



**California Department of
Boating and Waterways**

**Marina Practices and Procedures to
Allocate Berthing Slips to Vessel Owners**

Survey of Ten California Public Marinas

30 January 2008



STATE OF CALIFORNIA

DEPARTMENT OF BOATING AND WATERWAYS

2000 Evergreen Street, Suite 100
Sacramento, CA 95815-3888

Raynor Tsuneyoshi, Director

Prepared with the assistance of:

NewPoint Group®
Sacramento, California

Table of Contents

1. Executive Summary	1-1
1.1 Background.....	1-1
1.2 Slip Rental Agreements.....	1-1
1.3 Methods of Transferring Slip Rental Agreements.....	1-2
1.4 Internet Advertisements.....	1-3
1.5 Marina Management Observations Regarding Slip Transfers.....	1-3
2. Background, Scope and Approach	2-1
2.1 Background.....	2-1
2.2 Scope.....	2-3
2.3 Approach.....	2-3
2.4 Report Structure.....	2-4
3. Features of Marinas Interviewed in the Study	3-1
3.1 Summary of Findings from Marinas.....	3-1
3.2 City of Santa Barbara Harbor.....	3-8
3.3 Oceanside Harbor.....	3-14
3.4 San Francisco Marina Yacht Harbor.....	3-18
3.5 City of Monterey Harbor.....	3-22
3.6 City of Antioch Marina.....	3-27
3.7 City of Long Beach Marinas.....	3-28
3.8 Santa Cruz Harbor.....	3-32
3.9 City of Sacramento Marina.....	3-37
3.10 Ventura County Small Boat Marina.....	3-42
3.11 City of Avalon Harbor.....	3-43

Appendix A: Guide for Harbormaster Interviews

Lists of Exhibits and Figures

Figure 2-1: <i>Interviews Conducted</i>	2-4
Figure 3-1: <i>Harbor and Marina Management Interviews</i>	3-2
Exhibit 3-1: <i>Summary of Marina Features</i>	3-3
Figure 3-2: <i>Santa Barbara Harbor Slip Rates 2004 - 2006</i>	3-9
Figure 3-3: <i>Santa Barbara Harbor Number of Slips, Master Waiting List, and Slip Acceptances</i>	3-10
Figure 3-4: <i>Santa Barbara Harbor Sliding Scale Transfer Fees</i>	3-12
Figure 3-5: <i>Oceanside Harbor Slip Rates 2004-2006</i>	3-15
Figure 3-6: <i>Oceanside Harbor Number of Slips, Waiting List, and Slip Acceptances</i>	3-17
Figure 3-7: <i>San Francisco Marina Berth Rates 2004-2006</i>	3-19
Figure 3-8: <i>San Francisco Marina Number of Slips, Waiting List, and Slip Acceptances</i>	3-21
Figure 3-9: <i>San Francisco Marina Transfer Fees Escalation 2005 - 2010</i>	3-21
Figure 3-10: <i>City of Monterey Harbor Berth Rates 2004-2006</i>	3-23
Figure 3-11: <i>City of Monterey Harbor Number of Slips, Master Waiting List, and Slip Acceptances</i>	3-24
Figure 3-12: <i>City of Antioch Berth Rates 2004-2006</i>	3-27
Figure 3-13: <i>Long Beach Marinas Slip Fees 2004 - 2006</i>	3-29
Figure 3-14: <i>Long Beach Marinas Number of Slips, Waiting List, and Slip Acceptances</i>	3-31
Figure 3-15: <i>Santa Cruz Harbor Slip Rates 2004-2006</i>	3-33
Figure 3-16: <i>Santa Cruz Number of Slips, Waiting List, and Slip Acceptances</i>	3-35
Figure 3-17: <i>Sacramento Marina Berth Rates 2004 - 2006</i>	3-38
Figure 3-18: <i>Sacramento Marina Number of Slips, Waiting List, and Slip Acceptances</i>	3-41
Figure 3-19: <i>Ventura County Small Boat Marina Slip Charges 2004 - 2006</i>	3-43
Figure 3-20: <i>Avalon Harbor Lease Mooring Charges by Vessel Length 2004 - 2006</i>	3-44
Figure 3-21: <i>Avalon Harbor Number of Slips, Waiting List, and Slip Acceptances</i>	3-45

1. Executive Summary

1.1 BACKGROUND

This report documents the policies and procedures in place at 10 public marinas in California for allocating long-term rental agreements for wet-storage (or “slip rental agreements”). Demand for slips greatly exceeds supply, particularly in the southern, coastal regions of the state. Marinas operate lists of individuals waiting for a slip. A few of the marinas surveyed have approximately a 5-year wait for a slip, with some individuals waiting as long as 30-years. Since 1957, the California Department of Boating and Waterways (DBW) have provided loans to cities, counties, and special districts for construction of, and improvements to small craft harbors.

The California Legislature was concerned that individuals may be by-passing formal waiting lists and may be “buying” access to slips at public marinas. The DBW contracted with NewPoint Group to conduct a survey of 10 California public marinas to obtain information about marina waiting lists. The DBW required information that management could use to respond to concerns raised by the California Legislature.

In November and December, 2006, the project team interviewed 10 marina operators and reviewed their existing policies and procedures. The project team also contacted a number of boating and marina industry representatives. Finally, the team conducted background research and reviewed grand jury reports into the waiting list practices of two marinas surveyed by the team.

1.2 SLIP RENTAL AGREEMENTS

The primary marina policy that appears to cause a concern is how a marina operator transfers a slip rental agreement to a new vessel owner. The public marinas surveyed for this report generally enter into an agreement to rent a slip to a specified individual berthing a specified vessel. If that individual no-longer wishes to rent the slip, the marinas have different policies and procedures in place to determine who will be assigned the slip. At some marinas, if an individual sells his/her vessel, then the marina operator can transfer the slip rental agreement with the vessel to the new vessel owner, in accordance with local ordinances, regulations, or written policies.

In most marinas described in this report, city councils, county board of supervisors, or district board of directors have reviewed the issue of waiting lists and the transference of slip rental agreements, and have adopted their own rules. In other words, local elected officials have adopted rules for regulating the assignment of slip rental agreements. In all cases, the 10 marinas have adopted written policies for providing slips to boaters.

In marinas with waiting lists, vessel owners without a slip value the ability to by-pass the waiting list. According to marina operators surveyed for this report and from a grand jury investigation into one of the marinas surveyed, vessels sold along with access to a slip rental agreement generally attract significant premiums reflected in the price of the vessel.

1.3 METHODS OF TRANSFERRING SLIP RENTAL AGREEMENTS

The project team found that no marina in the study allows a slip rental agreement holder simply to sell the agreement to a third party. However, the project team found that there are two ways, authorized by the local jurisdiction, for vessel owners to by-pass a waiting list and gain access to a slip rental agreement in some of the marinas in the study:

- **Through the purchase of a vessel already in a slip.** Five marinas allow a slip to be transferred with the sale of a vessel, in accordance with local regulations. At these five marinas, the buyer obtains rights to the vessel's slip and does not have to be on the marina's waiting list for slips. The remaining five marinas do not allow a slip to be transferred with the sale of a vessel, and the marina operator assigns an open slip to the next person on the waiting list.
- **Through the purchase of a share in a vessel already in a slip (a partnership).** Four marinas allow new vessel partners to be added to the slip rental agreement, in accordance with local regulations. The new vessel partner obtains rights to the slip and does not have to be on the marina's waiting list for slips. It is possible for the original partner (and original slip holder) to leave the partnership giving the new partner sole rights to the slip rental agreement. Once the new partner has sole rights to the slip rental agreement, they are free to bring in a different vessel.

In both of these types of transfer, a vessel owner can access a slip rental agreement without being on the waiting list. However, the project team found that at in the marinas with long waiting lists in the study, marina operators have taken considerable effort in developing their waiting list and transfer policies. In particular, the team found:

- Each marina's rules are governed by city or county ordinances, or are governed by harbor rules pursuant to the marina's jurisdiction ordinances.
- Four of the five marinas that allow a transfer of slip rental agreements charge a fee to transfer the slip agreement to the new individual. Doing so allows the marina operator to

recoup some of the value that vessel owners assign for the ability to by-pass the waiting list. The transfer fees ranged from \$16.50 per foot of vessel to \$875 per foot of vessel resulting in a range of \$330 to \$52,500 for a transfer payment.

- Two of the five marinas that allow for new vessel partners to be added to the slip rental agreement charge the same transfer fee as if the vessel were sold outright. Two marinas treat the new partner as if they were on the waiting list and either charge additional fees or restrict the transfer until the individual comes to the top of the slip waiting list.
- All 10 marinas use a waiting list and their policies and procedures for managing these waiting lists differ. The differences are slight in many cases, primarily in whether an individual can be on a waiting list for more than one slip size and the fees charged to apply for, and remain on, the waiting list.

1.4 INTERNET ADVERTISEMENTS

A simple Internet search performed during preparation of this report yielded a number of advertisements that claimed “slips available” in the most popular public marinas surveyed. These advertisements appear to offer a public asset (i.e., the slip) for sale by a private body. However, important considerations are:

- These advertisements are misleading. What is actually being offered is a transfer to a month-to-month rental agreement that can be revoked at any time. More importantly, this transfer only occurs if the person responding to the advertisement either purchases the vessel from the existing slip agreement permittee or joins a partnership that holds the slip agreement and owns the vessel in the slip.
- The slip agreement transfer (with the sale of a vessel or share in a vessel) is permissible under the local ordinances in place at the marina.
- Under local ordinances, the marina charges a transfer fee when the slip rental agreement is transferred.

Despite these considerations, it is possible for an individual to navigate the marina rules and regulations to be able to access a slip and to bring in his/her vessel into a marina without having been on the waiting list. However, this practice would be in accordance with written rules or regulations in place in the marina.

1.5 MARINA MANAGEMENT OBSERVATIONS REGARDING SLIP TRANSFERS

Marina operators contacted during preparation of this report explained the factors influencing policy decisions on slip rental agreement transfers. If transfers are not allowed, the waiting list is the only method to access a slip. Some marina managers believe that berth transfers only through the waiting list provided equal, transparent access to slip rental agreements. However, some marina managers believe that there could be a risk of adversely impacting used vessel sales due to lack of availability of slips if a vessel owner is not able to transfer a slip with the vessel. In addition, marina

operators noted that considerable effort is required to “police” vessel owners to identify underground transfers.

At marinas that do allow transfers, an individual can legally by-pass the waiting list simply by buying a vessel assigned to a slip. Some marina managers believe that transfers would happen regardless of the local ordinances in place. Marina operators believe that allowing transfers facilitates used vessel sales while allowing the marina to recoup some portion of the value of the trade through transfer fees.

2. Background, Scope and Approach

This chapter describes the background of this project conducted for the California Department of Boating and Waterways (DBW). The chapter is divided into four sections:

- 2.1 Background
- 2.2 Scope
- 2.3 Approach
- 2.4 Report Structure.

2.1 BACKGROUND

This subject of this report is to determine marina practices and procedures to allocate berthing slips. This project included a review of the rental agreements that public marinas in California offer to individuals for long-term wet storage of vessels (“slip rental agreements”). Demand for slips greatly exceeds supply, particularly in the southern, coastal regions of the state. To manage this excess demand, marinas operate lists of individuals waiting for a slip in the marina.

2.1.1 *Background to This Report*

The California Legislature raised concerns regarding the allocation of slips in public marinas. The concern was that individuals may be by-passing formal waiting lists and may be “buying” access to slips. The California Department of Boating and Waterways (DBW) contracted with NewPoint Group to conduct a survey of 10 California public marinas to gather information about marina waiting lists.

The primary marina policy that appears to cause a concern is the different ways a vessel owner can access a slip. If a marina has a waiting list but an individual purchases a vessel already in a slip *and* gains access rights to the slip, this new vessel owner has by-passed the waiting list by virtue of buying the vessel located in the slip. Of further concern is the perception that a private individual (the slip rental agreement holder) is able to profit from the transfer of a scarce public asset (the slip).

2.1.2 Public Marinas

For the purposes of this study, the team defined public marinas as those managed by a public entity such as a county, city, or special local district such as a port or harbor district. A California boating needs assessment performed in 2002 estimated that there were 814 boating facilities in California¹. Of the 646 facilities in the survey, 488 were marinas, of which 114 were public and 374 were private.

Rules and regulations for public marinas establish marina policy. These rules and regulations are contained either in the ordinances of the city, county, or special district that operates the marina, or are governed by harbor rules pursuant to the marina's jurisdiction ordinances.

2.1.3 Wet Storage Shortage

The 2002 boating needs assessment estimated that 44 percent of marinas offering wet storage had 100 percent occupancy rates, with a further 25 percent reporting that they had between 75-100 percent occupancy². The majority (52 percent) of the slips available were 26-feet and under, with only 17 percent of available slips being larger than 40 feet³.

The shortage of slips was estimated to be more severe in the three southern coastal regions of the State. The percent of marinas in the San Diego, South Coast, and Central Coast regions with 100 percent occupancy were 59 percent, 50 percent, and 73 percent respectively⁴.

