



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, January 12, 2022 - 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 December 8, 2021 Harbor Commission Regular Meeting

[12-08-2021 Harbor Commission Draft Minutes](#)

[12-08-2021 Harbor Commission Draft Minutes Secretary Scully Comments](#)

[12-08-2021 Harbor Commission Draft Minutes Commissioner Marston Comments](#)

6) PUBLIC HEARINGS**1. Commercial Dock Reconfiguration at 717 Lido Park Drive**

Curci Companies (“Applicant”) has applied for a permit to reconfigure a portion of their commercial dock system at 717 Lido Park Drive by adding an additional two fingers to the bayward headwalk, and extending the landward headwalk adjacent to the bulkhead (“Project”). The proposed fingers on the bayward headwalk extend beyond the pierhead line the same distance as the adjacent fingers within the same dock system extend. Because Applicant is proposing to construct bayward 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 Proposed Configuration](#)[Attachment C - Public Outreach](#)[Attachment D - Resolution HC2022-001](#)[Additional Material Presented at Meeting Consultant Presentaion Item 6.1 01-12-2022](#)[Additional Material Presented at Meeting Staff Presentaion Item 6.1 01-12-2022](#)**2. Public Pier Reconfiguration at 29th Street and Lafayette Avenue**

The City of Newport Beach (“Applicant”) is reconfiguring the public dock system at the 29th Street end, east of Lafayette Avenue, by removing the existing gangway, piles, and floats, and installing a pier platform, gangway, and single-finger float with piles (“Project”). The proposed float extends beyond the pierhead line the same distance as the existing float extends. Because Applicant is proposing to construct bayward 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 public 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 Proposed Configuration](#)

[Attachment C - Public Outreach](#)

[Attachment D - Resolution HC2022-002](#)

[Additional Material Presented at Meeting Staff Presentaion Item 6.2 01-12-2022](#)

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) Approve the Harbor and Beaches Capital Plan and recommend staff forward to the Finance Committee for consideration.

[Staff Report](#)

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

[Additional Material Presented at Meeting Staff Presentaion Item 7.1 01-12-2022](#)

2. **Review of Appraisal and Discussion of Rental Rates for On-Shore Mooring Permits**

The City of Newport Beach (City) manages portions of the tidelands in Newport Harbor including areas of the shore that are permitted for onshore moorings. In 2016, the City Council adopted fair market value rent for moorings in Newport Harbor. Since 2016, these rental rates have been adjusted annually by changes in the cost of living pursuant to the Consumer Price Index (CPI). As prescribed by City Council Resolution No. 2016-17, a new appraisal of mooring rental rates for onshore moorings has been conducted under the direction of the Harbor Commission subcommittee responsible for 2021 Harbor Commission Objective 1.3. The 2021 appraisal report for onshore moorings is attached for the Harbor Commission's consideration and discussion.

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) Issue a recommendation to the City Council regarding this matter.

[Staff Report](#)

[Attachment A - Appraisal Report](#)

[Attachment B - Map](#)

[Attachment C - Resolution No. 2016-17](#)

[Additional Materials Received On-Shore Mooring Appraisal and Discussion Correspondence 01-12-2022](#)

[Additional Materials Received On-Shore Mooring Appraisal and Discussion Additional Correspondence 01-12-2022](#)

[Additional Materials Received On-Shore Mooring Appraisal and Discussion Additional Correspondence 01-12-22](#)

[Additional Materials Received On-Shore Mooring Appraisal and Discussion 7.2 Additional Correspondence 01-12-22](#)

[Additional Material Presented at Meeting 7.2 Onshore Mooring Appraisal-John Fradkin-01-12-2022](#)

[Additional Material Presented at Meeting Staff Presentaion Item 7.2 01-12-2022](#)

3. Create and Appoint Members to a Proposed Ad-Hoc Committee for the Harbor and Beaches Master Plan

At the Harbor Commission meeting on December 10, 2021, the Harbor Commission requested to establish a Subcommittee to review the Harbor and Beaches Master Plan in greater detail than was feasible at that meeting. Once convened, it is anticipated the Subcommittee will review the current Harbor and Beaches Master Plan and make recommendations on potential changes, additions, deletions, and priorities in advance of a future Capital and Master Plan review cycle.

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) Establish a subcommittee and appoint Harbor Commissioners to review and recommend revisions to the current Harbor and Beaches Master Plan. Identify up to three Harbor Commissioners to serve on the subcommittee.

[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 2022 Objectives

Each ad hoc committee studying their respective Functional Area within the Commission's 2022 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 2022 Objectives](#)

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

6. Harbormaster Update - December 2021 Activities

The Harbormaster oversees the City Harbor Department and is responsible for the management of the City's mooring fields, enforcement of the municipal code, events permitting, safety and rescue operations, the Marina Park Guest Marina, marine sanitation pump out equipment and public pier maintenance, impound and disposition of abandoned and unclaimed vessels and public relations and information dissemination on and about Newport Harbor.

This report will update the Harbor Commission on the Harbor Department's recent activities.

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 Infographic](#)

[Attachment B - Harbor Department Statistics by Month, Current Year](#)

[Attachment C - Harbor Department Statistics, Year over Year Comparison](#)

[Attachment D - Harbor Department Definitions](#)

[Additional Material Presented at Meeting Staff Presentaion Item 7.6 01-12-2022](#)

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, February 9, 2022 at 5 p.m.**

13) **ADJOURNMENT**