

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: January 22, 2015
To: Harbor Commissioners
From: Scott Riedman, Waterfront Director
Subject: **Adjustment to Mooring Program Amendments**

RECOMMENDATION:

That Harbor Commission amend policy provisions supported at its November, 2014 meeting, deleting a requirement to create a Mooring Permit waiting list

DISCUSSION:

At its November, 2014 meeting, the Commission voted to support amending the Department's Mooring Permit Program by exchanging an existing lottery system for a first-come, first-served system for assigning permits. Part of that approval included plans to create a Mooring Permit waiting list when the number of occupied moorings reaches 30—the current “trigger number” for conducting additional lotteries.

Staff is in the process of drafting amendments to City Council Resolution No. 12-014, switching from a lottery system to a first-come, first-served system. Discussing plans to develop a mooring-permit waiting list, staff has concluded that:

1. Given the current (limited) level of demand for moorings, the need to create a waiting-list process is premature;
2. Consideration of a waiting-list process would be more appropriate when the number of mooring permits reaches 35—seven spaces short of full occupancy;
3. Creating a waiting list process is complex and time consuming, and considering requirements for City Attorney review and approval by City Council's Ordinance Committee and full Council, would delay implementation of the most important pending amendment—switching from lotteries to first-come, first served.

CONCLUSION

Eliminating the requirement to establish process and procedures for a Mooring Permit waiting list at this time will expedite adoption of currently proposed amendments to the Mooring Permit Program while allowing for consideration of these changes in the future.

Attachment: November 2014 Harbor Commission staff report “Mooring Program Amendments”

Prepared by: Mick Kronman, Harbor Operations Manager

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: November 20, 2014
To: Harbor Commissioners
From: Scott Riedman, Waterfront Director
Subject: **Mooring Program Amendments**

RECOMMENDATION: That Harbor Commission:

- A. Receive a staff report on the status of the Department's East Beach Mooring Program, and
- B. Recommend City Council approval of changes to the Program.

BACKGROUND

Established in 2006, the Permitted Mooring Area east of Stearns Wharf includes 44 mooring sites (Attachment 1). Moorings are owned by individual permittees and inspected annually by City-approved inspectors. Deployment and inspection costs are borne by the permittees, who also pay annual permit renewal fees of \$250 apiece.

City Council Resolution No. 12-014 (Attachment 2) states that any time the number of Mooring Area permittees declines to 30 or fewer, the Waterfront Department may undertake a lottery to fill the vacant mooring sites. The Department has conducted five such lotteries (2006, 2007, 2010, 2011 and 2013) to assign vessels to vacant mooring sites. The current number of active mooring permits is 22 (Attachment 3) and 22 permits remain available.

DISCUSSION

In recent years, mooring lotteries have attracted much attention but little follow-through. The last three lotteries attracted 122 participants, but resulted in only 12 "prove ups" (by which a mooring is established, a vessel assigned to it, and a permit issued). This 1% prove-up rate is far below a level at which the Program should operate.

Lottery	Participants	Prove ups
March 2010	21	5
March 2011	45	3
March 2013	56	4

Attachment

Meanwhile, staff occasionally receives unsolicited requests for individuals to participate in the Program, but owing to provisions set forth in Resolution 12-014, cannot act on those requests, as they are not tied to a lottery process. At its March, 2013 meeting, when staff presented its Mid-Year Mooring Program Report, Commissioner Frank Kelly suggested doing away with mooring lotteries and moving to a first-come, first-served approach to establishing moorings and issuing permits. Staff believes the time has come to implement that suggestion. Eliminating mooring lotteries would not only enhance staff's ability to issue permits, it would save money spent on advertising and communication with prospective permittees, and save considerable staff time spent administering lotteries and following through on permit offers.

