

# Residential Piers: Rental Calculation & Revised Model Permit Template

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City Council Meeting  
February 10, 2015

# Residential Piers



# Pier Permit: Current Terms



## CITY OF NEWPORT BEACH

PUBLIC WORKS DEPARTMENT  
HARBOR RESOURCES

- (1) **Permittee:** This Permit is issued on March 1, 2014 to the above listed permittee ("Permittee") to construct/maintain a residential pier located upon City of Newport Beach ("City") tidelands, as more particularly described and depicted in Attachment 1 ("Premises"), which is attached hereto and incorporated by reference. By acceptance of this Permit, the Permittee agrees to be bound by the terms contained in this Permit.
- (2) **Term:** This Permit shall be valid for a period of 10 years beginning on July 3, 2014 and expiring on March 1, 2023, unless terminated earlier as provided herein. A new permit may be automatically issued upon expiration, provided rent is paid and the pier is maintained. The City's longstanding policy is to re-issue residential permits to the upland property owner, who also owns the physical dock associated with the Premises.
- (3) **Rent:** Rent shall be calculated pursuant to Resolution No. 2013-88, or any successor/amended resolution. Resolution No. 2013-88 and any successor/amended resolution are automatically incorporated by reference into this Permit, without any further action by the parties, when adopted by the Newport Beach City Council.
  - (A) **Periodic Payment of Rent:** One-sixth (1/6) of annual rent for a particular year shall be received by the City within nineteen (19) days after the mailing of the Municipal Services Statement to Permittee. Bi-monthly rent will be billed with the Permittee's Municipal Services Statement.
  - (B) **Place for Payment of Rent:** All payments of rent shall be made in lawful money of the United States of America and shall be paid to City online at [www.newportbeachca.gov](http://www.newportbeachca.gov), in person or by United States' mail, or overnight mail service, at the Cashier's Office located at 100 Civic Center Drive, Newport Beach, CA 92660, or at such other address as City may from time to time designate in writing to the Permittee. The Permittee assumes all risk of loss and responsibility for late charges and delinquency rates if payments are not timely received by the City, regardless of the method of transmittal.
  - (C) **Late Charges:** A ten percent (10%) late charge, or the maximum rate allowable under State law, shall be added to all payments due but not received by City by the due date.
  - (D) **Third-Party Use:** This Permit  allows /  does not allow (check one) the Permittee to rent/lease the Premises to a third-party.
- (4) **Utilities and Taxes:** The Permittee is solely responsible for obtaining all utilities and paying all taxes (including possessory interest tax, if applicable), fees and assessments for the Premises or improvements located thereon.
- (5) **Maintenance:** The Permittee assumes full responsibility for operation and maintenance and repair of the Premises and associated improvements throughout the term of this Permit at its sole cost, and without expense to the City.
- (6) **Transfer/Assignment:** This Permit may be transferred or assigned by the Permittee as provided in the Newport Beach Municipal Code.

Attachment 1: Description & Depiction of Premises

# Pier Permit: Proposed Changes

## Residential Tidelands Pier Permit

(1) Permittee: This Permit is issued on \_\_\_\_\_ to \_\_\_\_\_ ("Permittee") to construct/maintain a residential pier located upon City of Newport Beach ("City") tidelands, as more particularly described and depicted in Attachment 1 ("Premises"), which is attached hereto and incorporated by reference. By acceptance of this Permit, the Permittee agrees to be bound by the terms contained in this Permit.

(2) Term: This Permit shall be valid for a period of \_\_\_\_ year(s) beginning on March 1, 20\_\_ and expiring on February \_\_, 20\_\_, unless terminated earlier as provided herein. A new permit may be automatically issued upon expiration, provided rent is paid and the pier is maintained. The City's longstanding policy is to re-issue residential permits to the upland property owner, who also owns the physical dock associated with the Premises.

(3) Rent: Rent shall be calculated pursuant to Resolution No. 2015-\_\_ or any successor/amended resolution. Resolution No. 2015-\_\_ and any successor/amended resolution are automatically incorporated by reference into this Permit, without any further action by the parties, when adopted by the Newport Beach City Council.

(A) Payment of Rent: All rent shall be annually prorated and billed through Permittee's Municipal Services Statement ("MSS"). All rent shall be due and payable pursuant to the terms of Permittee's MSS.

(B) Late Charges: A ten percent (10%) late charge shall be added to all payments due but not received by City by the due date.

(C) Third-Party Use: This Permit  allows /  does not allow (check one) the Permittee to rent/lease the Premises to a third-party.

(4) Utilities and Taxes: The Permittee is solely responsible for obtaining all utilities and paying all taxes (including possessory interest tax, if applicable), fees and assessments for the Premises or improvements located thereon.

(5) Maintenance: The Permittee assumes full responsibility for operation and maintenance and repair of the Premises and associated improvements throughout the term of this Permit at its sole cost, and without expense to the City.

(6) Transfer/Assignment: This Permit may be transferred or assigned by the Permittee as provided in the Newport Beach Municipal Code.

(7) Property Right Protection: The residential pier maintained under this Permit is private property and shall be protected to the maximum extent under the law from unlawful seizure.

