

**Harbor Commission**  
**Thursday, February 27, 2020**  
**5:00 PM Regular Meeting**  
**AGENDA**

**City of Huntington Beach**  
**2000 Main Street**  
**Huntington Beach, CA 92648**  
**Room B7, Lower Level**



ERIK PETERSON, Councilmember Liaison  
LYN SEMETA, Councilmember Liaison

CHRIS SLAMA, Community Services Director  
CARRIE GONZALES, Administrative Assistant

WILLIAM LARKIN, Chair  
MICHAEL VAN VOORHIS, Vice-Chair  
RENEE HUNTER, Board Member  
KIMBERLEY MILLIGAN, Board Member  
JOHN OCHS, Board Member  
CRAIG SCHAUPPNER, Board Member

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## **CALL TO ORDER**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **PUBLIC COMMENTS**

Anyone wishing to speak during PUBLIC COMMENTS must fill out and submit a form to speak. The Harbor Commission can take no action on this date, unless the item is agendaized. Anyone wishing to speak on items not on today's agenda, may do so during PUBLIC COMMENTS. Please note comments on closed public hearing items will not be part of the permanent entitlement record. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. THREE MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS.

## **CONSENT ITEMS**

- A) Approval of Meeting Minutes – January 23, 2020
- B) RFP – Stand-up Paddle Boards and Kayaks
- C) RFP – Use of Public Docks

## **INFORMATIONAL ITEMS**

- A) Legislative Proposal – State Lands Commission
- B) Discussion on the goals for the Commission

## **COMMITTEE REPORTS**

- A) Waterway Safety – Hunter, Milligan & Van Voorhis
- B) General Infrastructure – Schauppner & Ochs

C) Water Quality – Larkin

D) Use of Public Docks – Hunter, Larkin & Milligan

#### **FUTURE AGENDA ITEMS**

A) Municipal Code updates as they pertain to Code Enforcement

B) Municipal Code updates as they pertain to the Harbor

#### **STAFF COMMENTS**

#### **COMMISSIONER COMMENTS**

#### **ADJOURNMENT**

The next scheduled meeting of the Harbor Commission is Thursday, March 26, 2020, at 5:00PM in meeting room B-7, lower level of the Civic Center, 2000 Main Street, Huntington Beach, California.

**INTERNET ACCESS TO THE HARBOR COMMISSION AGENDA AND STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO THE HARBOR COMMISSION MEETINGS AT:**

**<https://huntingtonbeach.legistar.com/>**

#### **MEETING ASSISTANCE NOTICE:**

In accordance with the Americans with Disabilities Act, services are available to members of our community who require special assistance to participate in public meetings. If you require special assistance, 48-hour prior notification will enable the City to make reasonable arrangements for an assisted listening device (ALD) for the hearing impaired, American Sign Language interpreters, a reader during the meeting and/or large print agendas. Please contact the Community Services Department at 714 536 5292 for more information, or request assistance from the staff or Sergeant-at-Arms at the meeting.



## MEETING MINUTES

### HARBOR COMMISSION

**Wednesday, January 23, 2020**  
**Room B7, Lower Level**  
**2000 Main Street**  
**Huntington Beach, CA 92648**

WILLIAM LARKIN, Chair  
MICHAEL VAN VOORHIS, Vice Chair  
RENEE HUNTER, Board Member  
KIMBERLEY MILLIGAN, Board Member  
JOHN OCHS, Board Member  
CRAIG SCHAUPPNER, Board Member  
VACANT, Board Member

### STAFF

ERIK PETERSON, Councilmember Liaison  
LYN SEMETA Councilmember Liaison  
CHRIS SLAMA, Community Services Director  
CARRIE GONZALES, Administrative Assistant

**MEETING ASSISTANCE NOTICE:** In accordance with the Americans with Disabilities Act, services are available to members of our community who require special assistance to participate in public meetings. If you require special assistance, 48-hour prior notification will enable the City to make reasonable arrangements for an assisted listening device (ALD) for the hearing impaired, American Sign Language interpreters, a reader during the meeting and/or large print agendas. Please contact the City Clerk's Office at (714) 536-5227 for more information, or request assistance from the staff or Sergeant-at-Arms at the meeting.