Staff, therefore, recommends the following changes to the Mooring Program:

- Eliminate mooring lotteries
- Process mooring applications on a first-come, first-served basis
 - Require a \$300 non-refundable application fee, \$250 of which would be applied to initial annual permit fee following prove-up
- Establish a Mooring Permit Waiting List, to be used if and when the Mooring Area achieves full occupancy
 - \$40/per year fee to remain on the list (same as slip permit waiting list)
 - If mooring permit offered and declined, applicant drops off the list
- All "prove ups" to occur between May 1st and September 30th
 - Per (amended) Section 3.3 of Resolution 12-014
 - Syncs with commitment from contractors based on their schedules and efforts to not install or inspect mooring during winter (should be approved prior to winter)

At this time, staff believes nearly all these changes can all be achieved by amending Resolution 12-014. Staff has identified only Section 17.20.255 C.2 (a) of the Municipal Code that would require amending (removing reference to lotteries—underline added):

2. Mooring Permit Administration.

a. Mooring Permits may be issued by the Waterfront Director in accordance with the Procedures for Conducting Lotteries for the Assignment and Issuance of Mooring Permits and the Mooring Permit Rules and Regulations adopted by Resolution of the City Council of the City of Santa Barbara.

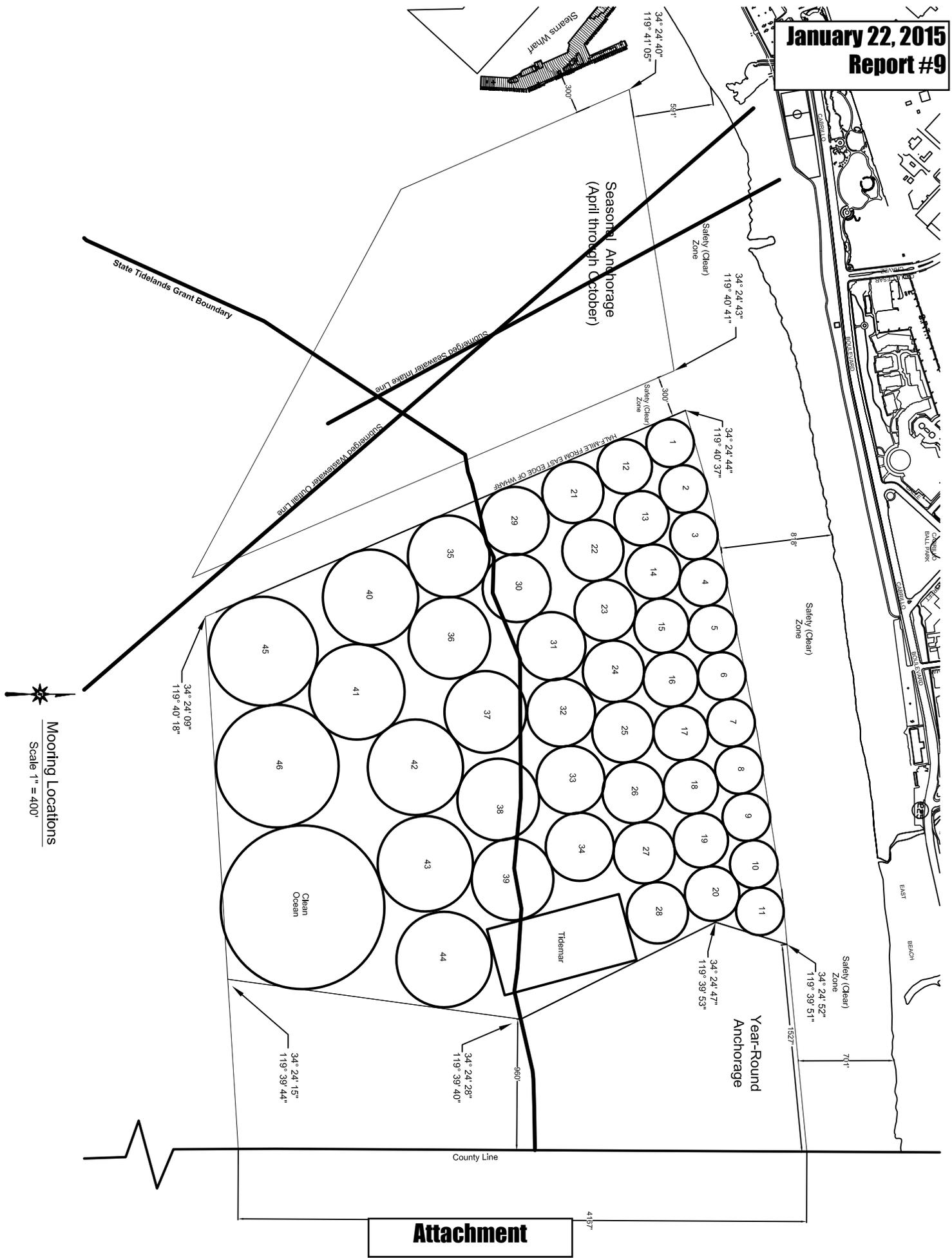
CONCLUSION

With Commission approval of recommended policy changes described above, staff will draft amendments to Resolution No. 12-014 and MC 17.20.255 for City Council consideration in early 2015. These changes should streamline the permit-assignment process, save money and help fill out the East Beach Mooring Area to capacity.

Attachments: 1. Drawing—East Beach Mooring Area
2. City Council Resolution No. 12-014
3. Drawing—East Beach Mooring Area as currently occupied

Prepared by: Mick Kronman, Harbor Operations Manager

Attachment



Mooring Locations
Scale 1" = 400'

