



NEWPORT BEACH

Harbor Commission Staff Report

October 9, 2019
Agenda Item No. 7.1

TO: HARBOR COMMISSION

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TITLE: Council Policy H-1 – Harbor Commission Review and Recommendation

ABSTRACT:

At the June 25, 2019 meeting, the City Council revised Council Policy H-1 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 and to make recommendations to the City Council regarding any proposed revisions thereto. At the July meeting, the Harbor Commission directed the subcommittee to review the Policy and return to the Commission by October with recommended changes, if any. The Harbor Commission will review the proposed changes, and if approved, recommend they be forwarded to the City Council for consideration.

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.
- 2) Review and approve updates to the Council Policy H-1, and recommend that it be forwarded to the City Council for final approval.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

Council Policy H-1 provides criteria for staff and the Harbor Commission when making decisions regarding piers and floats within Newport Harbor; specifically, the distance the piers and floats extend bayward beyond the pierhead line. In June 2019, the City Council updated Council Policy H-1, and at the same meeting, directed the Harbor Commission to review the Policy and return with recommended changes, if any.

The Harbor Commission subcommittee reviewed the current Council Policy H-1 and they have recommended changes as seen on Attachment A. The proposed revisions do not alter the

original intent of the Policy. Rather, they provide clarity for both staff and the Commission as they consider future projects.

The subcommittee is recommending the Harbor Commission approve the proposed changes and also recommend staff forward the Policy to the City Council for consideration.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to 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.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

ATTACHMENTS:

Attachment A - Council Policy H-1 (redline, strikeout)

Attachment B - Council Policy H-1 (clean)