2.1.4 Slip Rental Agreements

Marina operators enter into rental agreements with vessel owners for long-term rental of slips, berths, or moorings. Rental agreements are normally month-to-month. That is, either the vessel owner or the marina can terminate the license with a one-month notice.

If the rental agreement is with a public marina, a local jurisdiction assesses a property tax based upon the "possessory interest". A possessory interest

¹ *California Boating Facilities Needs Assessment, Volume II, Appendices to Statewide and Regional Boater and Boating Facilities*, California State University, Sacramento Foundation, and NewPoint Group, Inc., October 15, 2002, page C-3, table C1.1

² *California Boating Facilities Needs Assessment, Volume I, Statewide Boaters and Boating Facilities*, California State University, Sacramento Foundation, and NewPoint Group, Inc. October 15, 2002, page 3-8 Exhibit 3.3

³ *California Boating Facilities Needs Assessment, Volume I, Statewide Boaters and Boating Facilities*, California State University, Sacramento Foundation, and NewPoint Group, Inc. October 15, 2002., page 3-9 Table 3.14

⁴ *California Boating Facilities Needs Assessment, California Boating Facilities Survey* raw data

results from possession or exclusive use of land and / or improvement, without either outright ownership of the land or a life estate in the property⁵. The possessory interest is subject to property tax if the interest is held in a nontaxable publicly owned property. The County where the marina is located, not the marina management, assesses property taxes based upon the possessory interest. If a marina is privately operated, then a possessory interest property tax is not assessed.

2.2 SCOPE

The objectives of this study were to examine and document practices and procedures followed by California marinas to manage waiting lists. The focus of the study was “public” marinas. The study investigated:

- Ordinances, procedures, and practices regarding how vessel owners obtain a slip for their vessel, including use of waiting lists at California marinas
- How a vessel owner can obtain a slip for his or her vessel when he/she is not on a waiting list for a slip
- Rules, regulations, or ordinances adopted by local public agencies relating to the renting of slips to vessel owners at California marinas
- Known grand jury investigations on the procedures and practices at California marinas on how vessel owners obtain slips
- Fiscal impacts to local public agencies relating to the renting of slips to vessel owners with or without the use of a waiting list.

This report provides a review of a sample of ten marinas in California. This report does not provide an exhaustive review of all policies in all public marinas. The project team did not conduct an investigative audit into the practices at each marina in the study.

2.3 APPROACH

In November and December, 2006, the project team conducted the review of waiting list practices and procedures in four stages:

- Meetings with DBW Director and executive staff. The project team worked with the DBW Director and executive staff to identify the primary areas of focus for the review. The Director and staff also provided contact information for the marinas to be interviewed.
- Meeting with Legislative Staff. The project team met with the Chief Consultant to the Senate Natural Resources and Water Committee to understand the concerns of the Legislature. The Chief Consultant also provided additional suggestions for marinas to be surveyed.

⁵ State of California, Board of Equalization, Property Tax Rules, Chapter 1, Subchapter 1 Rule 21 *Taxable Possessory Interest -- Valuation*

- Background research. The project team reviewed grand jury reports, city ordinances, and other publicly available materials relating to waiting list management for public marinas in California.
- Interviews with harbormasters and other industry stakeholders. The team interviewed the harbormasters or operations managers of 10 marinas in California. In addition, the team received input from industry stakeholders and experts. A full list of individuals interviewed is shown in **Figure 2-1**, below.

Figure 2-1
Interviews Conducted

Name	Organization	Title
Marina Staff		
Brain Bray	City of Avalon, Catalina Island	Harbormaster
John Cruger-Hansen	City of Antioch Marina	Harbormaster
Paul Dangreau	City of Monterey Harbor	Operations Supervisor
Brian Foss	Santa Cruz Harbor	Port Director
Kendra Grey	City of Sacramento Marina	Marina Staff
Brad Gross	City of San Francisco	Manager of Marina Operations
Don Hadley	City of Oceanside	Director, Department of Harbor and Beaches
Mick Kronman	City of Santa Barbara Harbor	Harbor Operations Manager
Jack Peveler	Ventura Small Boat Marina	Harbormaster
Mark Sandoval	City of Long Beach	Manager, Marine Bureau
Industry Representatives		
Bill Krauss	Apex Group	Legislative Advocate, for boating interests
Michael Wiest	California Yacht Brokers Association	President
Legislative Staff		
Bill Craven	Senate Natural Resources and Water Committee	Chief Consultant

2.4 REPORT STRUCTURE

Chapter 3 of this report describes policies and procedures in place at the 10 marinas interviewed in the survey. For each marina, there is a description of:

- The marina, including governance, location, and funding
- Slip rental agreement polices and procedures, and slip fees charged in each of the last three years
- Waiting list for slips
- Transfer regulations for slip rental agreements.

3. Features of Marinas Interviewed in the Study

This chapter describes the policies and procedures used in the 10 marinas surveyed by the project team. Five of the marinas allow transfers of slip rental agreements when a vessel is sold, and five do not. The chapter organizes the discussion of marinas by first presenting those five marinas that allow transfers then presenting those five that do not. Within each of these two groups of marinas, this chapter organizes the discussions by the size of marina, the largest one first. This chapter also presents a summary of findings.

This chapter is organized as follows:

- 4.1 Summary of Findings from Marinas
- 4.2 City of Santa Barbara Harbor
- 4.3 Oceanside Harbor
- 4.4 San Francisco Marina Yacht Harbor
- 4.5 City of Monterey Harbor
- 4.6 City of Antioch Marina
- 4.7 City of Long Beach Marinas
- 4.8 Santa Cruz Harbor
- 4.9 Sacramento Marina
- 4.10 Ventura County Small Boat Marina
- 4.11 City of Avalon Marina.

3.1 SUMMARY OF FINDINGS FROM MARINAS

In November and December, 2006, the project team interviewed the management of 10 public marinas in different locations across California, all of which had waiting lists. Following an interview guide, the team asked a series of questions relating to the management of the waiting lists and existing transfer policies. The guide for these interviews is contained in **Appendix A** of this report. The list of those interviewed is shown in **Figure 3-1**, on the next page.

In addition, the project team collated local ordinances relating to the marinas in the study, and reviewed the findings from two grand jury investigations into waiting list procedures. The grand jury investigations were completed for Santa Barbara in 2001 and for Santa Cruz in 2005.

Figure 3-1
Harbor and Marina Management Interviews

Name	Organization	Title
Brain Bray	City of Avalon, Catalina Island	Harbormaster
John Cruger-Hansen	City of Antioch Marina	Harbormaster
Paul Dangreau	City of Monterey Harbor	Operations Supervisor
Brian Foss	Santa Cruz Harbor	Port Director
Kendra Grey	City of Sacramento Marina	Marina Staff
Brad Gross	City of San Francisco	Manager of Marina Operations
Don Hadley	City of Oceanside	Director, Department of Harbor and Beaches
Mick Kronman	City of Santa Barbara Harbor	Harbor Operations Manager
Jack Peveler	Ventura Small Boat Marina	Harbormaster
Mark Sandoval	City of Long Beach	Manager Marine Bureau

A summary of the main features of the waiting list policies and procedures is shown in **Exhibit 3-1**, on the next page. The exhibit is split into two sections. The first section shows marinas that do allow for transfers, and the second shows those that do not. Within these sections, marinas are organized by size as defined as number of slips.

The project team found that no marina in the study allows a slip rental agreement holder simply to sell the agreement to a third party. However, the project team found that there are two ways, authorized by the local jurisdiction, for vessel owners to by-pass a waiting list and gain access to a slip rental agreement in some of the marinas in the study:

- **Through the purchase of a vessel already in a slip.** Five marinas allow a slip to be transferred with the sale of a vessel, in accordance with local regulations. At these five marinas, the buyer obtains rights to the vessel’s slip and does not have to be on the marina’s waiting list for slips. The remaining five marinas do not allow a slip to be transferred with the sale of a vessel, and the marina operator assigns an open slip to the next person on the waiting list.
- **Through the purchase of a share in a vessel already in a slip (a partnership).** Four marinas allow new vessel partners to be added to the slip rental agreement, in accordance with local regulations. The new vessel partner obtains rights to the slip and does not have to be on the marina’s waiting list for slips. It is possible for the original partner (and original slip holder) to leave the partnership giving the new partner sole rights to the slip rental agreement. Once the new partner has sole rights to the slip rental agreement, they are free to bring in a different vessel.

The following sections discuss in detail the policies and procedures in place in the marinas in the survey regarding waiting lists and slip rental agreement transfers.

Exhibit 3-1
Summary of Marina Features
December 2006

(Page 1 of 2)

Name	Marina Size (slips)	Allows Partners on Slip Rental Agreement? ^(a)	Waiting List					Allows Slip Transfer		Transfer Fee
			Number of People on the Overall Waiting List	Number of People on Longest Subsection of Waiting List ^(b)	Number of Slips Assigned from Waiting List (2005) ^(c)	Avg. Length of Waiting List (years) ^(d)	Waiting List Annual Fee	With Sale of Vessel? ^(e)	To New Vessel Partner? ^(e)	
City of Santa Barbara Harbor	1,133	Yes	56 on closed list 50 on lottery list	28	4	21	\$40	Yes	Yes	\$175 per foot of slip or vessel whichever is larger Higher fees if the slip has been held for less than 5 years
Oceanside Harbor	951	Yes	321 approx (includes people waiting for a transfer)	120	Not available	4.5	\$75	Yes	Yes	\$16.50 per foot of vessel \$85 for a repossession by lender
San Francisco	668	No	198	50	None	n/a	\$75	Yes	Yes	\$20 per foot (increasing over next 5 years)
Monterey	413	Yes	750 on main list and 150 on standby	172	Approx 12 per year	11	\$10 (\$20 to join)	Yes	Yes	1.5 times slip fees until top of waiting list is reached by new owner
Antioch	310	Yes	15 (approx)	7	Few	n/a	No	Yes	Yes	No

(a) Whether the marina allows the slip rental agreement to be in more than one name or whether the agreement is in the name of one individual.

(b) Marina waiting lists may be divided into subsections based upon the length of slip being sought. While a waiting list may have 750 people in total, the longest subsection represents the actual length of the list experienced by vessel owners.

(c) The number of people on the waiting list who accepted slips in 2005.

(d) Weighted average length of wait as estimated by harbor staff or by estimating length of wait experienced by person at the top of the waiting list.

(e) Subject to individual harbor regulations including and not limited to, transfer fees, inspection of registration and sale documentation and harbor management approval.

Exhibit 3-1
Summary of Marina Features
December 2006

(Page 2 of 2)

Name	Marina Size (slips)	Allows Partners on Slip Rental Agreement? ^(a)	Waiting List					Allows Slip Transfer		Transfer Fee
			Number of People on the Overall Waiting List	Number of People on Longest Subsection of Waiting List ^(b)	Number of Slips Assigned from Waiting List (2005) ^(c)	Avg. Length of Waiting List (years) ^(d)	Waiting List Annual Fee	With Sale of Vessel?	To New Vessel Partner? ^(e)	
Long Beach (Shoreline, Rainbow and Alamitos Bay)	3,637 (2902 available)	No	829 (single list for 3 marinas)	168	Not available	4	\$50	No	Yes ^(f)	n/a
Santa Cruz	900	No	1,200 waiting includes 300 transfers	118	122	9	\$85	No	No	n/a
Sacramento	560 (not all usable)	No	340	55	Not available	4	\$15	No	No	n/a
Ventura County Small Boat Marina (Channel Islands Harbor)	72 (all 25 foot)	No	4 (5 slips are available)	4	n/a	n/a	0	No	Yes	n/a
Avalon (Catalina Island)	49	No	230	230	2	38	0	No	No	n/a

(a) Whether the marina allows the slip rental agreement to be in more than one name or whether the agreement is in the name of one individual.

(b) Marina waiting lists may be divided into subsections based upon the length of slip being sought. While a waiting list may have 750 people in total, the longest subsection represents the actual length of the list experienced by vessel owners.

(c) The number of people on the waiting list who accepted slips in 2005.

(d) Weighted average length of wait as estimated by harbor staff or by estimating length of wait experienced by person at the top of the waiting list.

(e) Subject to individual harbor regulations including and not limited to, transfer fees, inspection of registration and sale documentation and harbor management approval.

(f) New partner must join waiting list and cannot take over the slip permit until they come to the top of the waiting list.

3.1.1 Slip Rental Agreement Waiting Lists

All 10 marinas have a waiting list. These lists range in length from 7 to 750 people. A few of the marinas surveyed have approximately a 5-year wait for a slip, with some individuals waiting as long as 30-years.

Marina policies and procedures for managing these waiting lists differ. The differences are slight in many cases, primarily in whether an individual can be on a waiting list for more than one slip size and the fees charged to apply for, and remain on, the waiting list. Only one marina (Santa Barbara) does not have a waiting list open to new applicants. Rather, the City allocates 50 places on a waiting list via a lottery.