RESOLUTION NO. 12-014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING RULES AND REGULATIONS FOR ISSUING MOORING PERMITS IN THE CITY OF SANTA BARBARA MOORING AREA, SETTING MINIMUM SPECIFICATIONS FOR INSTALLING, INSPECTING AND REPAIRING SUCH MOORINGS AND REPEALING RESOLUTION NO. 09-075

WHEREAS, the Santa Barbara Mooring Area is established in Santa Barbara Municipal Code Chapter 17.20;

WHEREAS, the Santa Barbara Mooring Area, as established in Santa Barbara Municipal Code Chapter 17.20, requires that all vessels moored within the area possess mooring permits;

WHEREAS, the rules and regulations for Mooring Permits issued for Mooring Sites within the Santa Barbara Mooring Area are set forth herein;

WHEREAS, pursuant to SBMC Chapter 17.20 mooring permits for available Mooring Sites within the Santa Barbara Mooring Area are issued by the Waterfront Department pursuant to a lottery process;

WHEREAS, the City procedure for conducting the mooring lotteries and assigning Mooring Permits are set forth herein;

WHEREAS, in order to implement the Santa Barbara Mooring Area, procedures and policies which include the intent to protect the natural environment of the Mooring Area and assets of the City and to ensure safe navigation, minimum Ground Tackle Specifications are appropriate;

WHEREAS, the issuance and renewal of Mooring permits to individuals for Moorings in the Santa Barbara Mooring Area requires the adherence to rules and regulations for installing, inspecting and repairing Moorings in the Santa Barbara Mooring Area;

WHEREAS, SBMC Section 17.20.255 of the Santa Barbara Municipal Code describes requirements for installation, inspection and repair of Moorings in the Santa Barbara Mooring Area;

WHEREAS, SBMC Section 17.20.255 declares that the installation, inspection, and repair of Moorings in the Santa Barbara Mooring Area shall be conducted only by contractors on the City Approved Mooring Inspectors List; and

WHEREAS, the Waterfront Director may, from time to time, amend the list of City Approved Mooring Inspectors to facilitate fair, orderly and equitable administration of the Santa Barbara Mooring Area.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. Establishing Rules and Regulations for Mooring Permits in the Santa Barbara Mooring Area.