**PUBLIC COMMENTS:** To address the legislative body on items of interest not scheduled for public hearing, *Request to Speak* forms will be made available at the meeting and are collected by the staff or Sergeant at Arms. Some legislative bodies may provide different *Request to Speak* forms for public hearing items.

**AUDIO/VIDEO ACCESS TO BROADCASTED MEETINGS:** City Council and Planning Commission meetings are televised live on HBTv-3 Channel 3, and can be viewed via live or archived website at <https://huntingtonbeach.legistar.com>.

**CALLED TO ORDER**

Chair Larkin called the meeting to order at 5:00 PM.

**PLEDGE OF ALLEGIANCE**

Led by Milligan

**ROLL CALL**

Present: Hunter, Larkin, Milligan Ochs, Schauppner, Van Voorhis

Staff Present: Oliver Chi, Chris Slama, Mike Baumgartner, Debbie DeBow, Jimmy Hoang, Ryan Reilly, Scott Smith, Carrie Gonzales, Codi Tennessen

**PUBLIC COMMENTS**

Chris Nielsen – Spoke on Beach Safety and violations. He thanked the commission for having the paddle board safety on the agenda and moving forward. He wants to bring bridge safety to your attention and hopes that you will come up with a solution that could be brought forward to the City Council.

Robert Wagner – Co-owner of Wagner Charters. Thanked the commission for bringing forward to City Council their approval for the temporary permit to allow harbor tours. Spoke on the challenges in getting the permit process approved. They were not able to have the Holiday harbor tours and would appreciate the Commission's assistance in getting this permit approved.

**CONSENT ITEMS**

- A) Approval of Meeting Minutes – October 24, 2019

**MOTION:** A motion was made by Milligan, seconded by Schauppner, to approve meeting minutes dated October 24, 2019.

The motion carried by the following vote:

AYES: Larkin, Milligan, Ochs, Schauppner, Van Voorhis

NOES: None

ABSTAINED: Hunter

- B) Approval of Special Meeting Minutes – December 11, 2019

**MOTION:** A motion was made by Schauppner, seconded by Van Voorhis, to approve meeting minutes dated December 11, 2019.

The motion carried by the following vote:

AYES: Larkin, Milligan, Schauppner, Van Voorhis

NOES: None

ABSTAINED: Hunter, Ochs

**INFORMATIONAL ITEM**

- A) Slama presented a PowerPoint titled "Kayak/Stand-up Paddleboard Activity". There are five public parks with beach access.
- Seabridge – already heavily impacted with beach goers
  - Trinidad – limited parking and area for operation
  - Humboldt – no public restrooms, limited parking
  - Davenport – limited parking
  - 11<sup>th</sup> Street – limited parking along PCH

Staff proposes to use 11<sup>th</sup> Street beach as the pilot program. There is currently activity at this location, has ample beach space and would have less impact on the residents.

Slama provided a local fee survey from the City of San Diego, Oceanside, Santa Barbara, Long Beach and Los Angeles County.

The next step would be to have the City solicit Request for Proposals (RFP) from vendors.

- RFP guidelines: would include, private lesson, semi-private lessons, group class/ lessons, rentals and tours.
- Proposal Format guidelines: experience and history, operations plan, health and safety plan, outreach and marketing, fee proposal, references.
- Contract Type: Instruction/Rentals Independent Contractor Agreement. Would select as many as two for the pilot program.
- Payment terms and fee split: paid to the City, would be billed monthly, rentals/ tours: 15% of gross revenue and instruction: 20% of gross revenue.
- Term of Agreement: would be for one year, with a possible one-year extension/
- Other Requirements: CPR and other applicable certifications, regulated space/ advertising on public beach (codes related to advertising), safety information/ requirements on equipment (proper identification, paddle on the right side of channel and avoid center of channel, stay out off of private docks except in an emergency, map of harbor, ad, and submit fingerprints per Human Resources Department as required by California Education Code.

Discussion ensued regarding the scope of the RFP. An additional beach area was mentioned, it is located across from Mother's Beach. Smith informed us that at high tide, there is not a lot of beach access. Slama stated that this area could be included as an alternate area in the RCA. Asked that the current vendors that are operating at the 11<sup>th</sup> Street area be notified of this process.