3.1.2 Treatment of Partnerships

Marina policies and procedures for managing vessel partnerships (vessels that have more than one individual named on the title) and vessels registered to corporations differ. The main difference is whether more than one vessel owner can be named on (and, therefore, have rights to) the slip rental agreement, or whether the agreement is in one person's name. Four marinas allow all partners in a vessel to be named on the slip rental agreement. The remaining six marinas only name the individual who has the largest share in the vessel on the slip rental agreement.

3.1.3 Slip Rental Agreement Transfers with Vessel Sales

No marina in the study allows a slip rental agreement holder to transfer the agreement to a third party without either selling the vessel registered to the slip or selling a share in said vessel (i.e., taking on a new vessel partner). Therefore, no marina allows an individual to "buy" a slip rental agreement without purchasing a vessel or share in a vessel.

Five marinas allow a slip to be transferred with the sale of a vessel. At these five marinas, the buyer obtains rights to the vessel's slip and does not have to be on the marina's waiting list for slips. The remaining five marinas do not allow a slip to be transferred with the sale of a vessel. At these five marinas, the operator assigns an open slip to the next person on the waiting list.

Four of the five marinas that allow a transfer of slip rental agreements charge a fee to transfer the slip agreement to the new individual. Doing so allows the marina operator to recoup some of the value that vessel owners

assign for the ability to by-pass the waiting list. The highest total transfer fee that could be assessed is \$52,500 (\$625 per foot for a 60-foot slip).

One marina (Monterey) has an ordinance that prohibits economic gain from the sale of a vessel that has a slip that can be transferred with the sale. Both parties to the vessel sale are required to sign a statement giving the total sales price of the vessel and confirming that they have exchanged no value between them for the berth. The City adopted the ordinance to limit personal economic gain from the transference of public property (i.e., the use of a city slip).

3.1.4 Addition of Vessel Partners to Slip Rental Agreements

Marina policies for new vessel partners taken on by an existing slip rental agreement holder differ. If an existing slip rental agreement holder (either an individual or group of individuals) takes on a new partner by selling a share in the vessel, the marinas have different policies for whether the partner can be added to a slip rental agreement and, therefore, whether he/she can access rights to the rental agreement.

Under existing local ordinances or regulations, four of the marinas allow new vessel partners to be added to an existing slip rental agreement with no stipulation that the original permittee has to remain as a vessel partner indefinitely. A new vessel partner can, therefore, gain sole access to a slip by forming a partnership with an existing slip permittee who then relinquishes his/her share in the vessel. The new vessel partner may not have been on the marina waiting list for a slip. The policies are as follows:

- Two (Antioch and Ventura) allow for new partners to be added to slip agreements with no transfer fee or other restrictions.
- Two (Santa Barbara and Oceanside) charge the same transfer fees as for a complete vessel sale to add a new partner to a slip rental agreement.
- One (Monterey) places the new partner on the waiting list and charges an additional slip rental fee until the new partner comes to the top of the waiting list.
- One (Long Beach) allows for the new partner to become the slip permittee as long as the partnership predates the oldest application on the waiting list.
- One (San Francisco) allows for the slip rental agreement to be transferred to a new partner as long as: (1) the new partner can demonstrate a majority share in the vessel, (2) the Harbormaster approves the transfer, and (3) the slip transfer fee is paid. Vessel owners can add minority partners to the vessel but the slip rental agreement cannot be transferred to a minority partner.
- One (Santa Cruz) allows new vessel partners to be added to the vessel as long as: (1) there are no more than four partners in the vessel, and (2) the original slip licensee

retains an equal or greater interest in the vessel than each of the other partners in the vessel. The new vessel partner(s) cannot be added to the slip rental agreement.

- One (Sacramento) does not allow new vessel partners to be added to the slip permit.
- One (Avalon) does not recognize partnerships at all. That is, the slip rental agreement can only be in the name of one individual and is non-transferable.

3.1.5 Internet Advertisements for Slips

A simple Internet search performed during preparation of this report yielded a number of advertisements that claimed “slips available” in the most popular public marinas surveyed. These advertisements appear to offer a public asset (i.e., the slip) for sale by a private body. However, important considerations are:

- These advertisements are misleading. What is actually being offered is a transfer to a month-to-month rental agreement that can be revoked at any time. More importantly, this transfer only occurs if the person responding to the advertisement either purchases the vessel from the existing slip agreement licensee or joins a partnership that holds the slip agreement and owns the vessel in the slip.
- The slip agreement transfer is permissible under the local ordinances in place at the marina.
- Under local ordinances, the marina charges a transfer fee when the slip rental agreement is transferred.

Despite these considerations, it is possible for an individual to navigate the marina rules and regulations to be able to access a slip and to bring in his/her vessel into a marina without having been on the waiting list. However, this practice would be in accordance with written rules or regulations in place in the marina.

3.1.6 Marina Management Observations Regarding Slip Transfers

In marinas with longer waiting lists, marina operators have taken considerable effort in developing their transfer policy. This effort includes developing detailed regulations regarding entities that own a vessel moored at the marina, such as limited liability corporations and partnerships.

Marina operators contacted during preparation of this report explained the factors influencing policy decisions on slip rental agreement transfers. If transfers are not allowed, the waiting list is the only method to access a slip. Some marina managers believe that berth transfers only through the waiting list provided equal, transparent access to slip rental agreements. However, some marina managers believe that there could be a risk of adversely

impacting used vessel sales due to lack of availability of slips if a vessel owner is not able to transfer a slip with the vessel. In addition, marina operators noted that considerable effort is required to “police” vessel owners to identify underground transfers.

At marinas that do allow transfers, an individual can legally by-pass the waiting list by buying a vessel assigned to a slip. Some marina managers believe that transfers would happen regardless of the local ordinances in place. Marina operators believe that allowing transfers facilitates used vessel sales while allowing the marina to recoup some portion of the value of the trade through transfer fees.

3.2 CITY OF SANTA BARBARA HARBOR⁶

Santa Barbara harbor is located north of Los Angeles and has 1,133 slips. The harbor is regulated via City of Santa Barbara Municipal Codes⁷ or through City Resolutions approved by the City Council. The City Council sets user fees. The City of Santa Barbara Waterfront Department (Department) manages the harbor and operates as an enterprise fund. All revenues from user fees are retained to support harbor maintenance, operations, and capital expenditures.

Rules and regulations governing the harbor and its management, including waiting list rules and procedures, are contained in City of Santa Barbara ordinances⁸ and resolutions. The City Municipal Code is available on the City’s website⁹. The Harbor Commission, an appointed commission, provides recommendations and advice to the City Council regarding all aspects of harbor operations¹⁰.

3.2.1 Slip Rental Agreements

The Department grants a slip permit (a slip rental agreement) to an individual or individuals who own a specified vessel. A permit is required before any vessel is allowed into a slip in the harbor, except in the case of visiting vessels, which may be assigned a slip for up to 28 days before being required to leave the harbor for a minimum of five days. Slips may not be sublet¹¹.

⁶ The Santa Barbara Marina website address is <http://www.santabarbaraca.gov/Government/Departments/Waterfront/.htm>

⁷ Santa Barbara Municipal Code Title 17 *Harbor*

⁸ Santa Barbara Municipal Code Chapter 17.20 *Slip and Mooring Regulations and Charges*

⁹ Ordinances relating to the harbor are provided at http://www.santabarbaraca.gov/Government/City_Hall/municode/.htm [Title 17](#)

¹⁰ Santa Barbara Harbor Commission website address is http://www.santabarbaraca.gov/Government/Boards_and_Commissions_D-M/Harbor_Commission/.htm

¹¹ NewPoint Group interview with Harbor Operations Manager

Slip charges differ by size. Slip charges are per foot of vessel or per foot of slip, whichever is the greater. Slip charges are shown in **Figure 3-2**, below.

Figure 3-2
Santa Barbara Harbor Slip Rates 2004 - 2006¹²

Slip Size (feet)	Slip Rate per Foot per Month (\$)		
	July 2004	July 2005	July 2006
20'	\$6.32	\$6.51	\$6.71
25'	6.64	6.84	7.05
28'	6.81	7.01	7.22
30'	6.95	7.16	7.37
35'	7.25	7.47	7.69
40'	7.55	7.78	8.01
43'	7.74	7.97	8.21
45'	7.86	8.10	8.34
50' and over	8.16	8.40	8.65

(a) There are 45 slips that are designated "commercial fishing" only. The majority of these slips are rented for \$3.91 per foot. The remainder are rented for the standard slip rate of for size of slip that the vessel occupies.

A slip permit cannot be transferred after death of a sole slip permittee except to a spouse or legally registered domestic partner. For a slip permittee who dies without a surviving spouse or legally registered domestic partner, the slip reverts to the Department for reassignment via the waiting list. If there were multiple slip permittees, the remaining slip partners may continue the permit.

There are no minimum usage requirements. However, the Department requires that all vessels in the harbor are operable¹³.

3.2.2 Slip Rental Agreement Waiting List

Demand for slips exceeds the number of slips available. Prior to 1998, the harbor operated an open waiting list for individuals seeking slip assignments. The list reached over 200 people and the wait for some slip sizes was over 25 years¹⁴. The Department closed the list to new applicants in 1998 to make the waiting list a true representation of the likelihood of receiving a slip permit

¹² Santa Barbara Harbor Slip, Mooring and User Fees, information provided by Harbor Operations Manager

¹³ Santa Barbara Municipal Code Chapter 17.20 *Slip and Mooring Regulations and Charges*

¹⁴ City of Santa Barbara *Slip Waiting List Regulations, Council Agenda Report* March 2005

within a reasonable time and to prevent a “rush” to sign up for slip sizes likely to become available during a marina expansion in 1999.

In 2005, City Council adopted ordinances and resolutions changing the operation and constitution of the waiting list. In its new form, the existing waiting list applicants constituted the “master” waiting list, structured by size of slip and then by application date. Applicants cannot change the size of slip they are seeking. The current fee to remain on the waiting list is \$40 per year¹⁵. When a slip becomes available, the Department offers it to the applicant at the top of the list (by date of application, oldest being first) in the size category for the slip. If that person is unable to accept the slip, the harbormaster offers the slip to the next person on the list. If the person declines a slip offered by the Department, the Department removes the applicant from the master waiting list.

The number of applicants in each master waiting list size category is being reduced as applicants accept slips. Once a waiting list category contains no applicants, it is classified as “exhausted.” The master waiting list (as of December, 2006) is shown in **Figure 3-3**, below.

Figure 3-3
**Santa Barbara Harbor Number of Slips,
Master Waiting List, and Slip Acceptances¹⁶**

Slip Size (feet)	Number of Slips	Waiting List (as of Dec 2006)		Number of Slips Accepted by People on Waiting List (2005)
		Number on Waiting List	Waiting Time (years) ^(a)	
20'	73	Exhausted	n/a	n/a
25'/28'	404	2	9	2
30'	129	7	29	1
35'	228	Exhausted	n/a	n/a
40'	87	13	30	0
43'	33	1	8	0
45'	22	5	30	0
50 or greater	142	28	15	1
TOTAL	1,118	56		

(a) Calculated by taking the application date of the person at the top of the list. This is a guide to the maximum wait experienced by applicants on the master waiting list, shown in various slip-size categories.

¹⁵ Santa Barbara Harbor *Slip, Mooring and User Fees*

¹⁶ Information provided by harbormaster

In addition to the slip sizes noted above, Santa Barbara Harbor includes 15 side ties ranging in length from 21 to 41 feet.

If the Department has not assigned an available slip permit to someone on the master waiting list, either because the category is exhausted or because none of the applicants accepts the slip permit, the Department then offers it to individuals on a “submaster” waiting list. All applicants on the master waiting list also constitute the submaster waiting list. The submaster waiting list, however, is organized purely chronologically (by date of application, oldest being first) without slip-size sub categories.

For example, if a 40-foot slip permit is available, the Department will first offer it to the individuals in the 40-foot category on the master waiting list, in the order of individuals on the waiting list in that category. If no one in that category accepts the slip permit, it is then offered to individuals on the submaster list (by date of application, oldest being first). If a person in the 50-foot category is at the top of the submaster waiting list (by virtue of having the oldest application date), he/she could accept the 40-foot slip permit. In order to accept the slip permit he/she must be able to place a vessel of an appropriate size in the slip (a vessel’s length must be 80 percent of the slip length and must not exceed over-length limitations described in City Council resolution¹⁷). Because all members of the master waiting list are members of the submaster list, there is no fee to be on the submaster list.

Individuals not on the master waiting list can apply to join a “lottery” list. The Department accepts applications for the lottery list during a specified time, and places each application into a sealed envelope. At a public Harbor Commission meeting, the Harbor Commission Chair draws 50 names from the applications and assigns each chosen application a rank. This ranked list of 50 applicants becomes the “lottery” list. The Department will offer slip permits that are not assigned using the master and the submaster lists to the lottery list in order of the commission-assigned rank. Declining the offer of a slip permit does not result in removal from the lottery list.