A. LOTTERY FOR THE OFFER OF MOORING PERMITS IN THE SANTA BARBARA MOORING AREA

Mooring Permits in the Santa Barbara Mooring Area shall be allocated to applicants by lottery according to rankings created pursuant to the following procedures. Mooring Permits (except for Special Activity Mooring Permits issued by the Waterfront Director) in the Santa Barbara Mooring Area shall be offered for assignment as established herein. The Waterfront Director shall assign Mooring Sites to ranked Lottery applicants, taking into consideration size and type (power or sail) of the vessel, as well as any other information or vessel specifications pertinent to the assignment and the overall orderliness and safety of the Santa Barbara Mooring Area.

1. Lottery Participation Request. To participate in a lottery for assignment of a Mooring Permit in the Santa Barbara Mooring Area, an applicant must submit a completed Lottery Participation Request form to the Waterfront Department. Lottery Participation Request forms shall be submitted to and received by the Waterfront Department within a designated time period that shall conclude no later than two (2) weeks prior to the Harbor Commission hearing scheduled for the lottery drawing. The opening date and duration of the time period for submission of Lottery Participation Requests to the Waterfront Department shall be publicly noticed and shall be posted at the Waterfront Department. During this time period, Lottery Participation Request forms may be obtained from the Waterfront Department during normal business hours. An individual may submit only one Lottery Participation Request. At the conclusion of the time period for accepting Lottery Participation Requests, the Waterfront Department shall place all completed Lottery Participation Requests in a sealed folder ("Request Folder").
2. Lottery Formation. A lottery shall be conducted by a drawing of Lottery Participation Requests from the Request Folder by the Harbor Commission Chair during a scheduled public hearing. At the hearing, the Harbor Commission Chair shall draw, by lot, and rank all Lottery Participation Requests for the purpose of assigning Mooring Sites in the Santa Barbara Mooring Area.
3. Lottery Ranking. The Commission Chair shall rank the Lottery Participation Requests according to the order in which each Lottery Participation Request is drawn from the Request Folder. The first applicant whose Lottery Participation

Request is drawn from the Request Folder shall be ranked number one. The second applicant whose Lottery Participation Request is drawn from the Request Folder shall be ranked number two and so on until all Lottery Participation Requests are ranked. The Waterfront Director shall mail to each participant a notice of each participant's ranking and a description of the number and size of available Mooring Sites intended for assignment from that lottery.

4. Application. The Waterfront Director shall mail a Mooring Permit Application and a copy of the Minimum Ground Tackle Specifications to prospective Mooring Permittees whose lottery ranking corresponds to assignment opportunities in the Santa Barbara Mooring Area. The Mooring Permit Application shall be returned to the Waterfront Department within fourteen (14) days of the date that the Waterfront Director mails notification of Mooring Site availability. A complete application for a Mooring Permit shall contain, in addition to other information as may be requested by the Waterfront Department, a non-refundable fifty dollar (\$50) Application Fee, general description of the size and type of vessel proposed to occupy a Mooring Site in the Santa Barbara Mooring Area. Should an applicant fail to timely submit a completed application or fail to perform obligations necessary to secure an approved Mooring Permit, the next highest ranking Lottery Participant shall be mailed notice of an offer for Mooring Site assignment. This process shall continue until available Mooring Permits are assigned and approved by the Waterfront Director, or all Lottery Participation Requests from that lottery have been exhausted. Should the number of Lottery Participation Requests exceed the number of Mooring Permits assigned, the excess Lottery Participation Requests not offered assignment shall be discarded.
5. Timing of Lotteries. Anytime the total number of Mooring Permits assigned in the Santa Barbara Mooring Area declines to thirty (30) or fewer, a lottery may be held following procedures established herein. These subsequent lotteries shall be open to the general public. Such lotteries shall be conducted at the discretion of the Waterfront Director and no more frequently than one year apart.

