

## Stop Polluting Our Newport

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**From:** Kiff, Dave <DKiff@newportbeachca.gov>  
**Sent:** Saturday, January 23, 2016 6:49 PM  
**To:** undisclosed-recipients:  
**Subject:** Insider's Guide - Tuesday, January 26, 2016

So the *Insider's Guide* was taking a lazy Saturday afternoon nap when, in the middle of a dream involving Sarah Palin talking about Balboa Island sea walls, the *Guide* realized that the *Guide* had not sent itself out in advance of the **Tuesday, January 26<sup>th</sup> City Council** meeting. It woke up a start. No, the *Guide* had not had any beer.

So here it is. And thank you, Governor Palin, for your concern about our sea walls.

This is what may be of interest to you on the Newport Beach City Council meeting of **Tuesday, January 26<sup>th</sup>, 2016**. Meeting information **and a link to the full Council agenda** is at the end of this e-mail.

The **study session** starts at **5:00 p.m.**, a little later than usual. We'll cover an interesting topic – **short-term rentals in a time of airbnb** (correct, airbnb has no caps, no dashes!) and VRBO and homesharing. The short version of it is that our current code says that vacation rentals are permitted when they are under 31 days, when the location has a permit, when they remit bed taxes to the City, and when they're in the right zone. The right zone is anything but R-1 (with an exception below).

If you live in R-1, and you are one of the **Lucky Few**, you've got a **short-term lodging permit (STLP)** that was issued before a moratorium on new STLPs in the R-1 zones back in 1994. Homes in the R-1 with current STLPs were grandfathered-in, meaning that the property can change title but the pre-1994 permit stays with the property unless revoked. Revocations can occur for misbehavior of tenants, among other things.

Anyway, on to 2016! In recent years we've seen more and more folks use (and like) **airbnb**. All good, right? Well, maybe not. If you're operating an airbnb in an R-1 without an STLP, you're breaking the rules. You may not be paying hotel bed taxes, like your fellow STLP-ers and area hotels are (you've unlevelled a pretty important playing field). And your neighbors may be a tad upset at you for operating something akin to a hotel in a residential area.

So the questions for the community and council are: should we apply greater enforcement to folks operating vacation rentals without proper permits? On the other side of the pendulum, should we issue more STLPs, including lifting the moratorium in R-1 zones? What about something in the middle – like allowing more summer rentals in R-1, but not in the off-season? Or Thurs-Sundays? Or lift the cap just to the number of permits that we had in 1994 (some properties today have SLTPs that are not active...)? Should the Code allow more homesharing versus total vacation rentals, where the homeowner must live there during the time of the rental? (forgive me, but that doesn't sound like fun – the *Guide* would be a total wet blanket to vacationers in the *Guide's* house – “is it so hard to put the dang Cheerios box back in the cupboard?!?!”).

High-visitor communities across the region are dealing with this same issue – San Clemente, Laguna, etc. What fun.

The **regular session starts at 7:00 p.m.**, and there are some significant items on there. I'll highlight only a few.

- **Mooring rates** come back, following an appraisal that supported the Council's 2015 suggestion that a \$35/linear foot/year was a good rate for offshore moorings. This item is proposed to be heard at 7:30 p.m., because we anticipate a good number of mooring permittees with us.

