



February 13, 2020

COMMISSIONERS  
MARINE ADVISORY COMMISSION  
City of Long Beach  
California

**RECOMMENDATION**

Recommendation to receive supporting documentation into the record, conclude the public hearing, consider the Appeal from Steve Huber; and deny the Appeal and uphold the Marine Bureau's decision to terminate his permit for violation of Long Beach Marina Rules and Regulations. (District 3)

**DISCUSSION**

Per Section 16.08.300 of the Municipal Code, the Manager of the Marine Bureau has the authority to perform all duties to supervise and administer all operations and activities of the Bureau, including overseeing and administering slip permits in Long Beach Marinas. Per the conditions of the slip permit, all tenants of the Long Beach Marinas must abide by the Long Beach Marina Rules and Regulations, and applicable Municipal Code regulations.

Mr. Steve Huber has been a Long Beach Marinas customer since January 2011. His 27-foot vessel is currently located on Dock 22, Slip 65 in the Alamitos Bay Marina. Per Long Beach Marinas Rules and Regulations – Article III, Section I. Vessels as Place of Abode, Rule 4. The overall length of the vessel for which permission to live aboard is sought must be over thirty (30) feet.

On January 3, 2020, the Marine Bureau moved to cancel his permit for violation of Article III, Section I: Vessels as Place of Abode, of the Long Beach Marinas Rules and Regulations, effective January 31, 2020. Per Municipal Code 16.08.330 Mr. Huber has the right to appeal cancellation of his permit. Mr. Huber requested and was granted the opportunity to appeal. Mr. Huber has been found to be in violation of the following Long Beach Marinas rules and regulations:



III Marina Slip Permits (I) Vessels as Place of Abode: All persons desiring to live aboard vessels berthed or moored within the water areas of the City of Long Beach (excluding the water areas within the Harbor District) shall obtain a live aboard permit from the Manager. A Person shall be deemed to be living aboard a vessel if he or she occupies the vessel and engages in those usual and customary activities associated with a person's residence abode, such as sleeping, preparation of meals, etc., for any period in excess of twelve (12) days in a calendar month.

IV (N) General Regulations - Parking Lots: Boat owner parking is for passenger vehicles that do not transport persons for hire. This includes station wagons, sedans, vans, and sport utility vehicles. Parking passes shall be provided to boat owners within the guidelines/policies set by the Marine Bureau as required by availability at each marina. Under no circumstances shall the parking lots be utilized for long term storage of a Permittee's vehicle. Current vehicle registration is required prior to issuance of a boat owner parking pass.

IV. (N) (10) General Regulations – Parking Lots: All vehicles must be moved every seventy-two (72) hours per Long Beach Municipal Code 10.30.070. Permittees requesting extended parking, due to trips beyond the seventy-two (72) hour requirement, may inquire with the Marina office for potential extended parking accommodations, understanding such requests are subject to review and administrative approval.

Attached is a staff report and related documentation which outlines the reasons for this permit cancellation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ELVIRA HALLINAN  
MANAGER, MARINAS AND BEACHES

EH:ts  
Attachments





**Date:** February 6, 2020  
**To:** Elvira Hallinan, Manager, Marinas and Beaches  
**From:** Kimarie Vestre, Supervisor, Alamitos Bay Marina  
**Subject:** **RECOMMENDATION TO CANCEL SLIP FOR ILLEGAL LIVEABOARD  
HUBER, STEVE – DOCK 22, SLIP 65**

---

**HISTORY / TIMELINE**

- 1/1/2011 New Non-LAB Permit Issued; 27' Sailboat in a 25' slip in Alamitos Bay
- 6/2/2016 During the course of completing their daily field work assignments, staff observed Mr. Huber in the area and his vehicles parked in the lot on a daily basis. This prompted an illegal liveaboard investigation. Mr. Huber was potentially in violation of the following:
- III Marina Slip Permits (I) Vessels as Place of Abode:** All persons desiring to live aboard vessels berthed or moored within the water areas of the City of Long Beach (excluding the water areas within the Harbor District) shall obtain a live aboard permit from the Manager. A Person shall be deemed to be living aboard a vessel if he or she occupies the vessel and engages in those usual and customary activities associated with a person's residence abode, such as sleeping, preparation of meals, etc., for any period in excess of twelve (12) days in a calendar month.
- IV (N) General Regulations - Parking Lots:** Boat owner parking is for passenger vehicles that do not transport persons for hire. This includes station wagons, sedans, vans, and sport utility vehicles. Parking passes shall be provided to boat owners within the guidelines/policies set by the Marine Bureau as required by availability at each marina. Under no circumstances shall the parking lots be utilized for long term storage of a Permittee's vehicle. Current vehicle registration is required prior to issuance of a boat owner parking pass.
- IV. (N) (10) General Regulations – Parking Lots:** All vehicles must be moved every seventy-two (72) hours per Long Beach Municipal Code 10.30.070. Permittees requesting extended parking, due to trips beyond the seventy-two (72) hour requirement, may inquire with the Marina office for potential extended parking accommodations, understanding such requests are subject to review and administrative approval.
- 7/1/2016 - 7/31/2016 Marine Patrol conducted a 30-day illegal liveaboard investigation.
- 8/10/2016 A review of the documentation clearly showed that Mr. Huber had been storing his two vehicles in the marina parking lot and was living aboard his vessel.