The application fee for the lottery list is \$50 and the fee to remain on the list is \$40 per year¹⁸. Assignment of a slip permit from the lottery list, unlike assignment of slip permits from the master or submaster lists requires payment of a slip

¹⁷ City of Santa Barbara Council Resolution 03-095

¹⁸ City of Santa Barbara Council Rate and Fee Resolution (No. 06-056), adopted June 20, 2006

assignment fee equivalent to the slip transfer fee (see 3.2.3 below) in effect at the time of the lottery list assignment.

3.2.3 Slip Rental Agreement Transfers

Under current ordinances, the City allows a permittee to transfer a slip permit if he/she sells the vessel berthed in that slip. The City currently assesses a transfer fee of \$175 per foot of the vessel or the slip, whichever is greater. The sale of a vessel and simultaneous transfer of the slip permit is referred to as a “straight transfer”.

The Department assesses a special waiting list transfer fee (higher than the normal slip transfer fee) to a slip permittee who: (1) received his/her permit from either the master waiting list, sub-master waiting list or the lottery list, and (2) has held the permit for five years or less,. The waiting list transfer fee is based on the sliding scale shown in **Figure 3-4**, below.

For example, if a permittee has held a 35-foot slip for between one and two years and sells the vessel registered to that slip and transfers the slip permit, the fee due would be \$525 per foot of slip or vessel, whichever is greater. If the same person transferred the slip permit after four to five years, the fee due would be \$225 per foot. For a 35-foot vessel, this would be equal to \$18,375 and \$7,875, respectively. After the slip permit has been held at least five years, the waiting list transfer fee is equal to the general transfer fee in effect at the time of a transfer is completed.

Figure 3-4

Santa Barbara Harbor Sliding Scale Transfer Fees¹⁹

Years Permittee Has Held Permit	Sliding Scale Transfer Fees per Foot by Slip Size(\$)		
	20' - 30'	35'- 45'	50'-60'
1	\$350	\$625	\$875
2	300	525	725
3	275	425	575
4	250	325	425
5	200	225	275

¹⁹ City of Santa Barbara Council Rate and Fee Resolution (No. 06-056), adopted June 20, 2006

Under current ordinances, if a vessel owner adds a new partner to the vessel title, the new partner does not automatically have rights to the slip permit. To obtain rights to the slip permit, the new partner must apply to the Department to be added to the permit. The Department assesses the same transfer fee for the addition of a new partner as for a straight transfer. The original permittee must retain an interest as a partner in the vessel for at least 30 days after the Department adds the new partner to the slip permit (this interest can be as small as 1 percent). After the 30 days, the original permittee may drop off the slip permit. In the case of a straight transfer (sale of vessel and transfer of slip), the slip permittee transferring out of the slip is removed from the slip permit at the conclusion of the transaction (no 30-day wait).

Existing permittees in separate slips may exchange permits for an administrative processing fee of \$25²⁰. If the slips differ in length by more than five feet, the slip transfer fees detailed above are applied to the difference. The Department also charges an administrative fee of \$25 to add a spouse or legally registered domestic partner to a slip permit.

Transfer fees represent a significant portion (six percent) of the Department's operating budget²¹. For the most recent financial year, the harbormaster estimated revenues were \$600,000 from 109 transfers.

3.2.4 Grand Jury Investigation

The City of Santa Barbara's harbor waiting list policies were the subject of a grand jury investigation in 2001 by the Santa Barbara County Grand Jury. The grand jury found that the Department was well run and the marina was well maintained. However, the grand jury had a number of findings relating to waiting list policies including²²:

- The waiting list for slips has not been an effective way for a person to obtain a permit or license for a slip
- The selling price of vessels that include the assignment of a slip is generally appreciably higher than the price the same vessel would command if sold without the slip
- The transfer fee collected by the Department was only a small percentage of the premium achieved by vessel owners when selling a vessel with access to a slip

²⁰ City of Santa Barbara *Rate and Fee Resolution*

²¹ NewPoint Group interview with Santa Barbara harbormaster

²² City of Santa Barbara Grand Jury Report into Marina Slip Assignment Policies 2001
www.sbcgj.org/2001/2001sbharbor.htm

- Many slips are effectively transferred by the “owner”, who forms a partnership for ownership of the vessel and license of the slip, and subsequently withdraws from the partnership, leaving the former “new partner” as the sole licensee of the slip (see above description of partnership transfers and related fees).

The grand jury recommended that the City change its rules to eliminate the ability of a slip permittee to transfer that slip along with the sale of a vessel, and that all slip assignments should be by way of the official waiting list. The grand jury also recommended that any attempt to circumvent the recommended new policy should be punished with a major fine and the loss of the slip license.

The City Council did not adopt the Grand Jury’s recommendation to eliminate the slip transfer policy. The City argued that while the current system was not perfect, it provides the Department with revenues from slip transfers. In addition, the City stated that removing the transfer policy would not result in all slips being assigned through the waiting list. Rather, the City believes, based on the experience in other harbors, eliminating slip transfers would create an underground economy of slip transfers that would not benefit or accelerate waiting list assignments, while dramatically increasing the administrative burden of determining which vessel owners represented the real slip permittee. The City also cited the potential difficulty for vessels owners and brokers wishing to sell vessels, as any potential purchaser would have no place in Santa Barbara to berth them²³.

3.3 OCEANSIDE HARBOR²⁴

Oceanside Harbor is located north of San Diego and is managed by the Oceanside Harbor District. The Harbor has 950 slips varying from 26 feet through 51 feet in length. The Harbor District is a City of Oceanside entity and the Harbor District retains funds from all harbor user fees (e.g. slip and waiting list fees) for harbor maintenance and operations.

The Oceanside Harbor District creates policies and procedures through resolution of the Harbor Board, including waiting list policies and procedures. Policies and procedures are contained in Harbor District ordinances. Policies and procedures are summarized for vessel owners in the Oceanside Harbor General Information Handbook that is available from the harbor office. Neither the Harbor District ordinances nor the information handbook is currently available on-line.

²³ City of Santa Barbara, Council Agenda Report *Response to the 2000-2001 Grand Jury Report on City of Santa Barbara Harbor* August 2001

²⁴ The Department of Harbor and Beaches website is at <http://www.ci.oceanside.ca.us/Datarelation.aspx?Content=204>

The City of Oceanside Department of Harbor and Beaches (Department) performs day-to-day management of the harbor. The Director of the Department of Harbor and Beaches is responsible for administering the rules, policies, and procedures determined by the resolution of the Harbor Board.

3.3.1 Slip Rental Agreements

The Department grants slip rental permits (a slip rental agreement) to individuals and groups of individuals for a specified vessel. There are two rates for slips, depending upon size, and the Harbor Board increases the rates every two years using the Consumer Price Index (CPI)²⁵. Slip rental fees for the last three years are shown in **Figure 3-5**, below.

Figure 3-5

Oceanside Harbor Slip Rates 2004-2006²⁶

Slip Size	Berth Rates per Foot per Month (\$)		
	Jan 2004	Jan 2005	Jan 2006
29' or less	\$8.50	\$8.50	\$9.00
Greater 29'	9.60	9.60	10.15

An individual may not hold more than two permanent slip rentals in the harbor²⁷. A slip rental may be in more than one person's name, but all of the names on the rental agreement must be included in the original application for the slip. Only those listed on the slip permit and their spouses have rights to the permits. Slips permits can be bequeathed to immediate family members (that is, a permittee can pass rights to the slip via a will).

Slips may be sublet as long as the period for subletting does not exceed 90 days and there are no more than 4 sublets in any 24-month period. The Director of the Department of Harbor and Beaches must approve the sublet and an additional fee is due to the harbor for the duration of the sublet²⁸.

There is no minimum usage requirement for the slip permittee. Department staff inspect vessels in the harbor every three years and confirm that each operates as designed. Department staff perform liveaboard vessel inspections

²⁵ NewPoint Group interview with Director, Department of Harbor and Beaches,

²⁶ City of Oceanside slip rental fees can be found at <http://www.ci.oceanside.ca.us/Datarelation.aspx?Content=202> and NewPoint Group interview with Director, Department of Harbor and Beaches

²⁷ *Oceanside Harbor General Information Handbook*, pg 2

²⁸ *Oceanside Harbor General Information Handbook*, pg 9

every year. On the sale of the vessel registered with the slip, the permittee can retain the slip for up to 90 days without a vessel in it²⁹.

3.3.2 Slip Rental Agreement Waiting List

There is a waiting list for slip permits of approximately 325 people. In addition to new slip applicants this waiting list contains existing slip holders waiting for a second slip in the harbor although the new slip applicants constitute the vast majority of the waiting list. The fee to join the waiting list is \$75, plus an annual charge of \$75 to remain on the waiting list. Applicants wanting to be placed on more than one list are charged the same fee for each list³⁰.

When a slip becomes available, it is first offered to the person at the top of the list. The person at the top of the list has ten days to accept the slip and sign all required documentation for the slip. If they are not able to do this, they are removed from the waiting list and all of their fees are forfeited. The slip is then offered to the next person on the waiting list using the same process until the slip is filled.

If an applicant anticipates being unable to accept a slip offer within 10 days, they can either place themselves on a “short-term” or a “long-term” unavailability list. However, the applicant must do this prior to being offered a slip. In both cases, the applicant’s position on the waiting list is frozen for a maximum of 30 days and one year respectively. Applicants may place themselves on the unavailability lists for reasons such as not being able to secure a vessel within the ten days of being offered a slip.

The number of people on the waiting list by size of slip (as of November, 2006) is shown in **Figure 3-6**, on the next page. While detailed information on changes to the waiting list was not available, the Director of the Department of Harbor and Beaches estimates that the list length has remained approximately the same for the last three years³¹.

²⁹ NewPoint Group interview with Director, Department of Harbor and Beaches

³⁰ *Oceanside Harbor General Information Handbook*, pg 3

³¹ NewPoint Group interview with Director, Department of Harbor and Beaches

Figure 3-6
**Oceanside Harbor Number of Slips,
 Waiting List, and Slip Acceptances³²**

Slip Size (feet)	Number of Slips	Waiting List (as of Nov 2006)		Number of Slips Accepted by Waiting List (2005) ^(b)
		Number on Waiting List	Waiting Time (years)	
26	343	75	3	n/a
34	289	120	5	n/a
43	107	75	6	n/a
51	24	28	5	n/a
Side / End Ties	98	23	4	n/a
Guest Slips ^(a)	89	n/a	n/a	n/a
Total	950	321		

(a) Guest slips and the long docks are included and hence the number available is dependent on the size of vessels berthed.

(b) Not tracked by harbor management. Variability in factors affecting slip turnover prevent accurate estimates of acceptances.

3.3.3 Slip Rental Agreement Transfers

Under current ordinances, Oceanside Harbor District allows a permittee to transfer a slip with the sale of a vessel. Fees for transfers are \$16.50 per foot of vessel or slip, whichever is greater, for sales to individuals. Transfer fees are \$85 per foot of vessel if the transfer is due to a repossession of a vessel by a creditor³³. The transfer must have prior approval of the Department of Harbor and Beaches and the transfer is not complete until the purchaser of the vessel submits a form to harbor office reassigning the slip to the purchaser³⁴.

If a vessel owner takes on a new vessel partner for the new partner to have rights to the slip permit, the new partner must register the partnership with the harbor office. The harbor office will issue a new slip permit in the names of both partners upon payment of the same transfer fee as for a vessel sale by the vessel partners.

There are a number of guest slips available in the harbor that can be used for a maximum of 30 days. Some of these slips can be reserved and the remaining slips are available on a first-come, first-served basis.

³² Estimates from Director, Department of Harbor and Beaches,

³³ NewPoint Group interview with Director, Department of Harbor and Beaches, City of Oceanside

³⁴ *Oceanside Harbor General Information Handbook*, pg 8

3.4 SAN FRANCISCO MARINA YACHT HARBOR³⁵

The San Francisco Marina Yacht Harbor is located on the northern waterfront of the City of San Francisco. The Recreation and Park Department (Department) of the City of San Francisco manages the harbor. The harbor operates as an enterprise fund and as such, fees raised from slip and transfer fees remain in the fund to support harbor maintenance and operations.

The harbor has 682 berths located in two areas; west harbor and east harbor. There will be 50 fewer berths following planned renovations. The California Department of Boating and Waterways (DBW) provided a \$16.5 million loan in fiscal year 2004/05 to the City of San Francisco for improvements in the harbor³⁶.

The harbor is regulated by the City of San Francisco municipal code. The municipal code does not contain the detailed rules and regulations for the harbor. Rather, the municipal code refers to separate rules developed by the San Francisco Recreation and Park Commission. Marina rules and regulations for the harbor, including those governing waiting lists, are contained in the *Rules and Regulations of the San Francisco Marina Small Craft Harbor*. The Recreation and Park Commission approve these rules and regulations. These rules and regulations are available on the harbor website.

3.4.1 Slip Rental Agreements

No berths have been assigned since 2001 due to the pending renovation of the Harbor. The renovation plan calls for approximately 40 less berths when complete. As the City has committed not to evict any permanent boaters due to the renovation, available berths have been assigned on a simple month to month agreement that states the boater will need to move due to the construction and is not entitled to a berth when the construction is complete. Once construction is complete, all open berths will be assigned from the waiting list.