- **Blackball** is back (and gosh, we thought we could actually leave this on the Consent Calendar), but it's merely to codify what the Council agreed with last summer. I won't get into it all again, but if this is an issue you care about, please read the staff report.
- More **labor agreements**. This about wraps up all of our labor agreements for the next few years, save for one with our part-time employees' association.
- We're asking for the OK to submit a grant application to OCTA for a **summertime trolley service** on the Peninsula.
- The long-awaited construction project to improve aesthetics where MacArthur and PCH meet is up for award. That could get rolling in about a month, so it can be done before summer.
- Another big project up for contract award is the **new look of Newport Boulevard** in front of the old City Hall. One big change folks will notice is when we tear down the huge and old Blockbuster/Home Savings building and put up a parking lot. Yep, Joni, it's happening. Anyway, this project also will begin fairly soon, and involves that demolition, Joni's parking lot, some great landscaping, and safer bikeways. And on-street parking along Newport before 32<sup>nd</sup> will go away – to accommodate lane flow and the bike lane.
- **Sewer rates** are up for a public hearing associated with a **proposed increase**. Stepping away from my jokes for a sentence or two, I think this is pretty important. As a coastal city that's getting up in years, we've got to keep up our miles of sewer and our pump stations. The worst phone call in the world for me – besides the death or injury of an employee – is a sewer spill. It usually means we didn't do something we should have done – either maintained a line better, kept a better eye on our pump stations, or whatever. And it's a black eye to the city – we get a bay or ocean closure, bad press in the paper, and we've harmed the environment that's so important to us. The best way to maintain this system is to adopt a master plan for its maintenance (we did that) and fund it in recession-proof and skimp-proof way. The proposed rate structure does that. Most folks' bills will increase about \$2.14/month in 2016, then by about \$1.27/month in 2017. It's stepped up annually with more increases at about the \$1.50/month range to 2020. I get that no one wants to pay more for this, and I understand how an eventual \$18.02/month sewer bill (by 2020) from \$9.75/month today is significant. I still think it's the responsible thing to do, to protect the waters that are so important to us all. All of that said, if you desire to **protest** the rate increase, this hearing enables you to do so. OK, off my soapbox - back to my normal mode - the *Guide* is so much more comfortable being irreverent.
- Finally, the City Council can offer its authorization to contract with the **towing providers** that the Police Department contracts with to remove cars from accidents, from being parked in a tow zone, and all those other things the *Guide* wrote about for way too long last time (someone should have stopped me).

Some notes:

- Thanks to all who joined us this morning at the City **Council's 2016 planning session at Marina Park**. It was a good session with a lot of great comments. And what a location. We will admit to looking out the window every now and then wishing we were on stand-up paddles. And I swear I caught a lot of other people thinking the same thing – shame on us all. If you'd like to read some of the presentations we gave today (they were really informative – and would be of great interest for those of you that are curious about the timing of many projects going on in the community), that link is on this page – look for the item that has Marina Park as an address: <https://newportbeach.legistar.com/Calendar.aspx>
- **Newport Beach Restaurant Week** continues! Yes, it's more than a week, smarty. Just like a local theme park celebrates its 60<sup>th</sup> Anniversary for way more than a year. So sue us ☺. Find out more here: <http://dinenb.com/restaurant-week/>

As always, thanks for reading and please accept my apologies for sending this out a bit late into the weekend. Feel free to forward this e-mail to family, friends and members of your HOA if you represent one. I always like hearing from you, too, so please don't hesitate to ask a question or offer a comment.

Sincerely,

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 City Manager  
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 949-644-3001

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**City Council Meeting Information:** The Newport Beach City Council meets on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of most months (the exceptions are August and December). Typically, there is a **Study Session** that starts at 4:00 p.m. Study sessions are times for the Council to take a deeper look at a specific issue, or hear a presentation, that might eventually lead to a specific and more formal action. A **closed session** often follows the Study Session. Closed sessions are typically to address legal, personnel, and other matters where additional confidentiality is important. The **Regular (evening) Session** typically starts at 7:00 p.m., and often has a specific listing of 20-40 different items ready for formal votes. Items on the “Consent Calendar” are heard all at once, unless a Council member has removed (aka “pulled”) an item from the Consent Calendar for specific discussion and separate vote. If an item on the agenda is recommended to be “continued”, it means that the item won’t be heard nor voted on that evening, but will be pushed forward to another noticed meeting.

**Public Comment** is welcomed at both the Study Session and the Regular Session. The public can comment on any item on the agenda. If you want to comment on a Consent Calendar item that was not pulled from the Consent Calendar by a Council Member, you will want to do so at the time listed on the agenda – right before the Council votes on the entire Consent Calendar (it’s Roman Numeral XIII on the posted agenda). If an item is pulled, the Mayor will offer that members of the public can comment as that specific item is heard separately. Additionally, there is a specific section of Public Comment for items not on the agenda, but on a subject of some relationship to the city government.

The Council meets in the Council Chambers at 100 Civic Center Drive, off of Avocado between San Miguel and East Coast Highway. There is plenty of parking in the parking structure behind City Hall. You are always welcome to attend in person, but you can also watch on TV (Channels 3/31) or on your computer.

This *Insider’s Guide* is not an attempt to summarize every item on the Agenda – just the ones that seem of specific interest to Dave. You are encouraged to read the full agenda if you’d like – to do so, click here:

<https://newportbeach.legistar.com/Calendar.aspx>