

**CITY OF SANTA BARBARA WATERFRONT DEPARTMENT**

**MEMORANDUM**

**Date:** May 20, 2010  
**To:** Harbor Commission  
**From:** John N. Bridley, Waterfront Director  
**Subject:** **Municipal Code Title 17 Amendments**

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**RECOMMENDATION:** That Harbor Commission:

- A. Receive and consider a staff report describing proposed amendments to Title 17 of the Santa Barbara Municipal Code;
- B. Receive and consider a staff report describing proposed amendments to Resolution 09-075 pertaining to timing of compliance with rules and regulations for moorings in the East Beach Mooring Area;
- C. Recommend to City Council adoption of an ordinance incorporating proposed amendments to Title 17; and
- D. Recommend to City Council adoption of a Resolution incorporating revisions to Resolution No. 09-075.

**BACKGROUND:**

Department staff annually reviews Title 17 of the Santa Barbara Municipal Code ("Harbor") to ensure that it accurately and adequately describes policies and procedures utilized to fairly, comprehensively and decisively administer Waterfront affairs and provides the legal framework for doing so.

Staff worked with the City Attorney's Office in recent months to identify Title 17 Sections it believes should be added, deleted or amended. This report identifies six substantive amendments proposed for MC Title 17, plus amendments to Resolution 09-075 pertaining to timing of compliance with rules and regulations for moorings in the East Beach Mooring Area.

## **DISCUSSION**

### **1. MC 17.18.050 Live-Aboard Permit Termination, Suspension and Revocation**

Years ago, the City implemented a tiered system for suspending or revoking live-aboard permits, presumably based on a decision that a permittee's poor actions or behavior warranted either temporary or permanent relinquishment of his/her permit. As this Section appears complex and somewhat vague, staff recommends replacing suspension and revocation clauses with a simple termination clause (with stated causes for termination), plus wording providing an appeals process similar to that afforded slip permittees, including opportunity for a waiver from the Waterfront Director and/or a hearing before the Harbor Commission. Proposed language also offers an opportunity for re-issuance of a live-aboard permit after six months, based on sole discretion of the Waterfront Director **(Attachment 1, Pages 1, 2)**.

### **2. MC 17.20.005 (J) Waterfront Director Termination of Slip Permits**

MC 17 is currently silent on whether (or when) an individual who has had his/her slip permit terminated might again be eligible for a slip permit in Santa Barbara Harbor. Proposed language would require a minimum one-year wait to reapply, but offers an opportunity for re-issuance of a slip permit after that time, based on sole discretion of the Waterfront Director. **(Attachment 1, Pages 2, 3)**

### **3. MC 17.20.255 (C) (5) Appeal of Mooring Permit Termination.** This amendment mirrors #1, above, regarding the appeals process for the termination of a mooring permit. **(Attachment 1, Pages 8, 9)**

### **4. MC 17.28.010 Permit Required—Solicitation or Business Activity.** Currently this Section applies only to the Harbor. Proposed amendments would extend requirement to obtain a Business Activity Permit (BAP) to the Harbor District. This amendment is offered in response to businesses that have attempted to operate in parking lots and the East Beach anchorage without a BAP. **(Attachment 1, Pages 10, 11)**

### **5. MC 17.28.020 Permission Required—Advertising.** This Section currently defines what types of signs, advertisements and circulars are permissible in the Waterfront. Proposed amendments clarify necessary compliance with City regulations and removes language stating that notices on public bulletin boards are subject to discretionary approval of the Waterfront Director (a potential conflict with constitutionally protected freedom of speech). On advice of the City Attorney, a small plaque has been placed on the bulletin boards stating that no offensive materials shall be allowed. Staff would consult the City Attorney's Office before removing any materials it deems offensive. **(Attachment 1, Pages 11, 12)**

6. **MC 17.28.070 Appeal to Board of Harbor Commissioners.** This section describes the appeal process for an individual whose BAP has been revoked. It has been revised to mirror the appeal process for slip permits, including opportunity for a waiver from the Waterfront Director and/or a hearing before the Harbor Commission. **(Attachment 1, Pages 11, 12)**
  
7. **Resolution 09-075, Establishing Rules and Regulations for issuing Mooring Permits in the City of Santa Barbara Mooring Area.** Proposed language in Section 1 (C) (3) (b) of this Resolution would increase the amount of time a mooring permittee has to replace a sold, destroyed or ruined vessel from 90 days to 120 days, consistent with time allowed for slip permittee in the harbor to do the same. Section 1 (D) (3) (b) would also be amended to allow a mooring permittee 10 days to remove a mooring whose permit has been terminated, increased from the current three-day requirement and consistent with the time allowed to file an appeal. The same adjustment is proposed in Section 1 (E) (2) for relocating a mooring that has migrated off station. **(Attachment 2)**

## **CONCLUSION AND TIMELINE**

Staff believes the proposed amendments will help streamline MC Title 17, continuing to contemporize it and make it clear, consistent and fair. With Harbor Commission approval, staff will present proposed amendments to the Ordinance Committee for approval, and then to the full City Council for adoption. This process will likely conclude by the end of June.

- Attachments: 1. Draft Ordinance – MC 17  
2. Draft Amendments, Resolution No. 09-075

Prepared by: Mick Kronman, Harbor Operations Manager