B. OFFER, ACCEPTANCE AND RENEWAL OF MOORING PERMITS

1. General. A permit to moor a vessel in the Santa Barbara Mooring Area shall be offered, in order, to each individual ranked during the lottery process described herein, within 30 days of the Lottery, up to a total number of offers determined by the Waterfront Director.
2. Permit Offers. Mooring Permit offers shall be sent by U.S. Certified Mail, to the individual's address indicated on the Lottery Participation Request form. The individual offered a Mooring Permit shall have 14 calendar days from the date of mailing to respond in person or by mail by returning a completed application indicating their intention to accept or decline the offer. Late postmarks shall not be accepted.
3. Accepted Offers. If an offer is accepted, the prospective mooring permittee shall have 90 days to place a vessel of approved size on the Mooring Site, provide

vessel ownership documentation consisting of applicable Department of Motor Vehicle registration or Coast Guard documentation, pay all remaining fees due, and prove compliance with Minimum Ground Tackle Specifications as established by City Council Resolution.

4. Declined Offers. If an offer is declined or not returned to the Waterfront Department in a timely fashion, that individual's name shall be removed from consideration for assignment in that lottery.
5. Permit Duration. Permits shall be offered for a period of one year.
6. Permit renewal. Permits may be renewed annually, dependent upon compliance with all Mooring Permit Rules and Regulations and the Minimum Ground Tackle Specifications. Failure to meet these requirements is grounds for permit termination as described herein.
7. Non-Transferable. Mooring Permits are not transferable or inheritable.

C. ISSUANCE OF MOORING PERMIT.

1. Issuance. Mooring Permits issued by the Waterfront Director shall be issued for designated Mooring Sites. The Waterfront Director shall have full and absolute discretion to designate Mooring Sites to Permittees. The Waterfront Director may base a determination regarding the designation of Mooring Sites on criteria including size and type of vessel, and any other information or vessel specifications pertinent to the assignment and the overall orderliness and safety of the Santa Barbara Mooring Area. Mooring Permits may be issued upon satisfactory completion of the Mooring installation by the City Approved Mooring Inspector.
2. Relocation. The Waterfront Director may relocate vessels to other Mooring Sites within the Santa Barbara Mooring Area in the interest of safety, space limitations, traffic, and reduction of risk due to fire, sinking, breakaway or collision. The Waterfront Department shall pay the reasonable costs to relocate a vessel and Mooring to an alternate Mooring Site if such relocation is required by the Waterfront Director. If such relocation is made at the request of a Permittee, the Permittee shall bear all Mooring and vessel relocation costs.
3. Mooring Permits shall be issued for Identified vessels only as follows:
 - a. Mooring Permit shall be issued only for a specifically designated vessel owned by the Mooring Permittee. Proof of ownership of the designated vessel must be supplied to the Waterfront Director at the time of Mooring Permit assignment and annually thereafter at each Mooring Permit renewal in the form of a current California Department of Motor Vehicles Registration or United States Coast Guard Document.
 - b. If a vessel designated to a Mooring Permit is sold, destroyed or ruined by accident, damage, fire, sinking or other casualty, the Mooring Permittee may be

allowed to place a replacement vessel owned by the Mooring Permittee, as such ownership is demonstrated as required herein, in the Mooring Site. Such replacement vessel shall comply with size restrictions determined by the Waterfront Director as appropriate for vessels assigned to the Mooring Site receiving the replacement vessel. Upon approval by the Waterfront Director, a Mooring Permit describing the replacement vessel shall be issued for the remaining term of the existing Mooring Permit. If an approved replacement vessel is not procured within one hundred twenty (120) days of the date that the designated vessel is removed from the Mooring Site, either by sale or casualty, the Mooring Permit shall terminate as provided herein.

4. Vessel Size.

- a. All designated vessels assigned to a Mooring Site shall be a minimum of twenty (20) feet in length without bow sprit, bumpkin, pulpit, swimstep or other such appurtenance.
- b. No Dinghy assigned to the Mooring Site shall exceed thirteen (13) feet without express permission of the Waterfront Director.