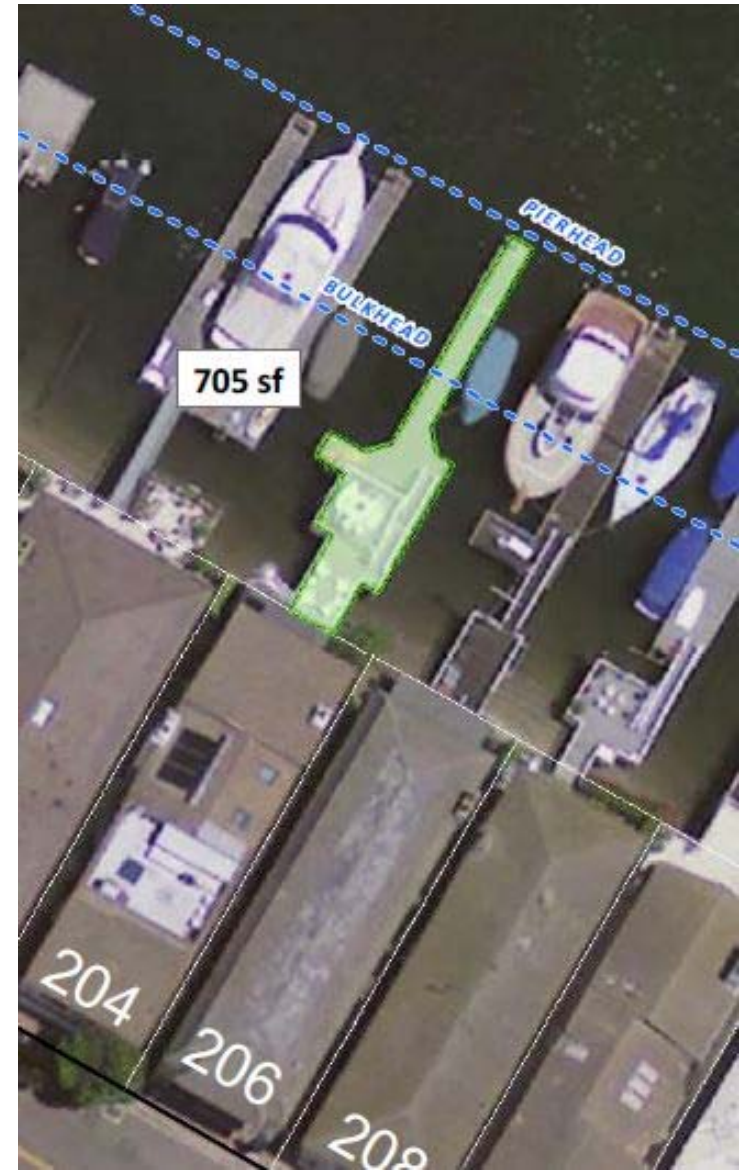
# 3: Simplified payment of rent language

# 7: New property right protection language

# Residential Piers

- 882 Residential Piers over Public Trust Tidelands – City
- 330 Residential Piers over other waterways (not charged)
- 144 Residential Piers over Public Trust Lands – County (not charged)

# Residential Pier “Footprint” (no change)



# Residential Pier “Footprint” (no change)





**Proposed - 215 VIA LIDO SOUD**

Total Permit Area = 2,160 sq. ft.  
2017 Rental Fee = **\$1,080**  
(\$0.50/sq. ft.)

**\$1,134 @ \$0.525/sq.ft.**



**Proposed - 215 VIA LIDO SOUD**

Total Permit Area = 992 sq. ft.  
2017 Rental Fee = **\$496**  
(\$0.50/sq. ft.)

**\$521 @ \$0.525/sq.ft.**



# Residential Pier Stats

- Total pier permits: 882
- Total physical piers: 807
- Total shared-only pier permits: 133
- Total shared & rental pier permits: 2
- Total rental-only pier permits: 11
- Total pier permits with U-shaped slips: 309

# Shared Pier Examples



### U-Shaped Piers (including water area)

2017 Fee @ \$0.525	\$241,144
2017 Fee @ \$0.50	<u>\$229,693</u>
Difference	<b>(\$11,451)</b>
Total Area (sq.ft.)	460,641
Average Pier Size	1,792
Total # of Permits	309
Total # of Physical Piers	257



### U-Shaped Piers (water area removed)

2017 Fee @ \$0.525	\$129,837
2017 Fee @ \$0.50	<u>\$123,675</u>
Difference	<b>(\$6,162)</b>
Total Area (sq.ft.)	196,707
Average Pier Size	966
Total # of Permits	309
Total # of Physical Piers	257

\$241,144 (Current)  
 vs.  
 \$123,675 (Proposed)  
**(\$117,469)**



## Remaining Piers (not U shaped)

2017 Fee @ \$0.525	\$130,975
2017 Fee @ \$0.50	<u>\$124,803</u>
Difference	(\$6,172)
Total Area (sq.ft.)	252,075
Average Pier Size	458
Total # of Permits	573
Total # of Physical Piers	550



### All Piers (including U water areas)

2017 Fee @ \$0.525	\$372,120
2017 Fee @ \$0.50	<u>\$354,496</u>
Difference	<b>(\$17,624)</b>
Total Area (sq.ft.)	712,716
Average Pier Size	883
Total # of Permits	882
Total # of Physical Piers	807



\$372,120 (Current)  
 vs.  
 \$246,868 (Proposed)  
**(\$125,252)**

### All Piers (water area removed)

2017 Fee @ \$0.525	\$259,123
2017 Fee @ \$0.50	<u>\$246,868</u>
Difference	<b>(\$12,255)</b>
Total Area (sq.ft.)	497,003
Average Pier Size	616
Total # of Permits	882
Total # of Physical Piers	807





# For More Information

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