



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, December 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:

Paul Blank, 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 Paul Blank, Harbormaster, 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) 270-8158 or pblank@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 November 10, 2021 Harbor Commission Regular Meeting**

[11-10-2021 Harbor Commission Draft Regular Meeting Minutes](#)

[11-10-2021 Harbor Commission Draft Meeting Minutes Secretary Scully Comments](#)

[11-10-2021 Harbor Commission Draft Meeting Minutes Vice Chair Beer Comments](#)

[11-10-2021 Harbor Commission Draft Meeting Minutes Chair Kenney Comments](#)

[11-10-2021 Harbor Commission Draft Meeting Minutes Commissioner Marston Comments](#)

[Additional Materials Received Draft Minutes of 11-10-2021, Item 6.1 and Item 7.2 Comment Submitted by Jim Mosher](#)

6) **PUBLIC HEARINGS**

1. **Commercial Dock Reconfiguration at 503 Edgewater Place**

Newport Landing (“Applicant”) has applied for a permit to reconfigure the commercial dock system at 503 Edgewater Place by replacing the gangway landing, gangway, and existing floats with a new U-shaped float (“Project”). The proposed float extends beyond the pierhead line, but extends less than the existing, permitted float. Because Applicant is proposing to position the float beyond the pierhead line, staff is unable to approve the project. Therefore, Council Policy H-1 directs the Harbor Commission to hold a public hearing for the proposed 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 in concept the Project by making specific findings to allow the dock to be reconfigured pursuant to the provisions in Council Policy H-1.

[Staff Report](#)

[Attachment A - Aerial Photos](#)

[Attachment B - Existing Approved Plans and Configuration](#)

[Attachment C - Proposed Configuration](#)

[Attachment D - Public Outreach](#)

[Attachment E - Resolution HC2021-005](#)

[Additional Materials Received Draft Minutes of 11-10-2021, Item 6.1 and Item 7.2 Comment Submitted by Jim Mosher](#)

2. **Residential Dock Reconfiguration at 3312 Marcus Avenue**

Mr. Paul Cook (“Applicant”) has applied for a permit to reconfigure the residential dock system at 3312 Marcus Avenue by replacing the gangway and existing float with a new gangway and float and shifting the dock system to the west (“Project”). The proposed float will not extend bayward any further than the existing float. This residential float is located in the West Newport area where pierhead lines do not exist. The Project does not meet the criteria for staff review and approval under Section II of Council Policy H-1 and thus shall

be reviewed in accordance with the applicable provisions of Title 17 (Harbor Code) of the Newport Beach Municipal Code (NBMC).

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 in concept the Project by making specific findings to allow the dock to be reconfigured pursuant to the provisions for a harbor development permit.

[Staff Report](#)

[Attachment A - Aerial Photos](#)

[Attachment B - Existing Approved Plans and Configuration](#)

[Attachment C - Proposed Configuration](#)

[Attachment D - Public Outreach](#)

[Attachment E - Resolution HC2021-006](#)

3. Appeal of Harbor Development Permit No. 2261-2021 at 515 Harbor Island Drive

Mr. Peter Spataro ("Appellant") at 507 Harbor Island Drive has filed an appeal of the Harbor Development Permit No. 2261-2021 ("Permit") for dock construction at 515 Harbor Island Drive. Mr. Ned Wallace ("Permittee") is proposing to replace the existing piles with pipe piles to accommodate a larger vessel which would be berthed parallel to the shoreline and within the prolongation of the Permittee's property lines ("Project"). The overall basis for the appeal is the ability of the Permittee to berth a larger vessel at his dock.

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) Deny the appeal of the Permit by making specific findings.

[Staff Report](#)

[Attachment A - Aerial Photos](#)

[Attachment B - Harbormaster Letter](#)

[Attachment C - Approved Plans and Configuration](#)

[Attachment D - Harbor Development Permit Notice](#)

[Attachment E - Appeal](#)

[Attachment F - Outreach](#)

[Attachment G - Resolution HC2021-007](#)

[Additional Materials Received Item 6.3 Appeal of Harbor Development Permit No. 2261-2021 at 515 Harbor Island Comments Submitted by Russell Fluter and Piero Serra](#)

[Additional Materials Received Item 6.3 Appeal of Harbor Development Permit No. 2261-2021 at 515 Harbor Island Comments Submitted by Bill Hendricksen](#)

[Additional Materials Received Item 6.3 Appeal of Harbor Development Permit No. 2261-2021 at 515 Harbor Island Comments Submitted by Aaron Feit](#)

7) **CURRENT BUSINESS**

1. **Review of Harbor and Beaches Master Plan Projects**

Staff will provide an overview of the 2022 Harbor and Beaches Master Plan Projects. The Harbor Commission is requested to review the plan and provide comments.

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 - 2022 Harbor and Beaches Master Plan Projects](#)

2. **Propose and Discuss Potential Revisions to the On-Shore Mooring Permit**

The subcommittee responsible for 2021 Harbor Commission Objective 1.3 is proposing potential revisions to the existing On-Shore Mooring Permit. Specifically, the subcommittee would like to discuss and consider the existing length limit and adding a limit for the beam (width) of vessels permitted on on-shore moorings.

The recommend changes are intended to assist staff and the Harbor Commission when considering operations, permitting, and code enforcement in Newport Harbor.

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 for the On-Shore Mooring Permit by the Harbor Commission subcommittee and direct staff to update and use the new version for future mooring permit transfers and sub-permits.

[Staff Report](#)

[Attachment A - Current Onshore Mooring Permit Revised May 2021](#)

[Additional Materials Received Draft Minutes of 11-10-2021, Item 6.1 and Item 7.2 Comment Submitted by Jim Mosher](#)

3. Proposed Harbor Commission 2022 Objectives

The Harbor Commission periodically conducts a review and updates their Objectives. An ad hoc committee was recently appointed to conduct the review for the 2022 Objectives and recommend changes and modifications for the review of the entire Harbor Commission. Once the Harbor Commission has provided input and finalizes the 2022 Objectives, they will request staff present the 2022 Objectives to the City Council for their review and consideration.

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 proposed Harbor Commission Objectives for 2022 and request staff present to the City Council in the near future for their consideration and review.

[Staff Report](#)

[Attachment A - Harbor Commission Proposed 2022 Objectives](#)

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 - November 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 November 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](#)

8) MOTION FOR RECONSIDERATION

A motion to reconsider the vote on any action taken by the Harbor Commission at either this meeting or the previous meeting may be made only by one of the Commission Members who voted with the prevailing side.

9) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

10) QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES

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, January 12, 2022 at 5 p.m.

13) ADJOURNMENT