## COMMITTEE REPORTS

Chair Larkin informed the Commission that Member Balitzer has submitted his resignation from the Board. Slama stated that we are working with City Council to fill the vacancy.

### A) Waterway Safety – Hunter, Milligan & Van Voorhis

- Van Voorhis stated the committee was looking at bridge and buoy lighting under the same issue. However, the County Harbor Patrol will be looking at lighting buoys in Newport Beach. If we did not have an issue with it, we were going to asked them to do the same for the harbor. Possible having solar lighting vs. power to the buoys. Debow offered to have staff do an assessment and research of what is available.

### B) General Infrastructure – Schauppner & Ochs

- Schauppner distributed a memo titled "Legislation proposal to establish a fund, resourced from rental revenue collected by the State lands Commission from Huntington Harbour Home Owners and Businesses, for the stewardship and betterment of Huntington Harbor and surrounding evirons". Chi stated the Inter-governmental Relations Committee will be looking at this to see if City Council is interested. The IRC is an open meeting if you would like to attend it is scheduled for the February meeting on the 4<sup>th</sup> floor of the Civic Center.

Schauppner asked if the City Council approved the skimmer item at the January 20<sup>th</sup> meeting. Slama stated it was approved by City Council.

C) Water Quality – Larkin

- Update on sunken vessel. Found a new contractor to remove it and will begin on February 2<sup>nd</sup>.

D) Use of the Docks – Hunter & Milligan

- Milligan, Hunter and Slama met last month. Milligan stated that they reviewed the pros and cons. There are concerns. The docks are not exclusive docks for the Huntington Harbour Yacht Club (HHYC). Issues are parking, scheduling and management. There is not another dock the HHYC can use. Suggested that a RFP process be brought back to the next meeting.
- French dock was suggested. Slama stated that he will bring information on this dock at the February meeting. Also suggested was the dock across from the HHYC. Larkin stated it was privately owned. Smith stated French dock is approximately 38' long.

#### **FUTURE AGENDA ITEMS**

- RFP Stand-up Paddle Boards/ Kayak
- RFP Use of Public Docks
- Legislative Proposal – State Lands Commission (wait for outcome of the IRC meeting)
- Goals for the Commission
- Code Enforcement to provide Municipal Code Updates (Hoang asked that this is tabled. He is making several changes within his division and these will be included)
- Municipal Code updates as they pertain to the Harbor (an ad-hoc committee should be formed to review)
- Long-term goals for the Commission; What do we want to accomplish?; What do we want to provide to the City Council in terms of recommendations?
- Permitting process for private dock maintenance

#### **STAFF COMMENTS – None**

#### **COMMISSIONER COMMENTS**

Van Voorhis brought up organizing a concert. The commission cannot sponsor an event, however he would like clarification on the process to be able to have this event. Slama stated he should speak with Chris Cole, Specific Events Supervisor.

#### **ADJOURNMENT**

Chair Larkin called for adjournment at 6:14 PM with Schauppner seconding the motion. The next regularly scheduled meeting of the Harbor Commission is on Thursday, February 27, 2020, at 5:00 PM in meeting room B-7, lower level of the Civic Center, Huntington Beach, California.



# CITY OF HUNTINGTON BEACH

P.O. BOX 190

2000 Main Street

California 92648

## HARBOR COMMISSION

## REQUEST FOR ACTION

**MEETING DATE:** FEBRUARY 27, 2020

**SUBMITTED TO:** HARBOR COMMISSION

**SUBMITTED BY:** CHRIS SLAMA, DIRECTOR OF COMMUNITY SERVICES

**SUBJECT:** APPROVE FOR RECOMMENDATION TO CITY COUNCIL TO AUTHORIZE STAFF TO PREPARE AND CONDUCT A REQUEST FOR PROPOSALS TO PERMIT BUSINESSES TO CONDUCT STAND-UP PADDLE BOARD/ KAYAK LESSONS, RENTALS AND TOURS WITHIN HUNTINGTON HARBOUR WATER AND BEACHES ON A PILOT BASIS

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### **STATEMENT OF ISSUE:**

There is a need to evaluate permitted commercial activity of stand-up paddle board (SUP)//kayak lessons, rentals and tours in the harbor water and beaches.