Berth and mooring fees differ by size and location within the harbor. Fees are assessed per foot of vessel or per foot of berth, whichever is greater. The City raised berth fees significantly in July 2005. Berth fees by location for the last three years are shown in **Figure 3-7**, on the next page.

³⁵ The San Francisco harbor website address is http://www.parks.sfgov.org/site/recpark_page.asp?id=18028

³⁶ Loan information provided by the DBW

Figure 3-7
San Francisco Marina Berth Rates 2004-2006³⁷

Berth Size and location	Rates per foot (\$) per month		
	July 04	July 05	July 06
West Harbor			
00'-25'	\$4.81	\$5.92	\$7.10
26'-35'	4.88	5.92	7.20
36'-45'	5.92	6.00	8.74
46'-60'	6.05	7.28	8.93
61'-90'	6.18	7.60	9.12
East Harbor			
00'-25'	\$4.81	\$5.77	\$6.46
26'-35'	4.88	5.86	6.56

Marina rules state that vessel owners must use their vessel on a “regular” basis³⁸. However, the rules do not specify a required frequency. The Harbormaster actively reminds boaters of this rule with a letter-writing program and takes actions against boater who chronically use the marina as a storage facility for their vessel³⁹.

Vessel owners must register with Department management every two years⁴⁰. The permittee may sublet their berth for a period of six months with prior approval of the marina manager⁴¹. Berths can be bequeathed to immediate family members (i.e. a permittee can pass rights to the berth to a family member via a will).

3.4.2 Slip Rental Agreement Waiting List

There is a waiting list for berths in the marina organized by slip size and then chronologically by date of joining the list. An applicant can be on multiple slip size waiting lists by paying the annual fee for each size category. Due to both high demand for slips in the marina and the reduction in berths available for long-term assignment, over the last 3 years, there have not been any berths offered to the waiting list⁴². This resulted in a waiting list of over 500 people⁴³.

³⁷ Rates available at http://www.parks.sfgov.org/site/recpark_page.asp?id=18105, and information provided by Manager of Marina Operations

³⁸ *Rules and Regulations of the San Francisco Marina Small Craft Harbor*, Section 26 - Continuous Usage,

³⁹ NewPoint Group interview with Manager of Marina Operations

⁴⁰ NewPoint Group interview with Manager of Marina Operations

⁴¹ *Rules and Regulations of the San Francisco Marina Small Craft Harbor*, Section 3 - Berthing, subsection F

⁴² NewPoint Group interview with Manager of Marina Operations

⁴³ NewPoint Group interview with Manager of Marina Operations

To reduce the waiting list and administrative cost to manage the list, the Department recently increased the waiting list fee from \$10 per year to \$75 per year. The Department also closed the waiting list to new applicants. By increasing the annual fee to \$75, the Department reduced the waiting list to 198 people. The list was re-opened to new applicants in 2006.

If slips become available for assignment to those on the waiting list, the Marina Manager offers the slip to the person who is top of the size category for the slip. If that person is not able to accept the berth (say, for example, they do not have access to a vessel) then the slip is then offered in turn to the next person on the list until the slip is assigned. The Harbormaster estimated that there would be one slip available for assignment to the waiting list by the end of 2006⁴⁴.

If an individual wants to be temporarily removed from the waiting list (if for example, he/she knows that he/she will not have a vessel in the immediate future), the harbormaster can change the individual's status to "standby". The individual can remain in standby status indefinitely as long as they pay the annual waiting list fee. When he/she wants to return to the main waiting list, he/she re-enters with their original application date.

The waiting list procedure is contained within the *Rules and Regulations of the San Francisco Marina Small Craft Harbor*. The waiting list procedure is confirmed by the San Francisco Recreation and Park Commission⁴⁵. The waiting list by slip size (as of November, 2006) is shown in **Figure 3-8**, on the next page.

⁴⁴ NewPoint Group interview with Manager of Marina Operations

⁴⁵ *Rules and Regulations of the San Francisco Marina Small Craft Harbor*, Section 3 - Berthing

**Figure 3-8
San Francisco Marina Number of Slips,
Waiting List, and Slip Acceptances**

Berth Size (feet)	Number of Berths	Waiting List (as of Nov 2006)		Number of Berths Accepted by People on Waiting List (2005)
		Number on Waiting List	Waiting Time (years) ^(a)	
20	39	0	n/a	n/a
25	216	17	n/a	n/a
30	174	38	n/a	n/a
35	90	43	n/a	n/a
40	75	50	n/a	n/a
45	25	20	n/a	n/a
50	17	14	n/a	n/a
60	26	13	n/a	n/a
80	2	1	n/a	n/a
90	4	2	n/a	n/a
TOTAL	668	198		

a) No berths have been assigned since 2001 due to the pending renovation of the harbor.

3.4.3 Slip Rental Agreement Transfers

Under the current rules and regulations, the harbor allows a permittee to transfer a slip with the sale of a vessel. The Marina Manager must approve the transfer and this approval is not automatic. There is a fee for the transfer of slip assessed on the length of the vessel or the slip depending on which is the greater. The transfer fee increased from \$20 to \$35-\$65 from 2004 to 2005 and will continue to increase over the next four years. The increasing slip fees are shown in **Figure 3-9**, below.

**Figure 3-9
San Francisco Marina Transfer Fees Escalation 2005 - 2010⁴⁶**

Slip Size	Transfer Fee per Foot (\$) by Fiscal Year				
	05/06	06/07	07/08	08/09	09/10
20'-34'	\$30	\$35	\$40	\$45	\$50
35'-45'	35	45	50	65	75
46' and up	50	65	75	85	100

⁴⁶ Transfer fees available at http://www.parks.sfgov.org/site/recpark_page.asp?id=18105

The Department recognizes partnerships but will not add a partner to a slip agreement as only one person can be named on the rental agreement. If a junior partner in a vessel becomes a senior partner (i.e., takes a majority share in the vessel), the Department will transfer the slip agreement to the senior partner if: (1) the Marina Manager has provided his / her approval, (2) the sale of the share in the vessel is shown to be bona fide, and (3) the new vessel partner pays the transfer fee. New junior partners can be added to the vessel, but not to the slip rental agreement, without a transfer payment.

There are a number of slips available in the marina for visiting vessels. These slips are allocated on a first-come, first-served basis.

3.5 CITY OF MONTEREY HARBOR⁴⁷

The City of Monterey Harbor is located in Monterey Bay and has 412 slips. The City of Monterey manages the harbor. The harbor operates as an enterprise fund (The Marina Fund), and all slip and transfer fees support harbor maintenance and operations. Rules and regulations governing the harbor and its management, including waiting list rules, are contained in City of Monterey ordinances⁴⁸. City ordinances, harbor rates, and rules and policies are all available from the harbor website⁴⁹.

3.5.1 Slip Rental Agreements

The City grants a berth license (a slip rental agreement) to an individual or group of individuals and a specified vessel. Charges for berths are based upon length and beam (area) of the berth. The City increases berthing fees each year using the Consumer Price Index (CPI) for the Bay Area⁵⁰. Berthing fees for the last three years are shown in **Figure 3-10**, on the next page.

⁴⁷ City of Monterey Marina website address is <http://www.monterey.org/harbor/>

⁴⁸ City of Monterey Ordinances, Sections 17-20

⁴⁹ Harbor and regulations can be found at <http://www.monterey.org/harbor/rules.html> and rates are at <http://www.monterey.org/harbor/fees.html>

⁵⁰ <http://www.monterey.org/harbor/fund.html>

Figure 3-10
City of Monterey Harbor Berth Rates 2004-2006

Berth Size (feet)	Berth Rates per Month (\$)		
	July 2004	July 2005	July 2006
20'	\$122	\$124	\$128
25'	183 to 187	186 to 190	191 to 196
30'	221 to 230	225 to 234	232 to 241
35'	342 to 257	246 to 262	253 to 270
40'	280	285	293
45'	304 to 320	309 to 326	318 to 335
50'	320 to 374	326 to 381	335 to 392

An individual or married couple may only have one berth license⁵¹. If a vessel is bequeathed in a will to an immediate family member, that family member may become the slip licensee as long as that family member retains ownership the original vessel associated with the berth⁵² and continues to use the berth for the storage of that vessel.

The City recognizes vessel partnerships. Up to four partners can be included in a berth license as long as all partners are listed as co-owners of the vessel on the waiting list⁵³. Slips cannot be sublet by the licensee⁵⁴.

The harbormaster can require that the individual named on a berth license take the vessel out of the harbor a minimum of ten times over three months out of any twelve-month period. If the harbormaster determines that the individual named on the berth license has not met this requirement, the harbormaster can remove the berth license⁵⁵.

3.5.2 Slip Rental Agreement Waiting List

There is a waiting list for berth licenses (a slip rental agreement) organized by berth size category and original application date. The waiting list currently has 750 people on it. A person must pay \$20 to register on the waiting list and \$10 per year to remain on the list. The marina staff estimates that the list has grown from less than 100 people in 1995⁵⁶. Marina staff believe that waiting list growth

⁵¹ *City of Monterey Municipal Code Chapter 17.28 Berthing Subsection 8*

⁵² *City of Monterey Municipal Code Chapter 17.28 Berthing Subsection 5*

⁵³ *City of Monterey Municipal Code Chapter 17.28 Berthing Subsection 2*

⁵⁴ *City of Monterey Municipal Code Chapter 17.28 Berthing Subsection 8 (i)*

⁵⁵ *City of Monterey Municipal Code Chapter 17.28 Berthing Subsection 3*

⁵⁶ NewPoint Group interview with City of Monterey Marina Staff

has been caused, in large part, by adoption of new marina rules that make the waiting list the main way a vessel owner can get a berth license⁵⁷.

Approximately five percent of berths are allocated via the waiting list, and another five percent via transfers with the sale of a vessel every year. The marina staff estimated that this ten percent turnover was broadly comparable with other marinas in the State⁵⁸. The waiting list for certain categories of slip is long. For example, the wait for a 30-foot slip is estimated at 14 to 20 years⁵⁹. The waiting list (as of November, 2006) is shown in **Figure 3-11**, below.

Figure 3-11
**City of Monterey Harbor Number of Slips,
Master Waiting List, and Slip Acceptances**⁶⁰

Slip Size (feet)	Number of Slips	Waiting List (as of Nov 2006)		Number of Slips Accepted People on the Waiting List (2005) ^(a)
		Number on Waiting List	Waiting Time (years) ^(a)	
20'	56	44	6-7	5
25'	93	161	6-7	4
30'	122	172	9-15	2
35'	64	146	16-20	1
40'	24	83	20+	0
45'	24	43	12+	1
50'	30	40	10+	4
Total	413	689		

(a) Estimates from harbor staff

An individual can only be on one size category waiting list at a time. If any individual wants to apply for a different berth size, the harbormaster can transfer the individual to a different list while maintaining the individual's original application date. If an individual wants to be temporarily removed from the waiting list (if for example, he/she knows that he/she will not have a vessel in the immediate future), the harbormaster can move the individual to the standby list. When an individual wants to return to the main waiting list, the individual

⁵⁷ Information provided by City of Monterey Marina Staff

⁵⁸ Information provided by City of Monterey Marina Staff

⁵⁹ NewPoint Group interview with City of Monterey Marina Staff

⁶⁰ NewPoint Group interview with City of Monterey Marina Staff, marina rate sheets, and marina waiting list

re-enters with their original application date. The standby list currently has approximately 150 names⁶¹.

When a berth becomes available, the harbormaster offers it to the person at the top of the list (by date of application, oldest being first) in the size category for the berth. If that person is unable to accept the berth, the harbormaster offers the slip to the next person on the list until the berth is assigned.

3.5.3 Slip Rental Agreement Transfers

Under current ordinances, the City of Monterey permits transfer of a berth license along with sale of the vessel under certain strictly regulated conditions. The City adopted regulations to limit personal economic gain from the transference of public property (i.e., the use of a city berth). Potential for economic gain exists because demand for berth licenses is greater than the number available. The City believes that it is not in the public interest to let economic gain grow and be realized by private parties⁶².

The person buying the vessel must pay a berth assignment fee each month, for as long as it takes to move to the top of the waiting list⁶³. This is currently one and a half times the monthly berth fees. For example, if the person who purchases a vessel that has a berth license is in the middle of a five-year waiting list, then he/she would pay one and a half times the appropriate slip fee until that individual comes to the top of the waiting list (in this example, that could be for two and a half years). Often, an individual who is coming close to the top of the waiting list will purchase a vessel that has a berth assignment in order to a secure a berth more quickly while minimizing the additional berth fees that he/she will be required to pay⁶⁴.

