



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, September 8, 2021 - 5:00 PM

Harbor Commission Members:

William Kenney, Jr., Chair
Ira Beer, Vice Chair
Steve Scully, Secretary
Scott Cunningham, Commissioner
Marie Marston, 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 modified Brown Act requirements for Harbor Commissioners to attend Harbor Committee meetings telephonically. Please be advised that, some, or all, of the Newport Beach City Harbor Commissioners may attend this meeting 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. 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. As a courtesy, please turn cell phones off or set them in the silent mode.

5) **APPROVAL OF MINUTES**

1. **Draft Minutes of the July 14, 2021 Harbor Commission Regular Meeting**

[07-14-2021 Harbor Commission Draft Meeting Minutes.pdf](#)

[07-14-2021 Harbor Commission Draft Meeting Minutes Commissioner Marston Comments.pdf](#)

[07-14-2021 Harbor Commission Draft Meeting Minutes Commissioner Scully Comments.pdf](#)

2. **Draft Minutes of the August 11, 2021 Harbor Commission Regular Meeting**

[08-11-2021 Harbor Commission Draft Meeting Minutes.docx](#)

[08-11-2021 Harbor Commission Draft Meeting Minutes Secretary Scully Comments.pdf](#)

[08-11-2021 Harbor Commission Draft Meeting Minutes Chair Kenney Comments.pdf](#)

[08-11-2021 Harbor Commission Draft Meeting Minutes Commissioner Marston Comments.pdf](#)

6) **CURRENT BUSINESS**

1. **Public Works Update**

At the last Harbor Commission meeting the Commission requested that a representative from the Public Works Department update the Commission on various public works projects in and around 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) Receive and file.

[Staff Report](#)

2. **Multiple Vessel Mooring System - Review and Approve Design Specification Program**

The Multiple Vessel Mooring System (MVMS) allows multiple vessels to be secured to a floating platform which is secured to a single anchor mooring system in Newport Harbor. The MVMS program has existed for many years, and the Harbor Commission subcommittee was directed to establish design standards and specifications to support the program. The subcommittee recommends the Harbor Commission review and approve the specifications, then recommend they be forwarded to the City Council for approval.

Recommendation:

1) Find the Project exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and

2) Approve the Multiple Vessel Mooring System (1) design specifications within the Harbor Design Criteria, (2) updates to the Newport Beach Municipal Code (NBMC) Sections 17.01.030(J)(11) and 17.60.040(B)(c), and (3) updates to the Offshore Mooring Specifications for the weights and chains, and recommend that they be forwarded to the City Council for review and approval.

[Staff Report](#)

[Attachment A – Harbor Design Criteria](#)

[Attachment B – Newport Beach Municipal Code \(redline\)](#)

[Attachment C – Mooring Specifications for Weights and Chains](#)

3. Establish Ad Hoc Committee to Develop Process for Updating Harbor Commission Objectives

The Harbor Commission establishes annual Objectives to focus the Commission on issues that are important to the City Council, the Harbor Commission and community. At the Harbor Commission meeting of August 11, 2021, the Commission requested to set up an Ad Hoc Committee to review how the objectives are established.

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) Appoint Harbor Commission Members to the Ad Hoc Committee on Harbor Objectives.

[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](#)

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 - August 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 August 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 Department Statistics by Month, Current Year](#)

[Attachment B – Harbor Department Statistics, Year over Year Comparison](#)

[Attachment C – Harbor Department Definitions](#)

- 7) **COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**
- 8) **QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES**
- 9) **MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**
- 10) **DATE AND TIME FOR NEXT MEETING: Wednesday, October 13, 2021 at 5 p.m.**
- 11) **ADJOURNMENT**