### **RECOMMENDED ACTION(S):**

City staff recommends that the Harbor Commission prepare a recommendation to City Council to approve City staff to conduct a Request for Proposal (RFP) to permit up to three vendors to offer tours, lessons and rentals out of 11<sup>th</sup> Street and 17<sup>th</sup> Street beaches.

### **COMMISSION REVIEW:**

At the August 22, 2019 Harbor Commission meeting, the ad hoc subcommittee on Water Safety asked staff if they would report back on an RFP process and specifically address the following questions.

- Should the City issue permits via contract class programs for SUP and kayak use?
  - The City is able to issue permits for legal commercial operations in the harbor per Municipal Codes 13.48.100 and 13.32.040. The question for the subcommittee to discuss is should the City allow permitted commercial operation at City beaches/parks?
- If yes, then
  - What should the process be for selecting the businesses that would be allowed to operate; and
  - On which City beaches/parks should these commercial activities be permitted; and
  - Should the City receive a percentage of revenue as is the case with other commercial use of public property; and
  - Who would be charged with monitoring operation; and
  - Are there any perceived safety issues; and
  - Are there any changes that would be needed to the current municipal code?

- If no, then what would the City's rationale be for a recommendation to not allow any commercial SUP/kayak operation in the harbor?

At the January 23, 2020 Commission meeting, staff presented a PowerPoint on the previously requested information. Discussion ensued and it was agreed upon that a pilot program for the length of twelve months would be the best course of action before making permanent recommendations moving forward. To that end, if recommended by Commission and authorized by City Council, staff would work closely with the subcommittee to conduct a Request for Proposal (RFP) and select up to three businesses/organizations to be permitted and contracted to utilize the 11<sup>th</sup> Street and 17<sup>th</sup> Street beaches to offer SUP/kayak lessons, rentals and tours in the harbor water and beaches. Any existing permits for such activity would subsequently be terminated, and only those businesses selected through the RFP process would be permitted for such activity during the pilot program.

### **ANALYSIS:**

The City and Harbor Commission have been made aware of unpermitted activity happening in City harbors and parks. There are numerous safety and impact concerns regarding unpermitted instruction and rentals. From a regulatory perspective, the City's Municipal Code is very clear on commercial operations within the Huntington Harbour waters and public beaches stating that a permit is required for any commercial operation in the harbor.

### **13.48.100 Vending and Peddling**

No person shall expose or offer for sale any article or thing nor shall he or she station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing except by written permission from the director. No person shall give, set up or maintain any exhibition, show, performance, concert, lecture, entertainment or similar activity without written permission to do so from the director. No person shall for profit offer sports camps, sports lessons or other similar activity on park property without the written permission of the director. (434-3/40, 511-3/47, 1026-2/64, 1246-10/66, 2451-11/80, 2824-4/87)

### **13.32.040 Permit for Commercial Activities Required**

No person shall engage in or carry on any commercial activity on the waters of harbors within the City without first having applied for and obtained a permit for such activity from the director.

Historically, the City has not had a formal and comprehensive process for the issuance of permits to allow for private commercial business operation in harbor water and beaches. The objective of the RFP would be to identify qualified organizations interested in operating SUP/kayak lessons, rentals and tours in the harbor water and beaches, while fairly and safely allocating limited public beach and park space. Subsequent special permits with substantive operating regulations, in addition to Commercial Activity Permits pursuant to Municipal Code 13.32.040, would be issued to as many as three business/organizations for a period of twelve months. The percentage/ payment terms would be negotiated through the RFP process in an Independent Contactor Agreement. Permittees would be required to work directly with City staff and remain within the scope of services as laid out in the RFP.

During the twelve month pilot period, the Water Safety subcommittee would continue to meet and evaluate the ongoing permitted use of City beaches and parks for SUP/kayak lessons, rentals and tours in the harbor water and beaches, and ultimately return to the Commission with formal, long-term recommendations based upon findings.



The Harbor Commission and staff believe that this provides a middle-ground approach, allowing businesses to provide charter services, while allowing the Water Safety subcommittee, staff and Commission to effectively evaluate SUP/kayak lessons, rentals and tours in the harbor water and beaches programming before long-term permitting decisions/processes are recommended.

