



Agenda Item No. \_\_\_\_\_

File Code No. 570.03

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 29, 2010

**TO:** Mayor and Councilmembers

**FROM:** Operations Division, Waterfront Department

**SUBJECT:** Introduction Of Ordinance Amending Municipal Code Title 17 Regarding Waterfront Department Policies

### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 17 Sections 17.18.050, 17.20.005 (I) and (L), 17.20.255, 17.28.010, 17.28.020, and 17.28.070 of the Santa Barbara Municipal Code Pertaining to Operations at the Waterfront.

### **EXECUTIVE SUMMARY:**

Department staff annually reviews Title 17 of the Santa Barbara Municipal Code to ensure that it accurately and adequately provides a legal framework to implement policies, practices and procedures utilized to fairly, comprehensively and decisively administer Waterfront affairs. Staff recommends amendments to Title 17 it believes are in keeping with these objectives.

Staff has worked with the City Attorney's Office to identify chapters and sections of Title 17 it believes need to be added, deleted or amended. This report identifies five "issue areas" that constitute substantive proposed amendments to Title 17. On May 20, 2010, the Harbor Commission voted to forward these amendments to City Council for adoption. On June 8, 2010, the Ordinance Committee approved the proposed amendments and recommended the draft ordinance be forwarded to City Council for introduction and adoption.

### **DISCUSSION:**

#### **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 inappropriate actions or poor 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). Staff also recommends adding an appeal process similar to that afforded slip permittees, including opportunity for a waiver from the Waterfront Director and 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 the sole discretion of the Waterfront Director.

**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 requires a one-year wait to reapply, with approval of such a request to be made by the Waterfront Director in his or her sole discretion.

**MC 17.20.255 (C) (5) Appeal of Mooring Permit Termination**

In the interest of consistency, this amendment mirrors current MC 17 slip-permit-termination appeal language, providing an opportunity for a waiver from the Waterfront Director and a hearing before the Harbor Commission, whose decision on the appeal would be final.

**MC 17.28.010 Permit Required—Solicitation or Business Activity**

Based on problems encountered with individuals selling merchandise or performing vessel maintenance services in Waterfront parking lots or the East Beach Anchorage, this Chapter extends the requirement to obtain a Business Activity Permit (BAP) for all commercial activity to the Harbor District.

**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 that appropriate permits must be obtained in accordance with Chapter 22.70 of the MC. The proposed amendment also deletes language requiring approval by the Waterfront Director for the posting of announcements on the Waterfront bulletin boards.

**CONCLUSION**

Adoption of the proposed Title 17 amendments will help clarify the Code in ways consistent with its intent and with the fair and comprehensive administration of Waterfront affairs.

**PREPARED BY:** Mick Kronman, Harbor Operations Manager

**SUBMITTED BY:** John N. Bridley, Waterfront Director

**APPROVED BY:** City Administrator's Office