

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES  
City Council Chambers – 100 Civic Center Drive, Newport Beach, CA  
Wednesday, November 8, 2023  
5 p.m.

**1. CALL MEETING TO ORDER**

The meeting was called to order at 5 p.m.

**2. ROLL CALL**

PRESENT: Steve Scully, Chair  
Ira Beer, Vice Chair  
Marie Marston, Secretary  
Scott Cunningham, Commissioner  
Rudy Svrcek, Commissioner  
Don Yahn, Commissioner

ABSENT: Gary Williams, Commissioner (excused)

Staff Members: Paul Blank, Harbormaster  
Jennifer Biddle, Administrative Assistant  
Chris Miller, Public Works Administrative Manager

**3. PLEDGE OF ALLEGIANCE** – Led by Chair Scully

**4. PUBLIC COMMENTS**

Chair Scully outlined the meeting rules of decorum and opened public comments on agenda items. Seeing none, Chair Scully closed public comments.

**5. APPROVAL OF MINUTES**

**1. Draft Minutes of the October 11, 2023 Harbor Commission Regular Meeting**

Chair Scully opened the floor to public comments. Seeing none, Chair Scully closed the floor to public comments.

Amendments to the draft minutes were submitted by Commissioner Marston, Vice Chair Beer, and Chair Scully.

Vice Chair Beer moved to approve the minutes of the October 11, 2023, as amended. Seconded by Secretary Marston. The motion carried by the following roll call vote:

**Ayes:** Cunningham, Marston, Svrcek, Yahn, Beer, Scully  
**Nays:** None  
**Abstain:** None  
**Absent:** Williams (excused)

**6. CURRENT BUSINESS**

**1. 2024 Harbor and Beaches Master Plan - Approve**

**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, California Code of

- Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in a physical change to the environment, directly or indirectly; and
- 2) Approve the 2024 Harbor and Beaches Master Plan and recommend staff forward to the Finance Committee for consideration.

Public Works Administrative Manager Chris Miller provided a summary of the publicly noticed agenda report. A PowerPoint presentation was displayed.

Commission and staff discussion ensued on the current suspension of the dredging for the Lower Bay and confirmation it will commence in 2024 (document will be updated), the general rounded placeholder numbers for certain pier-related projects, moving up the mooring field realignment, changing items from “maintain” to “build” as applicable, distinguishing “design” start dates from “construction” start dates, and defining the items and costs (including consultant costs) for “highest and best use” study for Lower Castaways and placing the items in the appropriate category.

Chair Scully opened the public comment period.

Jennifer Cresta requested clarification on the meaning of the word “environment” and California Environmental Quality Act (CEQA) exemptions within the public documents for this item.

It was noted that the item under consideration was a “wishlist” for future projects and specific CEQA findings for specific projects are not under consideration at this time.

Seeing no others wishing to speak on this matter, Chair Scully closed the public comment period.

Commissioner Yahn moved to: 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, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in a physical change to the environment, directly or indirectly; and 2) Approve the 2024 Harbor and Beaches Master Plan and recommend staff forward to the Finance Committee for consideration. Seconded by Secretary Marston. The motion carried by the following roll call vote:

**Ayes:** Cunningham, Marston, Svrcek, Yahn, Beer, Scully  
**Nays:** None  
**Abstain:** None  
**Absent:** Williams (excused)

## **2. Disband Ad Hoc Subcommittee on 2024 Harbor Commission Objectives**

### **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) Disband the ad hoc subcommittee convened to develop and recommend 2024 Harbor Commission Objectives.

Chair Scully opened the public comment period. Seeing no one wishing to speak on this matter, Chair Scully closed the public comment period.

Vice Chair Beer moved to: 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; and 2) Disband the ad hoc subcommittee convened to develop and recommend 2024 Harbor Commission Objectives. Seconded by Commissioner Svrcek. The motion carried by the following roll call vote:

**Ayes:** Cunningham, Marston, Svrcek, Yahn, Beer, Scully  
**Nays:** None  
**Abstain:** None  
**Absent:** Williams (excused)

**3. Ad Hoc Committee Updates**

**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.

General Plan Vision Statement ad hoc committee report

No report at this time.

Balboa Ferry ad hoc committee report:

Chair Scully provided a general summary including there has been an extension on two the boats, which will push them out for a year (compliance by December 2026), one boat will require compliance with regulations by December 2025, and the organization is compiling California Air Resources Board grants and other funds to address regulatory requirements and electrification of the ferries, respectively.

Chair Scully opened the public comment period. Seeing no one wishing to speak on this matter, Chair Scully closed the public comment period.

There was no further action taken on this item and it was received and filed unanimously.