Marina staff believe that this rate is approximately equal to local “market rates”⁶⁵. The extra 50 percent in berth fees represents the value of the transference, capturing this for the Marina Fund rather than allowing it to be retained by private parties. The City’s rationale was that buyers would not pay additional value for the berth transference to the seller in light of the additional surcharge that could be due for an extended period. To date, marina staff

⁶¹ NewPoint Group interview with City of Monterey Marina Staff

⁶² Information provided by City of Monterey Marina Staff

⁶³ *City of Monterey Municipal Code Chapter 17.28 Berthing Subsection 1*

⁶⁴ NewPoint Group interview with City of Monterey Marina Staff

⁶⁵ Information provided by City of Monterey Marina Staff

believe that the surcharge has been successful in capturing the transference for the Marina Fund⁶⁶.

If a vessel owner adds a new partner to the vessel title, the new partner does not automatically have rights to the berth license, unless he/she was included in the original berth license application. To obtain rights to the berth license, the new partner must be on the berth license waiting list. If the new partner is not already on the waiting list, he/she must apply using the procedure described above. The harbor master assesses the berth assignment rate (i.e., 1.5 times the published fee) until the new partner reaches the top of the waiting list.

The buyer of a vessel cannot moor a different vessel in the berth for at least 30 months after the sale⁶⁷. The 30-month requirement is reduced for purchasers who have been on the waiting list. For every two months that a purchaser has been on the waiting list, one month is deducted from the required wait for vessel replacement. For example, if a person who has been on the waiting list for 24 months, the amount of time before he/she could replace the vessel would be 18 months (that is, 30 months less 12 months for the 24 months on the waiting list). The purpose of this requirement is to reduce the likelihood that the vessel is purchased just for the berth license.

City ordinances prohibit economic gain from the sale of a vessel that has a slip that can be transferred with the sale⁶⁸. Both the original licensee and the purchaser of the vessel are required to sign a statement giving the total sales price of the vessel and confirming they have exchanged no value between them for the berth. Harbor management reserves the right to inspect taxation records of vessel owners to verify whether the value of the vessel has been inflated. On occasion, the harbor master has required vessel owners to provide tax records to verify prices paid for vessels and have removed, on a few occasions, berth licenses from vessel owners found to violate this prohibition⁶⁹.

Vessel owners can license private moorings to store their vessel in Monterey Outer Harbor. The Outer Harbor is managed by the harbor master and accommodates approximately 150 mooring licenses. Mooring licensees maintain their own mooring equipment and are required to supply the harbor master with an annual inspection report of the mooring condition. The waiting list for these

⁶⁶ Information provided by City of Monterey Marina Staff

⁶⁷ *City of Monterey Municipal Code Chapter 17.28 Berthing Subsection 1*

⁶⁸ *City of Monterey Municipal Code Chapter 17.28 Berthing Subsection 6*

⁶⁹ NewPoint Group interview with City of Monterey Marina Staff

moorings is shorter than the waiting list for a berth, and vessel owners often use these moorings while on the waiting list for a berth in the main harbor. Unlike slips in Monterey Harbor, moorings may be sublicensed. The sublet agreement is between the private mooring owner and the vessel owner with the private mooring owner filing the agreement with the harbormaster.

3.6 CITY OF ANTIOCH MARINA⁷⁰

The City of Antioch Marina is located on the south side of the San Joaquin River, east of the San Francisco Bay. The marina has 310 berths. Rules and regulations governing the harbor and its management are contained in City of Antioch ordinances⁷¹. Pursuant to these ordinances, the harbormaster has developed detailed rules and regulations. The city ordinances are available on-line with the detailed rules and regulations available from the harbormaster’s office. The marina operates as an enterprise fund with all user fees generated in the marina being used to support marina operations.

3.6.1 Slip Rental Agreements

The City grants a berth license (a slip rental agreement) to an individual or group of individuals and a specified vessel. Berth charges are different for berths that are covered from those that are not. Berth charges are per foot of vessel or per foot of slip, whichever is the greater. Berthing fees for the last three years are shown in **Figure 3-12**, below.

Figure 3-12

City of Antioch Berth Rates 2004-2006⁷²

Berth Type	Berth Rates per Foot per Month (\$)		
	July 2004	July 2005	July 2006
Uncovered	\$5.00	\$5.00	\$5.00
Covered	6.50	6.50	6.50

If the berth licensee dies, the individual who inherits the vessel registered to that berth gains access to the slip. There are no minimum usage requirements.

⁷⁰ City of Antioch Marina website address is <http://www.ci.antioch.ca.us/CitySvcs/Marina/>

⁷¹ City of Antioch Ordinances, Chapter 6 *Marina Regulations*

⁷² Rates available at <http://www.ci.antioch.ca.us/CitySvcs/Marina/>

3.6.2 Slip Rental Agreement Waiting List

There is currently no waiting list for berth licenses. There are seven people waiting to be transferred to a different berth⁷³.

3.6.3 Slip Rental Agreement Transfers

Under current rules and regulations, the City allows a licensee to transfer the berth license with the sale of the licensee's vessel. The harbormaster adopted this policy for administrative simplicity. The harbormaster does not assess a fee to transfer a berth. Marina policies allow a licensee to add new partners to a berth license. The harbormaster does not charge a fee for adding a partner. A licensee cannot sublet the slip⁷⁴.

3.7 CITY OF LONG BEACH MARINAS⁷⁵

The City of Long Beach operates three marinas: Alamitos Bay Marina, Rainbow Harbor and Marina, and Shoreline (Downtown) Marina. The Park, Recreation, and Marine Department (Department) of the City of Long Beach manages the three marinas. Rainbow Harbor only has docks for commercial vessels.

The marinas currently are under renovation. In both Alamitos Bay Marina and Shoreline Marina, the Department is holding slips without an occupant during the rebuild. The number of slips in the two marinas accommodating recreational vessels is:

- Alamitos Bay. 1,996 slips: 1,538 occupied, 29 available, and 429 held for rebuild
- Shoreline. 1,569 slips: 1,279 occupied, 52 available, and 238 held for rebuild.

Over the period 2002 to 2005, the DBW provided \$31.7 million for renovations to Shoreline Marina. An additional \$32.2 million in loans was provided by DBW for renovations to the Alamitos Bay Marina. This included funding to refurbish existing berths and construct new berths⁷⁶.

The marinas are regulated by the City Long Beach municipal code⁷⁷. The municipal code contains rules and regulations. Detailed rules and regulations including waiting list

⁷³ NewPoint Group interview with Harbormaster

⁷⁴ City of Antioch Ordinances, Chapter 6 *Marina Regulations*

⁷⁵ The Long Beach Marina website address is <http://www.longbeach.gov/park/facilities/aquatic/marinas.asp>

⁷⁶ Loan information provided by the DBW

⁷⁷ City of Long Beach Municipal Code Subsection 16.08 *Marina*
<http://www.ci.long-beach.ca.us/cityclerk/lbmc/lbmcintro.htm>

and slip transfer rules are contained in the *Long Beach Marina Rules and Regulations*⁷⁸. Both the City municipal code and the marina rules and regulations are available on-line.

3.7.1 Slip Rental Agreements

The Department grants a slip permit (a slip rental agreement) to an individual and to a vessel registered to that individual. Slip fees are based upon size of slip and are different for the two marinas. Slip fees are assessed per foot of vessel or slip, whichever is the greater. Slip fees are shown in **Figure 3-13**, below

The Department will not issue a slip permit in the name of a partnership or a corporation (limited or general)⁷⁹. The Department issues the slip permit in the name of the individual whose interest in the vessel is equal to or greater than each of the partners. When a partnership applies for a permit, one partner must be designated as the permittee. When the Department issues the permit, a list of partners will be included into the permit.

Figure 3-13

Long Beach Marinas Slip Fees 2004 - 2006⁸⁰

Slip or Vessel Size (feet)	Slip Rate per Foot per Month (\$)		
	Oct 2004 ^(a)	Oct 2005	Oct 2006
Alamitos Bay			
29' or less	\$8.50	\$9.15	\$9.60
>29' up to 34'	9.30	10.05	10.55
>34' up to 44'	10.30	11.10	11.65
>44 up to 49	11.35	12.25	12.85
>49' ^(b)	12.40	13.35	14.00
Shoreline and Rainbow			
29' or less	\$8.25	\$8.90	\$9.35
>29' up to 34'	8.80	9.45	9.90
>34' up to 44'	9.00	9.70	10.20
>44 up to 49	9.60	10.35	10.85
>49'	9.80	10.55	11.05

(b) Excludes berths 1, 2, 3 that are \$1,194.59 per month flat rate in 2006

⁷⁸ Long Beach Marina Rules and Regulations <http://www.longbeach.gov/civica/filebank/blobdload.asp?BlobID=13301>

⁷⁹ Long Beach Marina Rules and Regulations <http://www.longbeach.gov/civica/filebank/blobdload.asp?BlobID=13301>

⁸⁰ Rates available at <http://www.longbeach.gov/civica/filebank/blobdload.asp?BlobID=12910>, and information provided by Harbormaster

Individuals can only hold one slip permit. The permittee's spouse has rights to the slip and can retain the slip permit in the event of the death of the permittee⁸¹. Slips can be sublet for a period of up to a year as long as the permittee has held the permit for more than six months⁸². There are no minimum usage requirements.

3.7.2 Slip Rental Agreement Waiting Lists

There is a waiting list for slip licenses organized by slip size and original application date. The waiting list currently has 789 individuals on it⁸³. The fee to remain on the waiting list is \$50 per year. Applicants wanting to be placed on more than one list are charged the same fee for each list⁸⁴. Existing permittees wishing to transfer to a different slip are held on a separate waiting list. The City maintains a single list. That is, the City does not maintain a separate waiting list for each marina.

When a slip becomes available in either marina, the harbormaster offers it to the person at the top of the list (by date of application, oldest being first) in the size category for the berth. If that person is unable to accept the slip, the harbormaster offers the slip to the next person on the list until the berth is assigned. If an individual is offered a slip but does not accept it, s/ he is given the option of choosing "passover"⁸⁵. If the individual chooses to not to accept the slip, then the harbormaster removes his/her name from the active waiting list. The individual can be reinstated onto the active list within one year of choosing to passover if he/she advises the harbormaster in writing that he/she would be able to accept a slip if it were offered to them.

The waiting time for slips varies by the size of slip being sought. The waiting list by slip size (as of November, 2006) is shown in **Figure 3-14**, below.

⁸¹ *Long Beach Marina Rules and Regulations* Section III Marina Slip Permits Subsection E

⁸² Information provided by Marine Bureau Manager

⁸³ Information provided by Marine Bureau Manager

⁸⁴ Rates available at <http://www.longbeach.gov/civica/filebank/blobdload.asp?BlobID=12910>

⁸⁵ City of Long Beach *Waiting List Contact Procedures*
<http://www.longbeach.gov/civica/filebank/blobdload.asp?BlobID=12911>

Figure 3-14
**Long Beach Marinas Number of Slips,
 Waiting List, and Slip Acceptances⁸⁶**

Slip Size (feet)	Number of Slips	Waiting List (as of Nov 2006)		Number of Slips Accepted by People on the Waiting List (2005) ^(b)
		Number on Waiting List	Waiting Time (years) ^(a)	
20'	454	40	4	n/a
25'	439	146	5	n/a
30'	888	92	4	n/a
35'	684	85	3	n/a
40'	663	185	2	n/a
45'	269	82	3	n/a
50'	167	62	4	n/a
55'	2	0	0	n/a
60'	56	64	4	n/a
70'	13	23	4	n/a
80'	17	10	4	n/a
TOTAL	3,652	789		

(a) Marine Bureau Manager estimates

(b) The Department does not track the number of slips assigned to people on the waiting list.

For existing permit holders who want to transfer to a different slip or a different marina, there is a separate waiting list. There is a fee of \$25 fee assessed when the permittee transfers slip.

3.7.3 Slip Rental Agreement Transfers

Under current ordinances, the City does not allow permits to be transferred when a permittee sells his/her vessel. The City does allow permits to be transferred to vessel partners in two limited circumstances. First, if a partnership applied for a permit and added a list of partners to the permit, the permit may be transferred to any of the original partners with the approval of the Department⁸⁷. Second, if a vessel owner takes a new partner not originally included in the application, the new partner may take over the slip permit if the

⁸⁶ Information provided by Marine Bureau Manager

⁸⁷ Updated to rules and regulations <http://www.longbeach.gov/civica/filebank/blobdload.asp?BlobID=2886>

partnership is older than the oldest application date on the waiting list in that category of slip⁸⁸.

For example, an existing permittee forms a partnership for his/her vessel in a 30-slip on July 1, 2006. The new partner can take over the slip permit if there is no one on the waiting list for a 30-foot slip who applied before July 1, 2006. If there is someone who applied before July 1, 2006, the new partner must wait until all applicants who applied before July 1, 2006, have been offered a slip before the new partner is able to take over the slip permit.

3.8 SANTA CRUZ HARBOR⁸⁹

Santa Cruz Harbor is located north Monterey Bay and has 900 slips. Santa Cruz Port District manages the harbor. User fees from the harbor are retained within the Port District to support harbor maintenance and operations. A five-person elected Board of Commissioners governs the Port District. Rules and regulations for the harbor are contained in the Port District Ordinance⁹⁰. The harbormaster has created summaries of the key ordinances and these are available on the harbor website⁹¹. The Port District Ordinances are not currently available on-line⁹².

