



# CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, May 11, 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**

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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 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.

Questions and comments may be submitted in writing for the Harbor Commission's consideration by sending them to harborfeedback@newportbeachca.gov. To give the Harbor Commission adequate time to review your questions and comments, please submit your written comments no later than 5 p.m. the day prior to the Harbor Commission meeting. All correspondence will be made part of the record.

**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 April 13, 2022 Harbor Commission Regular Meeting**

[04-13-2022 Harbor Commission Draft Minutes](#)

[04-13-2022 Harbor Commission Draft Minutes Secretary Scully Comments](#)

[4-13-2022 Harbor Commission Draft Minutes Vice Chair Beer Comments](#)

[4-13-2022 Harbor Commission Draft Minutes Chair Kenney Comments](#)

**6) CURRENT BUSINESS**

**1. Recommended Revisions to the City of Newport Beach Municipal Code Related to Raft-ups**

As one of its 2021 objectives, the Harbor Commission tasked itself with reviewing and recommending revisions to Title 17 of the City of Newport Beach Municipal Code (NBMC). Fulfilling that objective, the Harbor Commission forwarded to the City Council on April 12, 2022 a variety of recommended revisions to the NBMC including some related to raft-ups. Based on community input submitted directly to Council members, the Council requested additional review by the Harbor Commission for the recommendations related to raft-ups. The recommended 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, Division 6, Chapter 3, because it will not result in a physical change to the environment, directly or indirectly; and

2) Review, modify and or approve proposed raft-up related revisions to the City Municipal Code and forward the recommendations to the City Council for consideration.

**Staff Report**

[Attachment A - April 12 staff report to the City Council](#)

[Attachment B - CNB MC Amendments 2022-05 - Raft-ups \(strikeout\)](#)

[Attachment C - CNB MC Amendments 2022-05 - Raft-ups \(clean\)](#)

[Additional Materials Received Correspondence John Marshall 05-11-2022](#)

[Harbor Commission Meeting](#)

[Additional Material Presented at Meeting Staff Presentation May 11, 2022 Harbor Commission Meeting](#)

**2. Create and Appoint Members to a Proposed Ad Hoc Committee to Review City Council Policy H-1 - Pier and Float Extensions Beyond the Pierhead Line**

At the Harbor Commission meeting on April 13, 2022, the Harbor Commission requested consideration of establishing a subcommittee to review the City Council Policy H-1. Council Policy H-1 was last revised on September 14, 2021. The Commissioners feel now is an appropriate time to review and potentially revise the policy based on feedback and experience with the current version. Once convened, the subcommittee will review the current H-1 Policy and make recommendations on potential changes.

**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 City Council Policy H-1. Identify up to three Harbor Commissioners to serve on the subcommittee.

[Staff Report](#)

### 3. Ad Hoc Committee Update

Several ad hoc committees have been established to address short term projects outside of the Harbor Commission objectives. This is the time 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, Division 6, 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](#)

### 4. 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, Division 6, 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 2022 Objectives Tracking Sheet](#)

### 5. Harbormaster Update - April 2022 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 Presentation May 11 2022 Harbor Commission Meeting](#)

7) **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.*

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, June 8, 2022 at 5 p.m.**

12) **ADJOURNMENT**