D. TERMINATION OF MOORING PERMIT.

1. Either party may terminate the Mooring Permit for any reason by giving thirty (30) days prior written notice to the other party.
2. The Mooring Permit may be terminated by the Waterfront Director without prior notice to the Permittee upon the occurrence of one or more of the events described below:
 - a. failure to pay when due Mooring Permit fees. No termination shall occur for this reason unless the fee is thirty (30) days past due;
 - b. failure to meet the Minimum Ground Tackle Specifications upon installation or annual inspection, or failure to complete required corrections;
 - c. failure to submit to the Waterfront Director a timely Mooring Inspection Report;
 - d. failure to maintain a vessel assigned to a Mooring Site in an Operable condition, as defined in Section 17.04.010 of the Santa Barbara Municipal Code;
 - e. failure to maintain the Mooring in a manner that is not detrimental to the use, operation or development of the waters of the City of Santa Barbara or does not pose a hazard to navigation;

- f. failure or refusal of the Mooring Permittee to allow an inspection of the vessel, Mooring, or both to determine if the vessel is Operable or the Mooring meets the Minimum Ground Tackle Specifications;
 - g. rental, lease, sublease, or loan of a Mooring Site;
 - h. failure or refusal to relocate a Mooring, vessel, or both back to an appropriate Mooring Site within fourteen (14) days of notification by the Waterfront Director that the vessel, Mooring, or both have migrated off station;
 - i. use of the Mooring Site for commercial purposes, unless approved by the Waterfront Director;
 - j. violation of any condition of the Mooring Permit, any provision of Title 17 of the Santa Barbara Municipal Code or any resolution adopted by the City Council.
 - k. Allowing alterations or repairs to mooring equipment by persons or companies not listed on the Waterfront Department's list of Approved Mooring Inspectors.
3. Removal of Mooring and vessel from Mooring Site.
- a. Termination under section D 1. Upon termination of a Mooring Permit due to a termination under Section D 1 or expiration of the permit, it shall be the duty of the Permittee to remove all Ground Tackle and the moored vessel within fourteen (14) days from the date the Mooring Permit terminates or expires. If the Mooring is not removed within this time, title to the Mooring shall vest in the City. The City may, thereafter, remove and sell or dispose of the Mooring and recover the removal, storage or disposal costs from the Mooring Permittee. If the Mooring Permittee fails to pay such cost, the Waterfront Director may collect such costs in any court of competent jurisdiction or may recover any costs from the proceeds of sale of the Mooring. Vessels not removed from the Mooring Site within fourteen (14) days from the date the Mooring Permit terminates or expires shall be impounded by the City and subject to storage fees, disposal or lien sale proceedings as provided by law.
 - c. Termination under section D 2. The Waterfront Director shall notify the Mooring Permittee of the Mooring Permit termination by any reasonable means available and the Permittee shall remove the vessel and the Mooring from the Mooring Site within fourteen (14) days of the Waterfront Director's notification. If the Mooring and/or vessel are not removed within this time, title to the Mooring shall vest in the City. The City may, thereafter, remove and sell or dispose of the Mooring and recover the removal, storage or disposal costs from the Mooring Permittee. If the Mooring Permittee fails to pay such cost, the Waterfront Director may collect such costs in any court of competent jurisdiction or may recover any costs from the proceeds of sale of the Mooring. Vessels not removed from the Mooring Site within fourteen (14) days from the date the

Mooring Permit terminates shall be impounded by the City and subject to storage fees, disposal or lien sale proceedings as provided by law.

4. Request for waiver or appeal of Mooring Permit Termination. A waiver or appeal of a Mooring Permit termination may be made or filed by a Mooring Permittee according to the procedures set forth in SBMC Section 17.20.255 C. 5.

E. MOORING POSITION

1. Vessel Securely Moored. Any vessel moored in a Mooring Site within the City of Santa Barbara Mooring Area shall be firmly secured to a Mooring in such a manner as to prevent the vessel from drifting, dragging or otherwise moving off the Mooring Site.
2. Migration of Vessel or Mooring. Any vessel or Mooring that migrates off station shall be relocated to the Mooring Site within fourteen (14) days of the date that the Mooring Permittee is notified by the Waterfront Director that the vessel or Mooring has migrated. The relocation of the Mooring shall be undertaken only by a City Approved Mooring Inspector. Costs of relocating a Mooring, vessel, or both, that has migrated off station from a Mooring Site shall be borne in full by the Mooring Permittee.

