



CITY OF LONGBEACH

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 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 Lynn Williams; 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 January 31, 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. Lynn Williams has been a Long Beach Marinas customer since March 2019. His vessel is currently located on Dock 38, Slip 27 in the Alamitos Bay Marina.

On August 23, 2021, 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. Williams has the right to appeal cancellation of his permit. Mr. Williams requested and was granted the opportunity to appeal. Mr. Williams 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: December 30, 2021
To: Elvira Hallinan, Manager, Long Beach Marinas
From: Todd Leland, Marine Operations Superintendent
Subject: **RECOMMENDATION TO CANCEL SLIP FOR ILLEGAL LIVEABOARD
WILLIAMS, LYNN – DOCK 38, SLIP 27**

HISTORY / TIMELINE

3/4/2019 New **Non-Liveaboard** Permit Issued to Mr. Williams for a 49'2" Powerboat in a slip at Long Beach Shoreline Marina.

10/10/2019 Mr. Williams requested and is granted a transfer to Alamitos Bay Marina. He is assigned to Dock 38, Slip 27.

During the course of completing their daily field work assignments, staff observe Mr. Williams in the area and his vehicles parked in the lot on a daily basis. This prompts an illegal liveaboard investigation.

Mr. Williams 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.

1/1/2020 – 1/31/2020 Marine Patrol conducts a 30-day illegal liveaboard investigation.

The results of which concluded illegal live aboard status.

2/2/2020 Marina Supervisor Vestre calls Mr. Williams to advise him of the impending permit cancellation. He is told that the cancellation is effective February 28, 2020. He requests and is granted a meeting with Superintendent Leland. The meeting is scheduled for Tuesday, February 4, 2020 at 11:45 a.m. at the Alamitos Bay Marina office.

2/4/2020 Mr. Williams provides verifiable documentation in the form of a flight itinerary which placed him in Florida for most of the month of January 2020. He is reminded that his vehicles are not to be stored in the parking lot. Per California Vehicle Code all vehicles in the marina lots must be moved 1/10 of a mile every 72 hours.

6/20/2021 During the course of completing their daily field work assignments, staff observe Mr. Williams in the area and his vehicles parked in the lot on a daily basis. This prompts a second illegal liveaboard investigation. Mr. Williams is 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.

- 7/1/2021 – 7/31/2021 Marine Patrol conducts a second 30-day illegal liveaboard investigation. The results of which conclude illegal live aboard status.
- 8/10/2021 Marina Supervisor Vestre calls Mr. Williams to advise him of the impending cancellation of his permit. He is informed that this cancellation is effective September 30, 2021. He requests and is granted a meeting with Superintendent Leland. Meeting is scheduled for Friday, August 13, 2021 at 10:30 a.m. at the Alamitos Bay Marina office.
- 8/13/2021 Mr. Williams meets with Superintendent Leland and Supervisor Vestre. During the meeting, Mr. Williams is informed of the investigation process and given an opportunity to provide verifiable evidence that he was not on his boat more than the 12 allowable days within a calendar month.
- Mr. Williams is unable to provide verifiable evidence that he was not on his boat more than the 12 allowable days within a calendar month.
- Mr. Williams is informed that the cancellation stands as effective September 30, 2021.
- 8/19/2021 City of Long Beach receives Public Records Request from Mr. Williams to provide copies of Marine Patrol Illegal Live Aboard Reports. City of Long Beach complies and provides reports to Mr. Williams.
- 8/23/2021 Letter of Cancellation of Permit Dock 38, Slip 27 sent via Certified Mail, Regular Mail and posted on vessel. Cancellation is effective September 30, 2021 (See attachment 1).
- 9/22/2021 Per his request, Mr. Williams has another meeting with Superintendent Leland, Marine Supervisor Kimarie Vestre and Marine Patrol Sergeant James Smigla to review Marine Patrol Illegal Liveaboard Investigation documents.
- Mr. Williams is unable to provide verifiable evidence that he was not on his boat more than the 12 allowable days within a calendar month.
- Mr. Williams requests a meeting with Manager Hallinan.
- 10/21/2021 Manager Hallinan and Superintendent Leland meet with Mr. Williams to discuss the investigation and pending cancellation. Mr. Williams is unable to provide additional verifiable evidence to Manager Hallinan to demonstrate he was not on his boat for more than the 12 allowable days in a calendar month.
- 10/22/2021 Via telephone conversation with Superintendent Leland Mr. Williams is informed that pending cancellation has been upheld by Manager Hallinan and is effective October 31, 2021.
- In the phone conversation with Superintendent Leland and, later in the day, via email Mr. Williams requests to appeal the cancellation to the Marine Advisory Commission.

December 30, 2021
Williams, Lynn
Cancellation Timeline
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Permit cancellation extended to January 31, 2022 pending the outcome of the appeal hearing.

12/14/2021 Superintendent Leland sends email to Mr. Williams to confirm Mr. Williams' appeal as an agenda item for January 13, 2022 Marine Advisory Commission meeting.

RECOMMENDATION

Effective January 31, 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



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LONG BEACH

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Marine Bureau, Marinas and Beaches

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August 23, 2021

Lynn Williams
997 Egans Creek Lane
Fernandina Beach, Florida 32034

Dear Mr. Williams:

RE: CANCELLATION OF PERMIT Dock 38 Slip 27

We regret to inform you that your permit for berthing on Dock 38 - Slip 27 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 Thursday, September 30, 2021. 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) 7016 1370 0002 3435 0387
Regular Mail
Posted Vessel Dock 38 Slip 27
Permit file

10:45 AM 8/13/21
meeting - 9/22/21
3 pm
2 pm 10/21/21
T & F

819-21
Public Res.
August