**ATTACHMENT(S):**

1. 11<sup>th</sup> Street Beach Site
2. 17<sup>th</sup> Street Beach Site

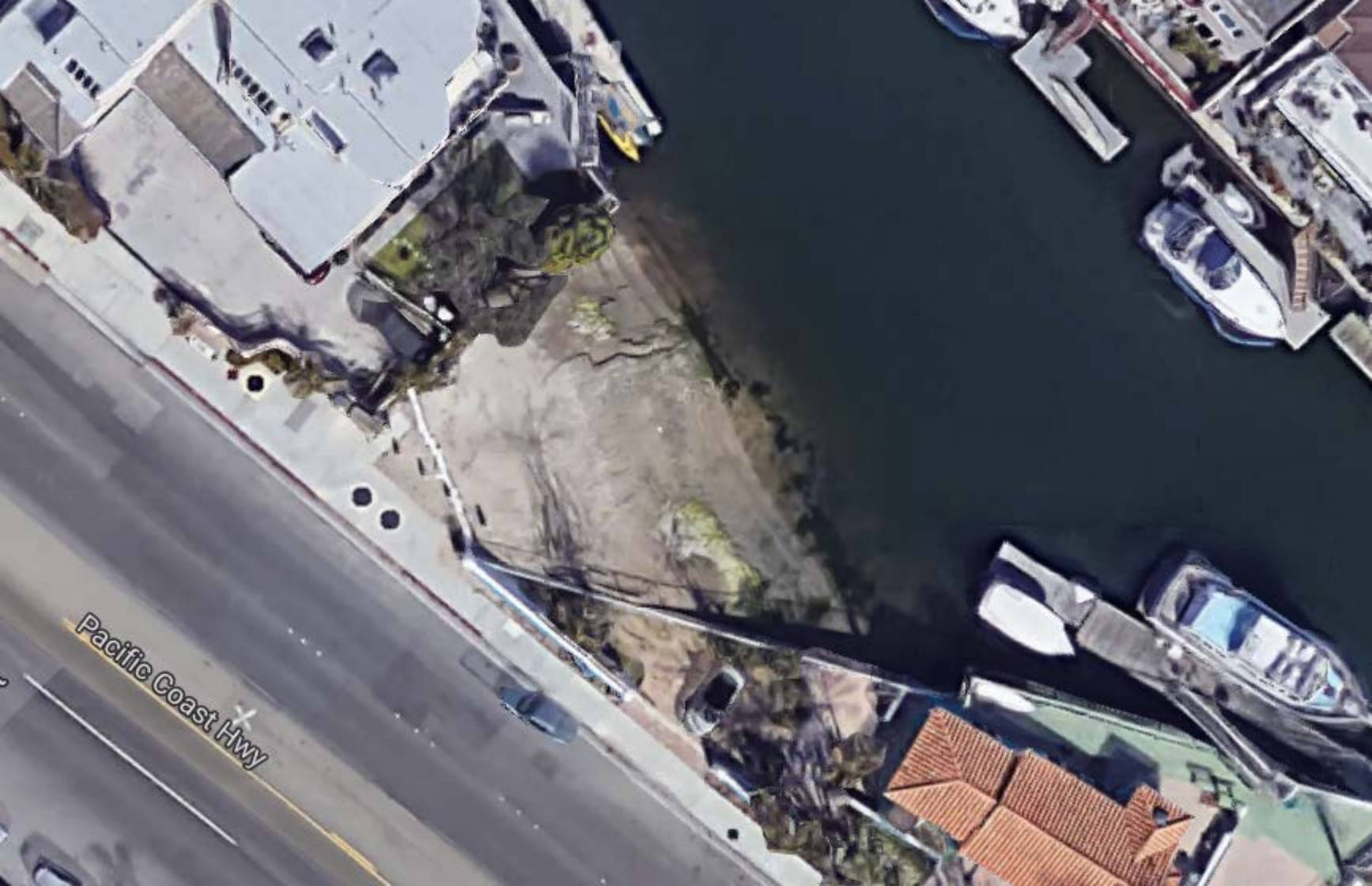
American Beauty Tattoo

Sunset Rentals

11th St

1





Pacific Coast Hwy





# CITY OF HUNTINGTON BEACH

P.O. BOX 190

2000 Main Street

California 92648

## HARBOR COMMISSION

## REQUEST FOR ACTION

**MEETING DATE:** FEBRUARY 27, 2020

**SUBMITTED TO:** HARBOR COMMISSION

**SUBMITTED BY:** CHRIS SLAMA, DIRECTOR OF COMMUNITY SERVICES

**SUBJECT:** APPROVE FOR RECOMMENDATION TO CITY COUNCIL TO AUTHORIZE STAFF TO PREPARE AND CONDUCT A REQUEST FOR PROPOSAL TO PERMIT BUSINESSES TO CONDUCT CHARTER BOAT TOURS WITHIN HUNTINGTON HARBOUR USING THE WARNER PUBLIC DOCK FOR COMMERCIAL PURPOSES ON A PILOT BASIS

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### **STATEMENT OF ISSUE:**

There is a need to evaluate permitted commercial use of the Warner public dock for charter boat tours.

### **RECOMMENDED ACTION(S):**

The Harbor Commission recommends that City Council authorize staff to prepare and conduct a request for proposal to permit up to two businesses to conduct charter boat tours on a pilot basis within Huntington Harbour using the Warner public dock for commercial purposes.

### **SUBCOMMITTEE REVIEW:**

At the September 26, 2019 Harbor Commission meeting, an ad hoc subcommittee was formed in order to evaluate commercial use of the public dock at Warner (Dock), and specifically address the following questions.

- Should the City issue permits for commercial use of the Dock?
  - There is no question that legally the City is able to issue permits for commercial operations at the Dock, unless they are fishing charters. The question for the subcommittee to discuss is, in light of multiple requests, should the City continue to issue commercial permits for what is potentially limited space?
- If yes, then
  - What should the process be for selecting the businesses that would be allowed to operate; and
  - Should there be blackout dates in deference to high demand activities at the Huntington Harbour Yacht Club and for special events (like the Philharmonic Cruise of Lights); and
  - Should the City receive a percentage of revenue as is the case with other commercial use of public property; and
  - Who would be charged with monitoring the use; and

- Are there any perceived safety issues; and
- Are there any changes that would be needed to the current municipal code?
- If no, then what would the City's rationale be for a recommendation to not allow any further commercial use of the Dock?

