa in Newport Harbor

The invasive algae, *Caulerpa prolifera*, was recently found growing in the Entrance Channel area of Newport Harbor. Staff will provide an update to the Harbor Commission on the current efforts to remove and eradicate the algae.

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; and

2) Receive and file.

[Staff Report](#)

[Additional Material Presented at Meeting Staff Presentation](#)

[Caulerpa 07-14-2021 HC Meeting.pdf](#)

2. Council Policy H-1 - Harbor Commission Review of Proposed Changes

As a result of recent applications for dock extensions and reconfigurations brought before the City Council, the City Council raised a concern regarding the inability of the Harbor Commission to resolve applications. The City Council requested the Harbor Commission review the policy and recommend changes that may allow them to approve dock permit applications that cannot otherwise be approved by staff. The Harbor Commission established a subcommittee at the February 10, 2021 Harbor Commission meeting, to review City Council Policy H-1, Harbor Permit Policy, to clarify the Policy's intent and process in order to assist staff and the Harbor Commission when considering future applications. The City Council also directed the Harbor Commission to review the recent changes adopted in 2020 and to make recommendations to the City Council regarding any proposed revisions thereto.

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; and

2) Review, modify and/or approve changes proposed by the Harbor Commission subcommittee to Council Policy H-1 and forward the recommendations to the City Council for consideration.

[Staff Report](#)

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

[Attachment B - Council Policy H-1 - Final](#)

3. Affordable Access Project - Creation of Subcommittee

As part of the Harbor Commission's review of harbor activities, Chairman William Kenney has requested the Harbor Commission's consideration of creating a subcommittee to consider affordable access to the harbor.

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; and

2) Determine if there is interest in creating a subcommittee and if so, who will be on the committee.

[Staff Report](#)

4. Ad Hoc Committee Updates

Several ad hoc committees have been established to address short term projects outside of the 2021 Harbor Commission objectives. The ad hoc committees will provide an update on their projects.

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 Material Presented at Meeting Commissioner Presentation_07-14-2021 HC Meeting.pdf](#)

5. 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](#)

6. Harbormaster Update - June 2021 Activities

The Harbormaster is responsible for the management of the City's mooring fields, the Marina Park Guest Marina, a variety of Harbor activities and Harbor on-the-water City code enforcement. This report will update the Commission on the Harbor Department's activities for May 2021.

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; and

2) Receive and file.

[Staff Report](#)

[Attachment A – Harbor Stats – Year to Date](#)

[Attachment B – Harbor Stats – Year over Year Comparison](#)

[Attachment C – Harbor Stats - Definitions.pdf](#)

[Additional Material Presented at Meeting Staff Presentation Harbormaster Report 07-14-2021 HC Meeting.pdf](#)

9) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

10) QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES

[Additional Material Presented at Meeting Mooring Permit Update Staff Presentation 07-14-2021 HC Meeting.pdf](#)

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, August 11, 2021 at 5 p.m.

13) ADJOURNMENT