- 9/4/2016 Supervisor Vestre called Mr. Huber and advised him of the investigation and explained in detail how and which Marina Rules and Regulations he had violated.
- She further explained that this was a warning to cease violating the rules and that further violations would result in cancellation.
- 9/4/2016 Follow-up letter was mailed (See attachment 1).
- 7/18/2018 Mr. Huber requested to move slip locations due to, in his opinion, a continued conflict with a fellow boater. Mr. Huber's request was accommodated. He relocated his vessel within two days. Due to the circumstances the transfer fee was waived.
- No further complaints have been reported by either party.
- 3/2019 -  
10/2019 During the course of completing their daily field work assignments, staff observed Mr. Huber in the area and his vehicles parked in the lot on a daily basis. This prompted a second illegal liveaboard investigation. Mr. Huber was potentially in violation of the following:
- III Marina Slip Permits (I) Vessels as Place of Abode: All persons desiring to live aboard vessels berthed or moored within the water areas of the City of Long Beach (excluding the water areas within the Harbor District) shall obtain a live aboard permit from the Manager. A Person shall be deemed to be living aboard a vessel if he or she occupies the vessel and engages in those usual and customary activities associated with a person's residence abode, such as sleeping, preparation of meals, etc., for any period in excess of twelve (12) days in a calendar month.
- IV (N) General Regulations - Parking Lots: Boat owner parking is for passenger vehicles that do not transport persons for hire. This includes station wagons, sedans, vans, and sport utility vehicles. Parking passes shall be provided to boat owners within the guidelines/policies set by the Marine Bureau as required by availability at each marina. Under no circumstances shall the parking lots be utilized for long term storage of a Permittee's vehicle. Current vehicle registration is required prior to issuance of a boat owner parking pass.
- IV. (N) (10) General Regulations – Parking Lots: All vehicles must be moved every seventy-two (72) hours per Long Beach Municipal Code 10.30.070. Permittees requesting extended parking, due to trips beyond the seventy-two (72) hour requirement, may inquire with the Marina office for potential extended parking accommodations, understanding such requests are subject to review and administrative approval.
- 11/1/2019 –  
11/30/2019 Marine Patrol conducted a second 30-day illegal liveaboard investigation.

- 12/10/2019 A review of the documentation clearly illustrated that Mr. Huber had been storing his vehicles in the parking lot and living aboard his vessel.
- 12/10/2019 Supervisor Vestre called Mr. Huber to advise him of the investigation and the impending cancellation of his permit. He was informed that the cancellation will be effective December 31, 2019. He requested a meeting with Superintendent Leland.
- 12/16/2019 Mr. Huber met with both Superintendent Leland and Supervisor Vestre. During the meeting, Mr. Huber confirmed he had been living aboard his vessel and he requested to be granted immediate live aboard status. The request was denied. Mr. Huber requested to meet with Manager Hallinan.
- In an effort to provide Mr. Huber ample opportunity to secure an alternative living arrangement and to identify another marina for his vessel, the permit cancellation was extended out to January 31, 2020.
- 1/3/2020 Manager Hallinan, Superintendent Leland, Supervisor Vestre and Mr. Huber met to discuss the investigation. Again, Mr. Huber confirmed he is living aboard his vessel and requested to be granted immediate live aboard status. His request for immediate liveaboard status was again denied.
- Mr. Huber was not satisfied with Manager Hallinan's decision and left the meeting abruptly. Cancellation effective January 31, 2020, remained in place.
- 1/3/2020 Letter of Cancellation of Permit Dock 22 Slip 65 sent via Certified Mail, Regular Mail and posted to vessel. (See attachment 2)
- 1/16/2020 Supervisor Vestre was contacted by Chris Oaks, a representative of Mental Health America, inquiring about Mr. Huber's situation.
- Supervisor Vestre advised Mr. Oaks that she was not able to discuss Mr. Huber's personal business with him. She did however, explain how the investigation and cancellation process and policies work.
- 1/30/2020 Supervisor Vestre was again contacted by Mr. Oaks. He informed her that his organization had been working with Mr. Huber to find an alternative docking location. He was concerned with how the cancellation process would affect Mr. Huber and his living situation.
- Supervisor Vestre explained the process in detail and assured him Mr. Huber would be treated with respect and, in the event of impound, was entitled to remove all his personal belongings from the vessel under Long Beach Marine Bureau staff supervision.
- 1/30/2020 Superintendent Leland contacted Mr. Huber and requested a meeting at his vessel on January 31, 2020 to discuss further options.