After several meetings, the Use of Public Docks subcommittee determined that a pilot program for the length of twelve months would be the best course of action before making permanent recommendations moving forward. To that end, if recommended by the Harbor Commission and authorized by City Council, staff would work closely with the Use of Public Docks subcommittee and Huntington Harbour Yacht Club management to conduct a Request for Proposal (RFP) and select up to two businesses/organizations to be permitted to utilize the Dock for harbor tours. Any existing permits for such activity would subsequently be terminated, and only those businesses selected through the RFP process would be permitted for such activity during the pilot program.

#### **ANALYSIS:**

From a regulatory perspective, the City's Municipal Code is very clear on two points regarding commercial operations in the Huntington Harbour, with those points being 1) A permit is required for any commercial operation in the Harbor; and 2) Fishing charters are prohibited from operating in the Harbor.

#### **13.32.040 Permit for Commercial Activities Required**

- A. No person shall engage in or carry on any commercial activity on the waters of harbors within the City without first having applied for and obtained a permit for such activity from the director.
- B. **Exceptions.** The requirement to obtain a commercial activity permit is not applicable to persons operating commercial fishing vessels or private vessels chartered primarily for use outside harbors within the City. Said activity shall be prohibited and considered a violation of this chapter and zoning regulations.  
(2374-7/79)

The Municipal Code, however, does not reference specific use of the Dock, and some of the relative concerns include:

- Coordination issues with the Huntington Harbour Yacht Club, especially given the special events and activities that occur during the holiday season, as well as their other high demand activities throughout the year.
- Concerns regarding a lack of process, fairness, and equity, in the event that multiple private operators request a permit for use of the Dock prior to finalizing any new procedures.
- Managing logistical / administrative considerations, including oversight of use and risk management / insurance coverage provisions.

The objective of the RFP would be to identify qualified organizations interested in operating harbor tours from the Dock, while fairly and safely allocating limited public dock space. Subsequent dock usage special permits with substantive operating regulations, in addition to Commercial Activity Permits pursuant to Municipal Code 13.32.040, would be issued to as many as two business/organizations for a

period of twelve months, sample attached. Permittees would be required to work directly with City staff and Huntington Harbour Yacht Club management in order to schedule such activity without impacting Yacht Club activities, events, and public access.