SECTION 2. City Approved Mooring Inspectors. City Approved Mooring Inspector. The Waterfront Department shall maintain a list of inspectors who are approved to install, inspect and repair Moorings in the Santa Barbara Mooring Area. Mooring Permittees may select only those inspectors on the list of City Approved Mooring Inspectors to perform Mooring installations, inspections and repairs.

SECTION 3. Minimum Ground Tackle Specifications.

1. Ground Tackle Specifications. All Moorings permitted and installed in the Santa Barbara Mooring Area shall comply with Minimum Ground Tackle Specifications attached hereto in Attachment A and incorporated herein by this reference.
2. Mooring Installation. An inspector selected from the City Approved Mooring Inspector list shall be the only entity approved to install Moorings in the Santa Barbara Mooring Area. The installation shall be at the Mooring Permittee's sole cost and expense. The Mooring Inspector shall submit written specifications of the Mooring installation on a City-supplied Mooring Inspection Report within fourteen (14) days of the installation.
3. Mooring Inspection. An inspector selected from the City Approved Mooring Inspector list shall be the only entity approved to inspect Moorings in the Santa Barbara Mooring Area. Moorings shall be inspected upon installation at the

Mooring Site and, except as provided below, annually thereafter in August or September to confirm continued compliance with City-approved Minimum Ground Tackle Specifications. Any mooring initially deployed in May, June or July may delay its next annual inspection after deployment until August or September of the following year.

- All inspections shall be at the Mooring Permittee's sole cost and expense. The Mooring Inspector shall submit written results of the inspection on a Mooring Inspection Report within ten (10) days of completion of the inspection.
4. Mooring Repairs. Any and all repairs recommended in the Mooring Inspection Report shall be completed by the City Approved Mooring Inspector at the Mooring Permittee's sole cost and expense and verified by the Mooring Inspector by the time the Mooring Inspection Report is submitted to the Waterfront Director. The Mooring Permit shall terminate if repairs recommended in the Mooring Inspection Report are not completed and the Mooring Inspection Report is not submitted within fourteen (14) days of the inspection and subsequently approved by the Waterfront Director.
 5. Additional Inspection at Request of Waterfront Director. The Waterfront Director may require additional inspections of a Mooring anytime she or he deems such inspection necessary to assess the Mooring's compliance with the Minimum Ground Tackle Specifications. If following an inspection by a City Approved Mooring Inspector the Mooring is deemed compliant with Minimum Ground Tackle Specifications described in Attachment A, costs for said inspection shall be paid by the City. If the Mooring is deemed non-compliant, all costs for raising, inspecting, repairing and re-installing the Mooring as described and required herein shall be paid by the Mooring Permittee. All repairs necessitated by the inspection, as described in a Mooring Inspection Report, shall be undertaken within the time set forth herein. The Mooring Permit shall terminate if repairs recommended in the Mooring Inspection Report are not completed within the time set forth herein.
 6. Mooring Inspections; Method. All Mooring inspections shall be conducted by raising the Mooring and inspecting its entirety out of the water unless another method is approved by the Waterfront Director.
 7. Minimum Ground Tackle Specifications. The Minimum Ground Tackle Specifications described in Attachment A may be amended from time to time by the Waterfront Director.

RESOLUTION NO. 12-014

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on February 28, 2012, by the following roll call vote:

AYES: Councilmembers Dale Francisco, Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White; Mayor Helene Schneider

NOES: None

ABSENT: None

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on February 29, 2012.