**4. Harbor Commission Current Objectives 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.

<b>Functional Area 1: Harbor Operations (Yahn)</b>	
<b>Matters pertaining to the Management, Policies, Codes, Regulations and Enforcement</b>	
<b>Objective</b>	<b>Report</b>
1.1 Conduct an annual review of Title 17 and recommend updates to the City Council where necessary (Yahn)	Proposed Title 17 updates are with the City Attorney's Office for review; Potential

		Commission review pending for January.
1.2	Conduct an annual review of the Marine Activities Permits and recommend updates thereto as necessary.	No report.
1.3	Work with City Staff to bring all onshore and offshore Mooring Permittees permit forms current and properly on file. (Beer, Cunningham)	Work continuing with City staff to update permits forms on file.
1.4	Evaluate current Harbor Department Operations to determine if the department is structured properly to meet all responsibilities of the Harbor on a daily basis.	Department is currently well-structured to meet responsibilities
<b>Functional Area 2: Harbor Viability (Beer)</b>		
<b>Matters pertaining to Assets, Amenities, and Access</b>		
<b>Objective</b>		<b>Report</b>
2.1	Study and provide recommendations to the transfer permit policy for onshore and offshore moorings. (Beer, Cunningham)	No report.
2.2	Work with City Staff on an update of the market rent to be charged for onshore and offshore moorings. (Beer, Cunningham)	Working with appraiser to get appraisal back, not expected to receive until end of 2023, early January 2024
2.3	Evaluate the current mooring fields and provide a recommendation for new guidelines that better define rows and fairways to improve navigation, safety, and optimization of space within the mooring fields. (Beer)	The permit process is underway with the CA Coastal Commission and feedback is pending
2.4	Review the On-shore mooring vessel specifications providing a long-term plan with the goal of insuring adequate spacing between moorings, residential docks, and street ends. (Cunningham, Scully)	No report.
2.5	Evaluate options for additional City Moorings and/or Multi Vessel Mooring Systems (MVMS) for temporary use by visiting mariners or long-term mooring permittees. (Williams)	No report.
2.6	Complete evaluation for establishing day moorings off Big Corona beach and harbor moorings. (Williams)	No report.
<b>Functional Area 3: Harbor Infrastructure (Cunningham)</b>		
<b>Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches</b>		
<b>Objective</b>		<b>Report</b>
3.1	Support staff on the rehabilitation of the current public floats and gangways including areas of the harbor that could benefit with additional public access.	No report.
3.2	Evaluate and identify the responsibilities and obligations of the city for additional safety vessels/equipment that may be added to the Harbor in the future.	No report.
<b>Functional Area 4: Harbor Stakeholders (Scully)</b>		
<b>Matters pertaining to Residential, Recreational, and Commercial Users</b>		
<b>Objective</b>		<b>Report</b>
4.1	Evaluate enhancements and/or services to City amenities which will improve the operation and enjoyment of the Harbor. Additionally, identify new revenue generating offerings that would be administered through the Harbor Department. (Scully)	No report.
4.2	Evaluate and make recommendations for Lower Castaways. (Marston)	Discussions are on-going; Hope to make

		progress within next 60-90 days
4.3	Continue the dialogue with representatives of the Harbor Charter Fleet industry, commercial vessel operators and rental concessionaires to: (1) promote best practices for all charter and commercial boat operations in Newport Harbor with particular attention to safety, operational support, speed, noise and pollution control/compliance and (2) evaluate (a) total number of vessels for hire on the harbor, (b) maximum passenger capacity for each vessel and in total, and (c) overall height of the superstructure of vessels for charter within the Harbor. (Williams)	Would like to reactivate the Safety Committee and have a meeting prior to January Harbor Commission regular meeting.

Chair Scully opened the floor to public comments. Seeing no one wishing to speak on this matter, Chair Scully closed the floor to public comments.

There was no further action taken on this item and it was received and filed.

**5. Harbormaster Update – October 2023 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.

Harbormaster Paul Blank provided a summary of the agenda report provided in the publicly noticed agenda packet. A PowerPoint presentation was displayed.

General discussion ensued concerning clarification on the bar charts in the PowerPoint presentation (colors), clarification of graffiti removal methods and confirmation that materials are same as used by Utilities Department for that purpose, confirmation that graffiti is not common in the Harbor area, staff was unable to confirm any detail or whether a fatality occurred in the Harbor, confirmation from staff that there is a vacancy on the mooring (no vessel) with the one permit that cannot be reached, staff confirmation that there is a vessel on the mooring for which the Harbor Commission recently voted to revoke the permit (permittee has within 30 days to remove vessel), compliments for the Harbor Department staff with regard to a recent assist with a marine animal which went beyond the swim step, clarification from staff that it is rare that a Harbor Service Worker ever has to get directly into the water with rescue type operations, confirmation that staff did not enter the water for the recent father/daughter kayakers who needed assistance, the types of incidents which would involve the National Guard as their organization recently conducted training (primarily focused on flooding events), upcoming City Council meeting discussion of Policy H-1, the mooring license, and minor Title 17 revisions part of the omnibus municipal code update, and congratulation to the Harbor Department staff for their significant work accomplishments.

Chair Scully opened the floor to public comments.

Jennifer Cresta requested clarification of the difference between a “renter” and a “private individual” as referenced in the public agenda report. Clarification was provided that the “renter” distinguishes individuals who are utilizing equipment from a Harbor concessionaire.

Speaker inquired whether boat auctions can be held on a weekend when individuals who work during the week are available.

Seeing no others wishing to speak on this matter, Chair Scully closed the floor to public comments.

There was no further action taken on this item.

**7. MOTION FOR RECONSIDERATION**

None.

**8. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**

Chair Scully and Commissioner Svrcek attended the November Water Quality and Coastal Tidelands meeting.

**9. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

There were no members of the public who elected to make public comments on non-agenda items.

**10. MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT (NON-DISCUSSION ITEM)**

None.

**11. DATE AND TIME FOR NEXT MEETING:**

The next meeting is scheduled for Wednesday, January 10, 2023, at 5 p.m. The December 2023 meeting is canceled.

**12. ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 5:58 p.m.