The harbor has received various loans from the DBW to fund improvements to and new construction in the harbor⁹³.

3.8.1 Slip Rental Agreements

The Port District grants a slip license (a slip rental agreement) to an individual or group of individuals for a specific vessel registered to that individual or group of individuals. The Port District only offers slip license agreements to individuals who have been on the waiting list. Only the individuals' exact names that appear on the waiting list are eligible to sign the slip license agreement. All married individuals are automatically assumed to be joint licensees.

Slip fees are based upon size, facilities, and location in the harbor. Slip fees are assessed per foot of vessel or slip, whichever is the greater. Slip fees are shown in **Figure 3-15**, on the next page.

⁸⁸ Information provided by Marine Bureau Manager

⁸⁹ Santa Cruz website address is <http://www.santacruzharbor.org/>

⁹⁰ Santa Cruz Port District history <http://www.santacruzharbor.org/education/overview.html>

⁹¹ Descriptions of the policies can be found at <http://www.santacruzharbor.org/education/>

⁹² Port District Ordinances will be available on-line by March 31, 2007.

⁹³ Information provided by Harbor Operations Manager

Figure 3-15

Santa Cruz Harbor Slip Rates 2004-2006⁹⁴

Slip Type	Berth Rates per Foot per Month (\$)		
	April 2004	April 2005	April 2006
Single or Inside Slip	\$8.20	\$8.75	\$9.20
Double Side Tie	9.05	9.65	10.15

An individual may only have one slip license. Port ordinance states that each married couple can only have one slip⁹⁵. The slip licensee’s spouse also has slip rights but any other family members cannot inherit the slip license indefinitely. Family members may use the slip for up to two years after the death of the original slip licensee.

Slips can be sublet for no more than 6 months out of any 12-month period with approval of the harbormaster’s office⁹⁶. The Port District charges an additional 30 percent on slip fees for slips that are sublet⁹⁷.

The Port District requires that the named individual on the slip license take his/her vessel out of the slip and the harbor on at least 10 days out of any twelve-month period⁹⁸. The Port District may request that the slip licensee check in with the harbor office if the Port District believes that the slip licensee is not meeting the usage requirement⁹⁹.

3.8.2 Slip Rental Agreement Waiting List

There is a waiting list for slip licenses organized by slip size and original application date. The formal waiting list was created in 1973 and currently has more than 1,200 individuals on it. Individuals can only request one slip size but they can transfer between size categories while retaining their original application date. The only restriction on transferring between categories is that the individual will not be placed any higher than position three when transferring, regardless of their application date¹⁰⁰. The Port District charges an

⁹⁴ Santa Cruz Rate sheet <http://www.santacruzharbor.org/education/rates.pdf> and NewPoint Group interview with Santa Cruz Port Director

⁹⁵ Santa Cruz Harbor *Waiting List Procedures* <http://www.santacruzharbor.org/education/wlbroch.pdf>

⁹⁶ Santa Cruz Harbor *Highlights of the Slip License Agreement* <http://www.santacruzharbor.org/education/policy.pdf>

⁹⁷ Santa Cruz Harbor rate sheet <http://www.santacruzharbor.org/education/rates.pdf>

⁹⁸ Santa Cruz Harbor *Highlights of the Slip License Agreement* <http://www.santacruzharbor.org/education/policy.pdf>

⁹⁹ Santa Cruz Harbor *Highlights of the Slip License Agreement* <http://www.santacruzharbor.org/education/policy.pdf>

¹⁰⁰ Santa Cruz Harbor *Waiting List Procedures* <http://www.santacruzharbor.org/education/wlbroch.pdf>

initial registration fee of \$85 and a fee of \$85 per year to remain on the waiting list¹⁰¹.

Individuals who already have slip licenses can remain on the waiting list if they are seeking a slip of a different size or location in the harbor. Individuals with existing slip licenses pay the same waiting list fees as those who do not have licenses. An existing slip licensee must give up their license prior to accepting a slip license offered to them via the waiting list. The Port Director estimated that 400 out of the 1,271 individuals on the waiting list already had slips within the harbor¹⁰².

When a slip becomes available, the harbormaster offers it to the person at the top of the list (by date of application, oldest being first) in the size category for the berth. If that person is unable to accept the slip, the harbormaster offers the slip to the next person on the list until the berth is assigned. If an individual is offered a slip but does not accept it, the harbormaster may move the individual's name to the "standby" list¹⁰³ or the individual may request to be moved to another size category waiting list. The standby list currently has 617 people on it. When the individual is ready to accept a slip he / she can be moved back to one of the main lists, again with the caveat that they can re-enter no higher than position three.

The waiting time for a slip varies by size and location in the harbor. There is virtually no wait for 20-foot slips in the North Harbor, and over a 20-year wait for a 30-foot slip in the South Harbor. The waiting list by slip size (as of December, 2006) is shown in **Figure 3-16**, on the next page.

¹⁰¹ Santa Cruz Harbor *Waiting List Procedures* <http://www.santacruzharbor.org/education/wlbroch.pdf>

¹⁰² NewPoint Group interview with Port Director

¹⁰³ Santa Cruz Harbor *Waiting List Procedures* <http://www.santacruzharbor.org/education/wlbroch.pdf>

Figure 3-16
Santa Cruz Number of Slips,
Waiting List, and Slip Acceptances¹⁰⁴

Slip Size (feet)	Number of Slips	Waiting List (as of Dec 2006)		Number of Slips Accepted by People on the Waiting List (2005)
		Number on Waiting List	Waiting Time (years) ^(a)	
North Harbor				
20'	55	2	0	20
25'	122	78	2.5	30
30'	190	79	3	14
35'	35	58	7	7
40'	17	49	10	0
Wide -45'	27	0	-	7
South Harbor				
24'	77	34	4	9
30'	103	104	14	10
40'	72	129	10	11
50'	15	31	15	1
60'	10	10	16	1
Multi-hull	17	7	20	1
AA 37' /40' ^(b)	4	1	-	4
ABC 35' End Tie ^(b)	2	1	-	3
ABC 45' End Tie ^(b)	2	4	-	3
ABC 90' End Tie ^(b)	1	1	1	1
Standby		617		
TOTAL	749	1,205		122

(a) Estimates from harbor staff

(b) Premium slip rates: AA = 1.7 x slip rent and ABC = 2 x slip rent

Administration of the waiting list was the subject of a 2005 grand jury investigation by the Santa Cruz County Grand Jury¹⁰⁵. The grand jury found that the Port District administered the wait list fairly, although not all of the procedures were fully documented. The grand jury also found that some of the policies were hard to understand. The Port District agreed with these findings and subsequently improved documentation of waiting list procedures.

¹⁰⁴ Santa Cruz Waiting List Statistics <http://www.santacruzharbor.org/news/>, information from Port Director

¹⁰⁵ Santa Cruz County Grand Jury *Santa Cruz County Port District Boat Slip Waiting List* http://www.co.santa-cruz.ca.us/grandjury/GJ2005_responses/6%20-%201%20SpD%20harbor%20complete.htm

3.8.3 Slip Rental Agreement Transfers

Under current ordinances, the Port District does not allow permits to be transferred with the sale of a vessel. The Port District uses the waiting list registration fees to support monitoring of existing slip holders for unauthorized sales or trades of slip permits¹⁰⁶.

The Port District recognizes vessel partnerships and limited liability companies as a means to increase the use of the harbor and to allow individuals direct access to the harbor who otherwise would have to wait years on the waiting list. However, in order to prevent illegal transfers of slip licenses through partnership subterfuges, the Port District places stringent requirements on partnerships and limited liability companies. There are two ways that a slip licensee can form a partnership or limited liability company within the slip license regulations: either by selling a share in the vessel that is already in a slip or by buying a share in a vessel and mooring it in their slip.

If a slip licensee sells a share (or shares) in the vessel that is in their slip, the Port District requires that the original slip licensee maintain a continued financial interest in the vessel greater than or equal to each of the other vessel partners. The Port District also requires that there are no more than four partners in any vessel partnership¹⁰⁷. The original licensee is required to provide documentation, such as Department of Motor Vehicle (DMV) registration documents, sales tax receipts, and other documents, to verify both the sale of a share and their continued interest in the vessel.

If a slip licensee purchases a share in a vessel that will be mooring in their slip, they must continue to hold a financial interest in the partnership. The Port District can request the slip licensee to demonstrate their financial interest in the vessel for a year immediately preceding the request (or for the period that the vessel has been in the slip if that is shorter)¹⁰⁸.

In both of these cases, the original slip licensee remains responsible for the slip fees and any negotiations regarding the slip license with the Port District. The original licensee still needs to meet the minimum usage requirements described above. The new vessel partners cannot be added onto the slip rental agreement and, as such, do not have any rights to the slip.

¹⁰⁶ NewPoint Group interview with Port Director

¹⁰⁷ Santa Cruz Harbor *Partnerships and Limited Liability Companies* <http://www.santacruzharbor.org/education/partner.pdf>

¹⁰⁸ Santa Cruz Harbor *Partnerships and Limited Liability Companies* <http://www.santacruzharbor.org/education/partner.pdf>

The Port District created four new slip size and type categories for seven slips to be rented at a higher slip rate. Subsequently new waiting list categories were created. All waiting list members were notified in writing of these new waiting list categories and an initial 3-month sign-up period was designated for new or existing waiting list members. At the end of the of the 3-month sign-up period, the Port District offered slips to the waiting list in chronological order (by date of application, oldest being first). The individuals who accepted one of the premium slips could remain on the waiting list for a regular priced slip.

3.9 CITY OF SACRAMENTO MARINA¹⁰⁹

The City of Sacramento Marina is located on the Sacramento River and has approximately 540 berths. The harbor is regulated via City of Sacramento City Codes¹¹⁰. The City Council sets user fees. The City of Sacramento Department of Convention, Culture & Leisure (Department) manages the marina, and the marina operates as an enterprise fund. All revenues from user fees are retained to support marina maintenance and operations.

Rules and regulations governing the marina and its management, including waiting list rules, are contained in City of Sacramento ordinances. The Department also produces a General Information Handbook summarizing the marina's rules and regulations. The handbook is available on line¹¹¹.

Between 2000 and 2003, the marina received a \$9 million loan from DBW¹¹². The DBW provided the loan for demolishing existing berths, constructing reconfigured berths, installing gangways, and replacing dock utilities such as restrooms and fuel dispensers.

3.9.1 Slip Rental Agreements

The Department grants a berth license (a slip rental agreement) to an individual for a specified vessel. The vessel must be registered to the individual licensee¹¹³ and only the licensee and his/her spouse (or registered domestic partner) has rights to the berth. For a vessel that is owned by a partnership, the only partners who have rights to the berth license are those: (1) whose names appeared on the initial berth license application, (2) who signed the berth license agreement, and (3) whose names appear on the vessel

¹⁰⁹ The Sacramento Marina website address is <http://www.sacramentomarina.com/>

¹¹⁰ Sacramento Municipal Code Section 12.76 *Sacramento Boat Harbor* <http://www.qcode.us/codes/sacramento/>

¹¹¹ <http://www.sacramentomarina.com/MAC/pdf/SacramentoMarinaRules&Regulations.pdf>

¹¹² Information provided by DBW

¹¹³ Sacramento Marina *General Information Handbook* and Sacramento Municipal Code Section 12.76.040 *Berth License Applications*

title¹¹⁴. The Department will not issue a berth license in the name of a corporation or limited liability company i.e., the berth license must be issued in the name of a “natural person”.

Berth licenses are issued for month-to-month. That is, either the licensee or the Department can terminate the license with a one-month notice. Berth charges are different for berths that are covered from those that are not, and differ by location in the marina. Berth charges are per foot of berth or vessel, whichever is the greater. Berth charges are shown in **Figure 3-17**, below.

Figure 3-17
Sacramento Marina Berth Rates 2004 - 2006¹¹⁵

Berth Location and Type	Berth Rate per Foot per Month (\$)		
	July 2004	July 2005	July 2006
South Basin			
Uncovered	\$4.80	\$4.80	\$5.40
Covered	7.45	7.45	8.40
North Basin			
Covered	\$7.05	\$7.05	\$7.90
Uncovered	8.50	8.50	9.50

An individual may not hold more than three permanent berth licenses in the marina at one time. There are no minimum usage requirements.

Licensees cannot sublet their slips¹¹⁶. However, if a licensee temporarily vacates their berth and notifies the Department in writing of the dates the berth will be vacant, the Department retains the right to assign a sub tenant to the berth. The existing licensee may refer a prospective sub tenant to the Department and the Department will give this prospective sub tenant preference if he/she is suitably qualified¹¹⁷ (i.e., if he/she meets requirements for renting a berth in the marina).

¹¹⁴ NewPoint Group interview with marina staff

¹¹⁵ Sacramento Marina rates <http://www.sacramentomarina.com/rental/rates.html> and information provided by marina staff

¹¹⁶ Sacramento Marina *General Information Handbook*

¹¹⁷ Sacramento Marina *General Information Handbook*

3.9.2 Slip Rental Agreement Waiting List

Demand for berths exceeds the number of berths available. To manage this demand, the Department maintains a waiting list of those interested in obtaining a slip.