During the twelve month pilot period, the Use of Public Docks subcommittee would continue to meet and evaluate the ongoing permitted use of the Dock, and ultimately return to the Harbor Commission with formal, long-term recommendations based upon findings.

In discussions with staff, the Use of Public Docks subcommittee believes that this provides a middle-ground approach, allowing businesses to provide charter services, while allowing the subcommittee, staff and Harbor Commission to effectively evaluate Dock usage before long-term permitting decisions/processes are recommended.

**ATTACHMENT(S):**

**1. Temporary Commercial Activity Permit Sample**



**CITY OF HUNTINGTON BEACH**  
**Community Services Department**  
 2000 Main Street, Huntington Beach, CA 92648-2702  
[www.huntingtonbeachca.gov](http://www.huntingtonbeachca.gov) (714) 536-5486

## Temporary Commercial Activity Permit

APPLICATION DATE:							EXPIRATION DATE:			
APPLICANT/ CONTACT/ MANAGER NAME:										
BUSINESS NAME:										
BUSINESS ADDRESS:										
CITY:					STATE:				ZIP:	
BUSINESS PHONE:					BUSINESS EMAIL:					
BUSINESS WEBSITE:										
CONTACT NAME:						CELL PHONE:				
CONTACT ADDRESS:										
CONTACT EMAIL:										
ADDITIONAL NAMES, ADDRESSES, PHONE NUMBERS OF APPLICABLE BUSINESS PARTNERS:										
Name			Address				Phone			
ADDITIONAL INFORMATION:										

***Additionally, Huntington Beach Municipal Code Section 13.32.040 requires a permit in order for consideration of a Commercial Activity Permit on the waters of harbors within the City. Please fill out the attached pages of this permit and use additional pages as necessary to provide information, per Municipal Code Section 13.32.050.***



## CITY OF HUNTINGTON BEACH

### Community Services Department

2000 Main Street, Huntington Beach, CA 92648-2702

[www.huntingtonbeachca.gov](http://www.huntingtonbeachca.gov) (714) 536-5486

## Temporary Commercial Activity Permit

(Per HBMC § 13.32.040)

I, (Print Business Owner's Name) \_\_\_\_\_ am the business owner and have read and understand all statements including the filing requirements on the reverse side of this application and **HBMC Chapter 13.32**. I hereby affirm under penalty of perjury that the foregoing statements, facts and attachments are true and correct. I understand that this application for Commercial Activity Permit may be denied, modified or approved with conditions and that such conditions or modifications must be satisfied in order to retain the Commercial Activity Permit. I understand that by filing the application, information on the application including, but not necessarily limited to, the name and address will be included on public records that are posted on the internet.

Business Owner/Application Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### FOR CITY USE ONLY:

Commercial Activity Fee Paid: \$ \_\_\_\_\_ Receipt # \_\_\_\_\_ Received by: \_\_\_\_\_

Cash \_\_\_\_\_ Check # \_\_\_\_\_ Credit Card: V MC D Last 4 \_\_\_\_\_ Exp: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

Director of Community Services or designee

**PERMITTEE: Keep a copy of this Permit with you in case of questioning by a City Official.**



## TEMPORARY COMMERCIAL ACTIVITY PERMIT (Continued)

Please provide all information as required.

Included?

☐

**13.32.050 D.** Photos and schematic designs for the boat, watercraft and/or other facility which the applicant proposes to use, together with such specifications and other technical data as may be needed for proper evaluation of the application. (Use additional pages and attach to permit application.)

☐

**13.32.050 E.** A full description of the proposed method of operation of such vessel, watercraft and/or other facility, including but not limited to:

1. House of operation:
2. Maximum number of patrons or passengers:
3. Route or routes of travel:
4. Embarkation and debarkation points:
5. Types of activities to be permitted on board:
6. Types of merchandise to be sold:

☐

**13.32.050 F.** A description of the manner in which the applicant intends to dispose of sewage, trash and litter resulting from the operation.

