

ATTACHMENT A

RESOLUTION NO. 2024- 44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, CORRECTING THE RENTAL RATE FOR BALBOA YACHT BASIN APARTMENTS, GARAGE RENTALS, AND SLIP RENTALS AS WELL AS RESIDENTIAL PIERS WITHIN THE SCHEDULE OF RENTS, FINES AND FEES

WHEREAS, pursuant to the 1978 Beacon Bay Bill, as amended, ("Beacon Bay Bill") the City of Newport Beach ("City") acts on behalf of the State of California as the trustee of tidelands located within the City's limits, including Newport Harbor;

WHEREAS, the Beacon Bay Bill and Chapter 17.60 of the Newport Beach Municipal Code ("NBMC") allow the City to issue permits and charge rent for property upon tidelands;

WHEREAS, the City Council adjusted certain rents for Balboa Yacht Basin apartments, garages and slip rentals pursuant to Resolution No. 2010-134 and residential piers pursuant to Resolution No. 2015-10, which have been adjusted for inflation since then; and

WHEREAS, the City Council adopted Resolution No. 2024-29 on April 23, 2024, which amended the FY 2024-25 Schedule of Rents, Fines and Fees ("SRFF") including certain rents without adjusting for inflation and the City Council desires to correct the SRFF.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby amend the SRFF, as set forth in Exhibit 1, which is attached hereto and incorporated herein by reference for Balboa Yacht Basin apartments, garage rentals, and slip rentals as well as residential piers.

Section 2: The portion of the SRFF adopted pursuant to Resolution No. 2024-29 related to rent for Balboa Yacht Basin apartments, garage rentals, and slip rentals as well as residential piers that is in conflict herewith is hereby repealed and of no further force or effect.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.


ADOPTED this 9th day of July, 2024.

Will O'Neill
Mayor

ATTEST:

Leilani I. Brown
City Clerk

**APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE**



Aaron C. Harp
City Attorney

Attachment: Exhibit 1 – Amendment to FY 2024-25 SRFF

Exhibit 1

City of Newport Beach - Schedule of Rents, Fines and Fees COMMUNITY DEVELOPMENT - REAL PROPERTY

Description	FY 23/24 Fee	FY 24/25 Fee	Charge Basis	Note	Subject to CPI
Balboa Yacht Basin Slip/Garage/Apartment Rentals					
1 Apartments (Nos. 5 & 7)	\$3,353.81	\$3,488.97		[a]	No
2 Garage Rentals	\$444.81	\$462.74	per month	[a]	No
3 Slip Rentals					
a) 20' Slip	\$32.23	\$34.75	per foot per month	[b] [c]	No
b) 25' Slip	\$32.38	\$37.04	per foot per month	[b] [c]	No
c) 31' Slip	\$37.29	\$40.95	per foot per month	[b] [c]	No
d) 32' Slip	\$40.49	\$44.05	per foot per month	[b] [c]	No
e) 34' Slip	\$41.02	\$45.46	per foot per month	[b] [c]	No
f) 35' Slip	\$42.59	\$47.54	per foot per month	[b] [c]	No
g) 37' Slip	\$44.34	\$49.63	per foot per month	[b] [c]	No
h) 40' Slip	\$50.09	\$52.32	per foot per month	[b] [c]	No
i) 45' Slip	\$51.27	\$54.24	per foot per month	[b] [c]	No
j) 50' Slip	\$60.59	\$59.17	per foot per month	[b] [c]	No
k) 60' Slip	\$70.65	\$72.07	per foot per month	[b] [c]	No
l) 75' Slip	\$80.95	\$83.05	per foot per month	[b] [c]	No

[a] CPI adjustments occur separately.

[b] Rate charged shall be the greater of the slip or the boat. If the boat is longer than the slip it is in, the charge shall be based on the slip price plus the extra lineal feet of the boat, at that same slip rate.

[c] Based on Resolution 2010-134.

City of Newport Beach - Schedule of Rents, Fines and Fees
COMMUNITY DEVELOPMENT - REAL PROPERTY

Description	FY 23/24 Fee	FY 24/25 Fee	Charge Basis	Note	Subject to CPI
1 Piers					
a) Residential	\$0.56	\$0.57	per sq ft	[a]	No

[a] Based on Resolution 2015-10.