- 1/31/2020 Superintendent Leland, Supervisor Vestre and Marine Patrol Officer Mallory met Mr. Huber and Mr. Oaks at the vessel to discuss further options.
- Superintendent Leland explained to Mr. Huber that he had one last appeal option and that would be to bring his case to the Marine Advisory Commission meeting on February 13, 2020 for an appeal. At first, he was not in favor but ultimately decided it was a good option.
- His permit cancellation was pushed back to February 29, 2020 pending the outcome of the hearing.
- 2/4/2020 Mr. Huber's vehicles were cited for expired parking permits. Temporary parking permits had been provided to Mr. Huber in January to coincide with the term of his pending permit cancellation dated January 31, 2020.
- Mr. Huber attempted to contact Superintendent Leland and delivered one of the two citations to the Alamitos Bay Marina Office.
- 2/6/2020 After failing to reach Mr. Huber via telephone on February 5<sup>th</sup>, Superintendent Leland went to slip 22-65 at 8:35am where Mr. Huber was found to be aboard. At this time, Superintendent Leland returned the parking citation and provided two Temporary Parking Passes dated February 4 – February 29 to coincide with the updated permit cancellation date. Superintendent Leland also informed Mr. Huber of the available avenue for contestation of his parking citations.

### **RECOMMENDATION**

Cancel the slip permit for violation of Marina Rules and Regulations pertaining to Vessels as a Place of Abode and Parking Lots, Storage of vehicles.

KV

C: Todd Leland, Superintendent, Marine Operations  
Permit File



# CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION AND MARINE

## MARINE BUREAU

Long Beach Shoreline Marina  
450 East Shoreline Drive, LB, CA 90802  
(562) 570-4950 FAX: (562) 570-1799

Alamitos Bay Marina  
205 Marina Drive, LB, CA 90803  
(562) 570-3215 FAX: (562) 570-3247

Rainbow Harbor/Marina  
2008 Aquarium Way, LB, CA 90802  
(562) 570-8636 FAX: (562) 570-8640

September 4, 2016

Steve Huber  
5818 E. Fairbrook Street  
Long Beach, CA 90815

*P# 1344964*

Dear Steve:

Thank you for returning my call this afternoon. I wanted to follow up with a letter regarding what we discussed.

Per our conversation, our Long Beach Marine Patrol officers have completed an extensive investigation and it has been proven your two vehicles, a brown Ford Van license number 45781M1 and a green Honda Civic license number 6DHP853, are being stored in the Alamitos Bay marina parking lots.

Your vehicles are not to be stored in the marina parking lots. According to the Long Beach Municipal Code Section 10.22.130 any vehicle not moved 1/10 of a mile within a 72 hour is subject to a citation and tow.

In addition, it has been reported that you may be living aboard your vessel. As a reminder, per the marina rules, the maximum number of days a permittee (without live aboard status) is allowed to stay aboard their vessel is twelve (12) days per month. It is also important to remember visitors, unless accompanied by a permittee, shall not be permitted on the docks after sunset, and as such may not stay overnight unaccompanied by the slip permittee.

Exceeding this twelve (12) day per month limit, or allowing unaccompanied guest stays on a vessel may result in slip cancelation.

Below is a link to all marina rules for your review.

<http://www.longbeach.gov/park/media-library/documents/marine/forms-and-permits/marina-forms/rules-and-regulations-updates/>

If you have any questions, please feel free to contact me Monday – Friday between 8AM and 4PM at (562) 570-3236.

Thank you for your cooperation in this matter,

Kimarie Vestre  
Marina Supervisor, Alamitos Bay Marina



CITY OF  
**LONG BEACH**

Department of Parks, Recreation and Marine  
Marine Bureau, Marinas and Beaches

Alamitos Bay Marina  
205 N. Marina Drive, Long Beach, CA 90803  
(562) 570-3215 Fax (562) 570-3247

Shoreline Marina / Rainbow Harbor Marina  
450 E. Shoreline Drive, Long Beach, CA 90802  
(562) 570-4950 Fax (562) 570 1799

January 3, 2020

Steve Huber  
5818 E. Fairbrook Street  
Long Beach, CA 90815

Dear Mr. Huber:

**RE: CANCELLATION OF PERMIT Dock 22 Slip 65**

We regret to inform you that your permit for berthing on Dock 22 - Slip 65 is hereby cancelled for violation of Long Beach Marina Rules and Regulations, Section III. (I) Vessel as Place of Abode. This notice is in accordance with the Long Beach Municipal Code, Section 16.08.870 which states: "any permit issued by the director... may be cancelled at any time upon giving five (5) days written notice to the permittee... at the address designated on his permit."

Please be reminded that it is your responsibility to return all keys and parking passes and make sure the slip is vacated and the dock box cleared no later than 12:00 noon on Friday, January 31, 2020. If the vessel has not been vacated from the slip, the Marine Bureau will impound it, and additional fees will be added to your account.

If you should have any questions or require additional information, please contact Kimarie Vestre, Marina Supervisor at (562) 570-3236.

Sincerely,

Elvira Hallinan  
MANAGER, MARINAS AND BEACHES

Cc: Certified Mail (return receipt requested) 7008 1830 0002 1806 5489  
Regular Mail  
Posted Vessel Dock 22 Slip 65  
Permit file

