



October 13, 2022

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 Garrett Harper; and deny the Appeal and uphold the Marine Bureau's decision to terminate his permit for violation of Long Beach Marina Rules and Regulations effective October 18, 2022. (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. Garrett Harper has been a Long Beach Marinas customer since December 2019. His vessel is currently located on Dock 7, Slip 29 in the Alamitos Bay Marina.

On September 12, 2022, 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. Per Municipal Code 16.08.330 Mr. Harper has the right to appeal cancellation of his permit. Mr. Harper requested and was granted the opportunity to appeal. Mr. Harper 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:tl:ts
Attachments



Date: October 7, 2022
To: Elvira Hallinan, Manager, Long Beach Marinas
From: Todd Leland, Marine Operations Superintendent
Subject: **RECOMMENDATION TO CANCEL SLIP FOR ILLEGAL LIVEABOARD
HARPER, GARRETT – DOCK 7, SLIP 29**

HISTORY / TIMELINE

- 12/03/2019 New **Non-Liveaboard** Permit Issued to Mr. Harper for a 50'9" Powerboat in a slip at Long Beach Shoreline Marina.
- 02/28/2020 Mr. Harper requested and is granted a transfer to Alamitos Bay Marina. He is assigned to Dock 7, Slip 29.
- 05/01/2022 - 07/31/2022 During the course of completing their daily field work assignments, staff observe Mr. Harper in the area and his vehicles parked in the lot on a daily basis. This prompts an illegal liveaboard investigation.

Mr. Harper was potentially in violation of the following:

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October 7, 2022

Page 2

- 08/01/2022 – 08/31/2022 Marine Patrol conducts a 30-day illegal liveaboard investigation.
The results of which concluded illegal live aboard status.
- 09/12/2022 Letter of Cancellation of Permit Dock 7, Slip 29 sent via Certified Mail, Regular Mail and posted on vessel. Cancellation is effective September 30, 2022.
- 09/15/2022 Mr. Harper requests and is granted a meeting with Marine Operations Superintendent Todd Leland to address pending cancellation for alleged illegal liveaboard during August 2022. Mr. Harper is advised to provide verifiable documentation to refute the findings of the Marine Patrol 30-day illegal liveaboard investigation. Mr. Harper is given until Friday, September 23 to provide verifiable documentation refuting Marine Patrol findings.
- 09/23/2022 Mr. Harper provides a pay stub and a company letter confirming employment and attestation of work out of the area during the month of August 2022. Documentation does not adequately address nor refute Marine Patrol 30-day investigation findings. Mr. Harper requests and is granted an opportunity to discuss cancellation decision with Elvira Hallinan, Marine Bureau Manager.
- 09/30/2022 Mr. Harper has a scheduled phone conversation with Elvira Hallinan, Marine Bureau Manager to discuss his pending cancellation for alleged illegal liveaboard. Mr. Harper presents his documentation and case to Manager Hallinan during this call.
- 10/04/2022 Upon review of documentation presented by Mr. Harper and examination of Marine Bureau and Marine Patrol findings Marine Bureau Manager Hallinan informs Mr. Harper via email that the decision to cancel permit is upheld. Mr. Harper is advised to return all parking passes and marina keys and vacate Long Beach Marinas property no later than 12:00 pm on Saturday, October 8, 2022.
- 10/05/2022 Mr. Harper requests to bring his case to the Marine Advisory Commission. Via email Marine Bureau Manager Hallinan provides Mr. Harper the information for the Thursday, October 13, 2022, Marine Advisory Commission meeting and provides him instruction on the appeal hearing process. Cancellation of slip permit remains pending.

RECOMMENDATION

Effective October 18, 2022, 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.

TL:kv
Attachment

C: Todd Leland, Superintendent, Marine Operations
Permit File

