

# PORT CALYPSO

September 8, 2020

To: Carol Jacobs, Assistant City Manager

CC: Bill Kenney, Chairman, Harbor Commission

From: Jim Parker

Port Calypso Marina

Re: Proposed revisions to Title 17, Live-aboards

Ms. Jacobs,

I plan to join the Harbor Commission meeting on 9/9/2020 via Zoom. In the interim, I'd like to submit my comments on the proposed revisions that specifically relate to Commercial Marinas. See comments below in blue text.

Regards,



Jim Parker

Port Calypso Marina

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## **17.01.030 Definition of Terms**

I. Definitions: L

2. Live-Aboard. The term "live-aboard" shall mean the use or occupancy of a vessel as a domicile for human habitation; a) while at its dock, berth or mooring for a period exceeding seventy-two (72) hours in any thirty (30) day consecutive period; or b) at its dock or berth for a period exceeding one hundred eighty (180) days in any three hundred sixty-five (365) day period.

I support these 17.01.030 redline revisions.



**17.40.010 Purpose**

The City Council of the City of Newport Beach finds and declares as follows:

This chapter will promote the public health, safety and welfare by regulating the number of persons living aboard vessels on offshore moorings and insuring, to the extent possible, that the ~~this~~ residential use ~~of a vessel in Newport Harbor~~ does not result in the discharge of human waste; activities that are disruptive or impeded other parties use and/or enjoyment of Newport Harbor; or otherwise adversely impact the health, safety and welfare on Newport Harbor and those that visit, work around or live on or near, the bay.

**I support these 17.40.010 redline revisions.**

**17.40.030 Permits Required.**

No person shall live-aboard any vessel ~~assigned to an offshore mooring in Newport Harbor~~ without first having obtained a live-aboard permit from the Harbormaster. No live-aboard permit shall be issued except to a person holding a valid mooring permit issued pursuant to Chapter 17.60 ~~or a valid rental agreement from a commercial marina~~. No permit shall be issued to any live-aboard which is not intended to serve as the principal residence of the ~~permittee live-aboard~~. For purposes of this section, principal residence shall mean; a) for a mooring permittee, to live-aboard for not less than two hundred forty three (243) days in any calendar year; ~~or b) for the holder of a valid rental agreement from a commercial marina, to live-aboard for a period not less than one hundred eighty (180) days in any three hundred sixty-five (365) day period.~~

**I support the intent of the revisions to section 17.40.030, but I'm concerned that the wording relating to the Harbormaster issuing a live-aboard permit to a commercial marina tenant with a valid Slip Rental Agreement may be misinterpreted by a slip tenant applicant. The ultimate approval/authorization for a marina slip tenant to live-aboard his/her vessel should be within the purview of the marina. Therefore, I recommend that the Harbormaster live-aboard permission for commercial marina tenants be framed as a vessel certification that simply certifies that the vessel of the marina tenant or potential tenant, as the case may be, complies with City live-aboard requirements such as those related to sanitation equipment and the capability to safely maneuver under its own power, whether by sail or engine. It would then be left to the marina to evaluate other slip tenant requirements to decide whether or not to authorize the owner of this 'Harbormaster Live-aboard Certified' vessel owner to live-aboard his/her vessel at a slip in the marina.**



**1 7.40.050 Issuance of Permit**

C. The applicant does not have a valid mooring permit as required by Section 17.60.040;  
or a valid rental agreement from a commercial marina.

I support this 17.40.050 redline revision.

**17.40.050 Issuance of Permit**

E. The vessel is incapable of safely maneuvering under its own power, whether by sail or engine, from its mooring, dock or berthing place, to the open waters of the Pacific Ocean and back to the mooring, dock or berthing place; or

I support this 17.40.050 redline revision.

**17.40.060 Term/Renewal**

C. The issuance of a live-aboard permit to a mooring permittee is not transferrable and does not create any tenancy between the City and the permittee or other persons living aboard, nor does it create any property right to the mooring site.

**17.40.110 Limitation on Number of Permits**

The number of live-aboard permits issued to permittees holding valid offshore mooring permits shall not exceed seven (7) percent of the number of offshore mooring permits issued by the City pursuant to Chapter 17.60.