☐

**13.32.050 G.** A description and location of parking facilities available for the proposed operation.

☐

**13.32.050 H.** A full description of a plan for monitoring discharge of waste from boats moored, tied or anchored in any facility owned, leased or controlled by the permittee, his or her employees or agents. The description shall include a method of minimizing waste discharge and the way in which it will be employed and shall provide a detailed description of a means of enforcement. Said plan must provide that no person may use a boat slip, mooring, dock, or any place of any other description where a boat can be secured, which is owned, leased or controlled by the permittee, unless such boats are connected to the sanitary sewer system or equipped with an approved holding tank designed to retain all waste on board. Vessels with holding tanks must, at all times, be treated with dye tablets placed into the vessels' marine sanitation devices. Such dye tablets shall be a type commonly used to test the integrity of sanitary sewer systems and as approved by the director as complying with the intent of this section.

☐

**13.32.050 I.** Lessors subject to this section must include in any lease or rental agreement a provision stating that any violation of this section will be grounds for termination of the boat slip lease or rental agreement. Said lessor shall agree that a condition of the permit to operate hereunder shall be that no tenant under his or her control will violate any provision of this section. (Use additional pages or attach to permit application.)

☐ **NOT APPLICABLE**

STAFF USE ONLY SECTION

**Applicable requirements are contained in HBMC Chapter 13.32, to include, but not limited to: §13.32.070 Grounds for Issuance or Denial of a Permit, §13.32.100 Revocation or Suspension, and §13.32.110 Public Liability Insurance Requirement.**

\_\_\_\_\_ Additional Pages Attached



## **AGREEMENT REGARDING TERMS AND CONDITIONS OF COMMERCIAL ACTIVITY PERMITS**

By accepting this Commercial Activity Permit, Applicant agrees as follows:

1) Applicant waives all claims against the City, its officers, agents and employees, for loss or damage caused by, arising out of, or in any way connected with, the exercise of this Permit.

2) City shall have the privilege of inspecting the premises covered by this Permit at any and all times. This Permit shall not be assigned. City may terminate this Permit at any time if Applicant fails to perform any terms or conditions of the Permit. City agrees it will not unreasonably exercise this right of termination.

3) Applicant agrees that it and its officers, agents and employees, in the performance of this Permit shall act in an independent capacity and not as officers, employees or agents of the City. No alteration or variation of the terms of this Permit shall be valid unless made in writing and signed by Applicant and the City.

4) Applicant will not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, sex, sexual orientation, age, national origin or physical handicap. Applicant agrees to comply with the terms and conditions contained herein and all rules and regulation of the City subject to this Permit.

5) Applicant agrees to obtain and maintain insurance that is in compliance with the requirements listed in Exhibit A of this Commercial Activity Permit.

6) Applicant further agrees to protect, defend, indemnify and hold harmless the City of Huntington Beach, its officers, elected or appointed officials, employees, agents, and volunteers from and against any and all claims, damages, losses, expenses, judgments, demands, defense costs, and consequential damage or liability of any kind or nature, however caused, including those resulting from death or injury to my employees, volunteers and agents, damages to applicant's property, arising directly or indirectly out of the obligations or operations undertaken pursuant to this Commercial Activity Permit, caused in whole or in part by any negligent act or omission of Applicant, its subcontractors, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, including but not limited to concurrent active or passive negligence, except where caused by the active negligence, sole negligence, or willful misconduct of the City of Huntington Beach. Applicant agrees to conduct all defense at its sole cost and expense, and the City of Huntington Beach shall approve selection of his or her counsel. This indemnity shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by me.

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Date

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Applicant's Name Printed

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Applicant's Signature

# Exhibit A

## Insurance Requirements

1. Charter Boat Insurance/Marine Liability: \$1,000,000 per occurrence coverage. This policy must specifically name "The City of Huntington Beach, its officers, elected or appointed officials, employees, agents and volunteers" as additional insured on both the certificate of insurance and the additional insured endorsement. The City must be covered as an additional insured with respect to liability arising out of your operations. Coverage to the City must be provided on a primary and noncontributory basis.
2. Vessel Pollution Liability: \$1,000,000 per occurrence coverage is required. This coverage can be provided under the Charter Boat/Marine Liability or it can be provided by a separate Pollution Liability policy. The policy must include Non-Owned Disposal site coverage. If the policy coverage is provided on a claims made basis, the policy must include tail coverage for a minimum of 1 year.