In October 2006, the City of Sacramento approved changes to ordinances regarding marina rules, including the waiting list. Prior to October 2006, the Department maintained two separate waiting lists: (1) a “general” waiting list for individuals without a berth in the marina, and (2) an “internal trade list” for existing berth licensees who want a different berth in the marina. The Department would first offer an available berth to individuals on the internal trade list and then to those on the general list. The Department offered few, if any, berths to those on the general list, meaning few individuals without a current berth in the marina have obtained a berth¹¹⁸.

Based on new City ordinance rules, the Department merged the two lists into a single waiting list. The consolidated waiting list is organized by berth size, and then by application date.

Existing licensees can be on a waiting list for more than one berth size. The Department does not charge these individuals for being on any waiting list.

Non-licensees can be on a waiting list for more than one berth size. The Department charges these individuals \$15 per year per list¹¹⁹. The marina staff do not renew applications automatically; it is the responsibility of the application to renew his/her application every year to remain on the waiting list.

Members of the waiting list (existing licensees and non-licensees) can transfer their name from one berth size section of the waiting list to another. However, the original application date does not transfer with them. That is, he/she enters at the bottom of the waiting list into which he/she transfers.

If berths become available for assignment to those on the waiting list, the Department offers the berth to the person who is at the top of the list for that berth’s size category. If that person is not able to accept the berth (for example, he/she does not have access to a vessel), then the berth is offered to the next person on the list until the berth is assigned. The numbers of berths, a snapshot of the waiting list (as

¹¹⁸ NewPoint Group interview with marina staff

¹¹⁹ Sacramento Marina *General Information*

of November, 2006), and berth acceptance are shown in **Figure 3-18**, on the next page.

Individuals on the waiting list change regularly over time. Factors affecting the waiting list include seasonal variations in both demand for, and availability of, berths, applicants removing their application, marina staff terminating applications (for non-payment), and berth transfers with the sale of the vessel. Marina staff have difficulty in accurately estimating the length of wait that an applicant on a particular list size would experience. Until renovation of the marina is complete, marina staff has advised applicants that it could take several years for someone to get obtain a license for a 30-foot to 50-foot berth¹²⁰.

¹²⁰ NewPoint Group interview with marina staff

Figure 3-18
Sacramento Marina Number of Slips,
Waiting List, and Slip Acceptances¹²¹

Berth Size (feet)	Number of Berths ^(a)	Waiting List (as of Nov 2006)		Number of Berths Accepted by People on Waiting List (2005) ^(c)
		Number on Waiting List	Waiting Time (years) ^(b)	
South Basin				
20' Uncovered	48	4	<1	n/a
20' Covered	27	3	<1	n/a
25' Uncovered	1	0	-	n/a
25' Covered	113	4	<1	n/a
30' Covered	52	25	<1	n/a
40' Covered	10	22	4	n/a
North Basin				
25' Uncovered	92	1	no wait	n/a
25' Covered	14	50	3	n/a
30' Uncovered	9	10	<1	n/a
30' Covered	87	45	7	n/a
35' Covered	38	53	9	n/a
40' Uncovered	2	9	4	n/a
40' Covered	35	55	4	n/a
50' Uncovered	3	5	3	n/a
50' Covered	4	40	7	n/a
End ties	-	6	6	n/a
TOTAL	535	332		

- (a) Estimated by marina staff. Includes berths that are not usable due to low water.
- (b) Calculated by taking the application date of the person at the top of the list. This is a guide to the length of wait experienced by applicants. The Department cannot estimate the wait more accurately because the names on the waiting list change frequently.
- (c) The Department does not track the number of berths assigned to people on the waiting list.

3.9.3 Slip Rental Agreement Transfers

City ordinances adopted in October 2006 changed the policy on transfers of berth licenses with the sale of a vessel. Prior to the change, a licensee who sold the vessel registered to the berth could transfer rights to that berth to the new vessel owner. The new ordinance makes all berth licenses non-transferable¹²². An

¹²¹ Information provided by marina staff

¹²² Sacramento Municipal Code Section 12.77.050 Subsection E <http://www.qcode.us/codes/sacramento/>

exception to the no transfer rule is allowed for berth licensees who signed their agreements before March 2005. These licensees can transfer their licenses with the sale of the vessel until June 2008¹²³. There is no transfer payment made to the Department. New partners cannot be added to a berth license.

3.10 VENTURA COUNTY SMALL BOAT MARINA¹²⁴

The Ventura County Small Boat Marina is located in the Channel Islands harbor in Ventura County. Ventura County is located on the California coast, north of Los Angeles. The Small Boat Marina is one of nine marinas in Channel Islands harbor, seven of which are privately operated. The other public marina is the Ventura County Commercial Fishing Marina.

The Small Boat Marina has 72, 25-foot slips. The Small Boat marina operates as an enterprise fund with all user fees generated in the marina being used to support marina operations.

The Ventura County Harbor Department is responsible for harbor operations. Rules and regulations for the harbor operations are contained in Ventura County ordinances, available on-line¹²⁵. Detailed rules for the Small Boat Marina are available from the marina office.

3.10.1 Slip Rental Agreements

The County has offers slip permits (slip rental agreements) to individuals and to a specific vessel registered to that individual. Spouses and other family members have access to the slip if they are included in the authorized user list. Slip charges are shown in **Figure 3-19**, on the next page. Slips cannot be sublet¹²⁶. A permittee cannot bequeath his/her slip rental agreement (that is, a permittee cannot pass rights to the slip via a will).

¹²³ NewPoint Group interview with marina staff

¹²⁴ The Ventura County Small Boat marina does not have a dedicated website. Ventura County website address is <http://harbor.countyofventura.org/index.htm>

¹²⁵ Ventura County Ordinances, Chapter 4 <http://municipalcodes.lexisnexis.com/codes/ventura/>

¹²⁶ NewPoint Group interview with Harbormaster

Figure 3-19
Ventura County Small Boat Marina Slip Charges
2004 - 2006¹²⁷

Slip Rate per Month (\$)		
July 2004	July 2005	July 2006
\$175	\$195	\$220

3.10.2 Slip Rental Agreement Waiting List

There are four people on the marina waiting list. Although currently there are five open slips available¹²⁸, the four people on the waiting list have not taken the slips but have asked to remain on the waiting list. The harbor department does not charge an individual to remain on the waiting list. The harbor department maintains a separate list for existing slip permittees wanting to transfer to a different slip.

3.10.3 Slip Rental Agreement Transfers

Under current ordinances, the County does not allow slip permits to be transferred with the sale of a vessel. A partner can add new partners to the slip permit if the new partners provide a signed letter detailing the partnership arrangements to the harbor office. All the vessel partners are then required to sign a new lease agreement.

3.11 CITY OF AVALON HARBOR¹²⁹

The City of Avalon Harbor is located on Catalina Island, which is 22 miles off the coast of Long Beach in Southern California. There are 364 moorings in Avalon Bay, Descanso Bay, and Hamilton Cove of which 288 moorings are privately owned. The harbor owns 49 moorings and makes them available for long-term lease. For all of the moorings, both privately owned and leased by the City, if the owner (or lessee) does not want to occupy the mooring, the harbor rents the mooring to transient boaters. The harbor patrol manages the availability of moorings on a day-to-day basis. If an owner has not reserved his/her mooring by midnight the night before, the harbor patrol make the mooring available to the public on a first come, first served basis¹³⁰.

¹²⁷ NewPoint Group interview with Harbormaster

¹²⁸ Information provided by Harbormaster

¹²⁹ City of Avalon harbor patrol website address is <http://www.cityofavalon.com/content/2542/2566/2580/default.aspx>

¹³⁰ Information provided by harbormaster

Rules and regulations governing the marina and its management are contained in City of Avalon ordinances 131. The City manages a separate operating fund for the harbor. The fund receives all revenues generated from mooring license and transfer fees. The City uses these funds to operate and maintain the harbor.

3.11.1 Slip Rental Agreements

The City leases the 49 moorings to individuals and to a specific vessel registered to that individual. The City does not recognize partnerships and only offers a mooring lease to an individual. There are no minimum usage requirements. If a vessel owner sells their vessel, he/she has 120 days to replace the vessel in order to maintain the mooring lease. If the mooring lessee dies, his/her surviving spouse has can take over the mooring lease.

Mooring charges are based upon the length of the vessel. Mooring charges are shown in **Figure 3-20**, below. Lessees cannot sublet their mooring¹³².

Figure 3-20
Avalon Harbor Lease Mooring Charges by Vessel Length
2004 - 2006¹³³

Vessel Size (feet)	Mooring Rate per Month (\$)		
	July 2004	July 2005	July 2006
30'	\$72.67	\$75.50	\$79.33
40'-45'	96.92	101.33	105.92
50'	145.33	151.87	158.75
60'	174.42	181.42	190.50

3.11.2 Slip Rental Agreement Waiting List

There is a waiting list for mooring leases. The waiting list currently has 230 individuals and the individual at the head of the list joined in 1968. There is no fee to join or to remain on the list. The City maintains the list in chronological order, by the date an individual applied for the list. The City does not maintain separate lists for each size slip. The waiting list (as of December, 2006) is shown in **Figure 3-21**, on the next page.

¹³¹ City of Avalon Municipal Code, Section 10 Chapter 2 *Harbor Regulations*

¹³² City of Avalon Municipal Code, Section 10 Chapter 2 *Harbor Regulations*

¹³³ NewPoint Group interview with Harbormaster

Figure 3-21
Avalon Harbor Number of Slips, Waiting List, and Slip
Acceptances¹³⁴

Mooring Size	Number of Moorings	Waiting List (as of Dec 2006)		Number of Moorings Accepted by People on Waiting List (2005)
		Number on Waiting List	Waiting Time (years) ^(a)	
n/a	49	230	38	2

(a) Calculated by taking the application date of the person at the top of the list. This is a guide to the length of wait experienced by applicants on the waiting list.

3.11.3 Slip Rental Agreement Transfers

Under current ordinances, the City does not allow mooring leases to be transferred with the sale of a vessel. Because the City does not recognize partnerships, new partners cannot be added to the mooring lease.

¹³⁴ Information provided by Harbormaster

This page intentionally left blank

Appendix A

Harbormaster Interview Guide

On the following page is the interview guide used by the project team when interviewing harbormasters regarding the practices and procedures for allocating berthing slips in marinas. The guide contains broad topics that the project team discussed with marina operators where appropriate. Not all topics were discussed with each marina operator because the project team may already have obtained the information prior to the interview or circumstances at the marina made the topic irrelevant.

In November and December, 2006, the team interviewed ten harbormasters at a selection of marinas in California. **Figure A-1**, below, provides the names and organizations of the harbormasters contacted and the section reference for the detailed interview guide.

Figure A-1
Harbormasters Contacted

Name	Organization	Title
Brain Bray	City of Avalon, Catalina Island	Harbormaster
John Cruger-Hansen	City of Antioch Marina	Harbormaster
Paul Dangreau	City of Monterey Harbor	Operations Supervisor
Brian Foss	Santa Cruz Harbor	Port Director
Kendra Grey	City of Sacramento Marina	Marina Staff
Brad Gross	City of San Francisco	Manager of Marina Operations
Don Hadley	City of Oceanside	Director, Department of Harbor and Beaches
Mick Kronman	City of Santa Barbara Harbor	Harbormaster
Jack Peveler	Channel Islands Harbor	Harbormaster
Mark Sandoval	City of Long Beach	Manager Marine Bureau

Interview Guide

1. General background to the harbor
 - How big is the marina (number of slips by size or other category)?
 - What are the types slips available (e.g. for yacht brokers, individual, commercial fishing)?
 - Who owns the marina?
 - Who operates the marina?
 - Is the marina an enterprise fund?
2. How does this marina compare with private marinas in the area (e.g. waiting lists, fees, usage requirements)?
3. What are the different ways that a vessel owner can get a slip?
4. Is there a waiting list? If so, how many people are currently on the waiting list? How many new applicants do you get every year?
5. How many slips were allocated last year via the waiting list procedure?
6. How do boat owners find out about marina policies?
7. If a slip can be transferred with the sale of a boat:
 - How does the transfer process work?
 - Are there problems with these transfers?
 - Is there an additional fee paid for the transfer?
 - Who is responsible for verifying the correct fees are paid?
8. For partnerships:
 - How are partnerships reflected in the slip permit?
 - What are the rules for removing an individual from a partnership slip agreement?
9. Are there minimum usage requirements by the individual named on the slip permit? Do spouses or other family members also have use of the slip permit? Can slips be inherited?
10. How is the process of obtaining slips regulated and how is slip usage monitored?
11. What, if any, do you think the repercussions (including fiscal) would be if the marina only used a waiting list (i.e. there were not transfers etc) to allocate slips?
12. Have you received any complaints about how boaters obtain slips? If so, what were they?
13. Do you have any reports on the issue of how boaters obtain slips?
14. Overall, how well is the process of allocating slips working?