

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Tuesday, February 13, 2018 at 7 p.m., a public hearing will be conducted in the City Council Chambers at 100 Civic Center Drive, Newport Beach. The City Council of the City of Newport Beach will consider the following:

A Resolution to Adjust the Rent Charged For Commercial Fuel Docks Located Upon Tidelands

The City of Newport Beach has drafted a resolution to adjust rent charged for commercial fuel docks located upon tidelands. The proposed changes include: repealing and replacing the commercial fuel dock rent calculations (based upon the findings of a City-selected appraiser); updating the rent phase-in schedule, periodic adjustments to the rent, the market rent methodology, and revising the market adjustment date.

The project 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. Alternatively, the setting of rent for commercial tidelands uses is entitled to a Class 1 Categorical Exemption pursuant to CEQA Regulation Section 15301 because the rent contemplates the continued use of existing facilities, with no expansion of the proposed use. Further, the setting of rent for commercial tidelands uses is entitled to a Statutory Exemption pursuant to CEQA Regulation Section 15273(a)(1) because the fair market value rent will be used to meet operating expenses within the tidelands.

All interested parties may appear and present testimony in regard to this project. If you challenge this project in court, you may be limited to raising only those issues you raised at the public hearing or in written correspondence delivered to the City, at, or prior to, the public hearing. The project may be continued to a specific future meeting date, and if such an action occurs, additional public notice of the continuance will not be provided. Prior to the public hearing, the agenda, staff report, and documents may be reviewed at the City Clerk's Office, 100 Civic Center Drive, Newport Beach, California, 92660 or at the City of Newport Beach website at www.newportbeachca.gov. Individuals not able to attend the meeting may access the City's website after the meeting to review the action on this application.

For questions regarding details of the project, please contact Lauren Wooding Whitlinger, at 949-644-3236 or lwooding@newportbeachca.gov.

Leilani I. Brown, MMC, City Clerk, City of Newport Beach