

**CITY OF NEWPORT BEACH
HARBOR COMMISSION STAFF REPORT**

Agenda Item No. 1
August 12, 2009

TO: HARBOR COMMISSION

FROM: Harbor Resources Division
Chris Miller, Harbor Resources Manager
(949) 644-3043 cmiller@city.newport-beach.ca.us

SUBJECT: Complete Cruisers Guide to Newport Harbor – Draft Review

ISSUE:

The Harbor Commission is asked to review and provide comments on the draft Cruisers Guide which has been developed by the Harbor Commission's Marketing Subcommittee. (Report attached separately.)

RECOMMENDATION:

Provide comments on the final draft before publication.

PUBLIC NOTICE:

This agenda item has been noticed according to the Ralph M. Brown Act (72 hours in advance of the public meetings at which the Harbor Commission considers the item). It was also posted on the City's website.

ENVIRONMENTAL REVIEW

The Harbor Commission's review of this agenda item does not require environmental review.

Prepared by:

Chris Miller
Harbor Resources Manager

CITY OF NEWPORT BEACH

HARBOR COMMISSION STAFF REPORT

Agenda Item No. 2
August 12, 2009

TO: HARBOR COMMISSION

FROM: Harbor Resources Division
Chris Miller, Harbor Resources Manager
(949) 644-3043 cmiller@city.newport-beach.ca.us

SUBJECT: Newport Harbor Mooring Administration Policy – Refinements and Changes

ISSUE:

The Mooring Administrative Subcommittee is seeking Harbor Commission's guidance on the major policy refinements and changes associated with the upcoming mooring transferability rules.

RECOMMENDATION:

The Harbor Commission is asked to consider the following options:

1. Approve the major policy refinements and changes as described in the report below and advise staff to forward the document for further review at the Council level.
2. Provide input and comments to staff. Advise staff to forward the document for further review at the Council level.
3. Advise the Mooring Administrative Subcommittee to revisit the policy changes and return to the Harbor Commission at a later date.

DISCUSSION

For several years, the Mooring Administrative Subcommittee (MAS) which is part of the Mooring Master Plan Subcommittee of the Harbor Commission, has been reviewing the City's municipal code with respect to the mooring transfer process. The group has already proposed a draft revised code which has already been reviewed by the Harbor Commission and senior City staff.

Earlier this year, the new City Attorney was also asked to review the document. While he did not object to the major conceptual issues, he did feel the document required many more hours of editing from a legal framework perspective. He was also

concerned that the major policy issues in the document were not preliminarily approved by Council – a step that he felt was most important in gaining support before a final document was considered at a regular Council meeting. Therefore, he recommended the following steps be completed to ensure adequate review:

1. Mooring Master Plan Subcommittee – Approve the major policy issues. Completed 8/6/09.
2. Harbor Commission – Approve the major policy issues. August 2009.
3. Council Study Session – Approve the major policy issues. September 2009.
4. MAS and City Attorney work to finalize the final draft. October / November 2009.
5. Harbor Commission – Approve the final draft. December 2009.
6. Council Study Session – Approve the final draft. January 2010.
7. Council Regular Meeting – Approve the final draft. January 2010.

Policy Refinements and Changes

After a thorough review of the draft code, the MAS and the City Attorney determined there were five major policy refinements and changes to consider. These are listed below in *general terms* so the Commission can focus on the overall picture without detailed analysis which will come at a later date with the final draft. These policies are:

1. Yacht Clubs

- a. The yacht clubs and the Lido Isle Community Association have long administered their respective fields for several decades. This established policy has worked well in the harbor and the MAS sees no reason to change this policy. These areas will not be allowed to expand beyond existing conditions.

2. Mooring Transfers

- a. Moorings shall be transferred with or without a vessel attached.
- b. The permittee has not transferred more than one offshore mooring to another Permit holder during the previous twelve months.
- c. The Transferee does not hold more than two other mooring permits. Exceptions shall exist for marine contractors etc... The Harbor Resources Manager shall have discretion.

3. Long and Short Term Licensing (formerly called long term rental)

- a. Allows the City to license moorings for long or short terms to non-permittees, i.e. visiting boaters etc... This will increase public access to short, long term and “deemed vacant” moorings.

- b. The City will charge for the use of these moorings.

4. Mooring “Interest List” (formerly called the Wait List)

- a. The former Wait list was never codified – this will close that gap.
- b. There will be no more ‘free moorings’ given to people on the list.
- c. People on the existing list will have priority for long term licensing availabilities.
- d. Rename the list to the Interest List. Those on the existing list will be invited to participate in a sealed bid auction for those few moorings that are surrendered to the City. These auctions will not be available to the rest of the public.
- e. After a certain number of years (suggested 3 years), the aforementioned list for auctioned moorings will be disbanded and no longer exist.

5. Permit Transfer Fee

- a. A transfer fee shall be imposed when the mooring permit changes hands.
- b. The transfer fee shall be a percentage of the annual mooring permit fee as determined by the Master Fee Schedule.

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