Susan Tschech

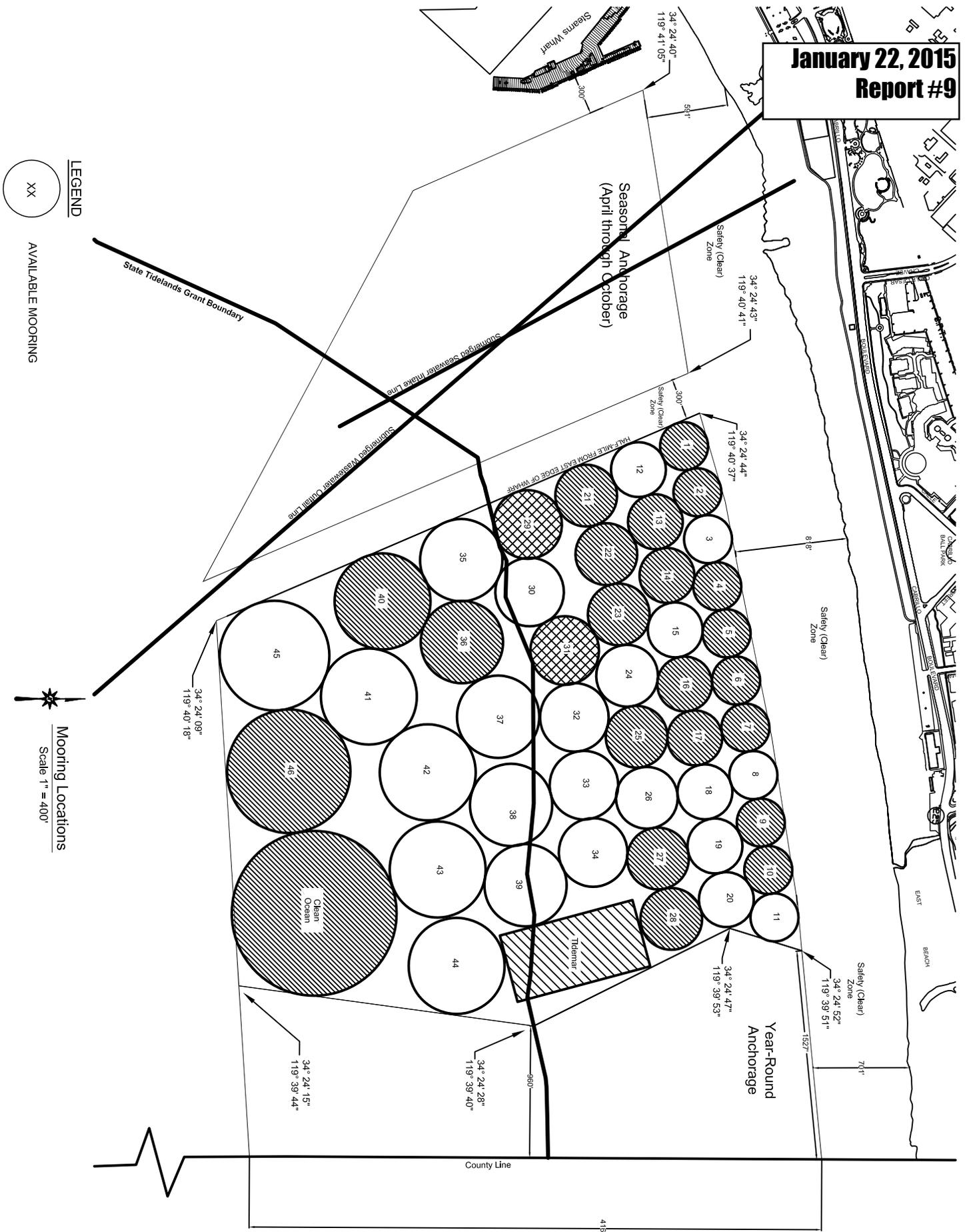
Susan Tschech, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on February 29, 2012.

Helene Schneider

Helene Schneider
Mayor

January 22, 2015 Report #9



LEGEND



AVAILABLE MOORING

Mooring Locations
Scale 1" = 400'