

Mr. LeBeau,

I recently learned about your conversations with the City regarding your request to remove the liveaboard community from Newport Harbor.

I am not writing to argue, but to share our story in hopes that you might reconsider your position and take the time to meet some of your other neighbors on the water.

My name is Samantha McDonald. My partner and I both earned our PhDs from UC Irvine, mine in Informatics, and his in Chemistry. We fell in love with Southern California's coast, and we dreamed of one day buying a sailboat to explore the world.

That dream became possible only because of Newport's liveaboard program. On a graduate student's budget, we invested everything we had into a small, fixer-upper sailboat and a mooring permit. Over the years, we fixed her up and made her our home.

Since then, we've sailed two seasons along the coast of Mexico, crewed with a Dad-daughter duo (another Newport liveaboard) when they voyaged to French Polynesia and back, and most recently delivered a catamaran across the Atlantic Ocean. Living aboard has allowed us to participate in the maritime life that Newport Harbor was historically built to support: navigation, seamanship, and recreation. None of this would have been possible without the ability to live aboard legally.

We follow harbor rules and maritime safety standards. Our boat is inspected annually, we pay for pump-out services and pay our mooring fees into the state tidelands fund. We maintain our vessel in seaworthy condition, as required by City Code, and have now ventured over 9,000 nautical miles with her - more than many non-liveaboard boats will ever travel.

We are not homeless or vagabonds. I was a tech worker in Silicon Valley. My partner was a chemist for a national laboratory. We are just two people with a dream to live sustainably and on the water.

We are not alone. Our neighbors include a retired Newport Beach Sheriff, a Newport historical tour guide, fishermen, boat mechanics, delivery captains, charter captains, and people who just enjoy being on the water.

Boating should be for everyone, not just the wealthy few.

Your request to make liveaboards illegal, if granted, would make it impossible for people like us to access the harbor or afford to participate in the recreational opportunities. It would permanently restrict public access to the coast and undo a century-old tradition of lawful, responsible liveaboards.

I understand your frustrations, but your concerns about a one or two boats should not lead to the conclusion that all liveaboards should be eradicated. If that were to happen, your neighbors will have nothing, their savings wiped out, their homes decimated, because of ideas like yours to remove us all.

I also want to respectfully address a few misunderstandings that have recently circulated discussions

- The Redwood City case you have pointed out to the city involved non-navigable houseboats that were permanently moored and lacked propulsion. Newport's liveaboards, by contrast, reside on fully navigable, recreational vessels consistent with the Public Trust Doctrine and state law. Houseboats are banned in Newport Beach.
- Newport Harbor is not a state park; it is a tideland trust. The homes of some of your neighbors in Beacon Bay, and maybe your own, I am not sure, are not sitting on solid land, they are sitting on filled tidelands that pay a tideland fee like us. To suggest that our vessels should be removed from the tidelands also requires removal of those homes.
- The recent Supreme Court decision about camping on public land (City of Grants Pass v. Johnson, 2024) concerned homelessness and municipal camping bans. We are not homeless, nor are we "camping." We live aboard our private vessels under permits authorized by both the State and City.
- Liveaboards in Newport undergo yearly inspections and pay for pump-out services to ensure compliance with environmental standards. An environmental review would almost certainly show our impact is no different from that of a docked boat that sits empty most of the year. Most likely, our boats are more environmentally aligned because we are there 24-7 to monitor the harbor.

Mr. LeBeau, I understand your concerns may come from a desire for quiet or aesthetics. I urge you to look a little deeper. Here we are, two PhDs who know very well that we

could not afford to live in Newport Beach without the sacrifices we made. We do not have the privilege that you do to own a home and a dock in Newport, nor is that our dream. Our dream is to sail and live sustainably and be part of Newport's living maritime culture.

Eliminating us would not improve Newport, it would erase one of the last remaining paths for ordinary Californians to experience the ocean through sailing.

Respectfully,

Samantha McDonald, PhD

Resident Liveboard, Newport Harbor



SUGGESTED REVISION 009

17.45.030 Waste and Refuse.

- A. Discharge of Treated or Untreated Human or Animal Excreta. No person shall discharge, permit or allow any other person on a vessel under his or her control or command to discharge any treated or untreated human or animal excreta from any marine sanitation device on a vessel **or by any other means** into the waters of Newport Harbor or the Pacific Ocean.



City Owned Marina Park Sand-line Buoy
With bird excreta

Does the wording of this forbid the scrubbing and/or power-washing of docks/ mooring buoys/ boats/barges/etc?

How will the mooring service companies, the bait barge, et al. contain their wash-water? How will City, Commercial, and Residential Dock Permit holders clean their docks?

SUGGESTED REVISION 012

Possible unintended consequences?

Add new section 5 to read, "No person shall secure or permit to be tied to any public pier or other public facility any vessel whose outboard motor is in other than the down position or in such a position as to expose the propeller in a manner which may cause damage to other vessels."



Muck and grit being pressured into propeller/shaft mechanics and raw-water intake ports = increased risk of oil leakage?

Increased maintenance requirements due to grit and marine growth = higher risk of fluids in the Harbor?

Outboard shafts stuck in the muck = tenders being held under as tide rises = submerged craft and/or floating fuel tanks/oil containers/etc.?

Rumor has it that a Harbor Commissioner had a vessel sink under such conditions.

City of Newport Beach Harbor Code (Title 17; 70 pgs.)
Mooring Specific Regulations: 9 pgs.
(Liveboards have an additional 4 pgs.)

City of Newport Beach
Moored Vessel Inspection Form: 2 pgs.

17.60.040 Mooring Permits.

A. Permit Required. No person shall place, erect, construct, maintain, use or tie to a mooring in the waters of Newport Harbor over City-owned or controlled tidelands (i.e., an offshore mooring) or on the beachshore perimeter of Newport Harbor perpendicular to the shoreline (i.e., an onshore mooring) without first having obtained a mooring permit from the Harbormaster or having otherwise complied with this section. A mooring permit is in the nature of license for the temporary use of a specific location within Newport Harbor.

B. Issuance of Permit—Conditions. The Harbormaster, in furtherance of the tideland grants to the City, may issue a mooring permit or mooring sub-permit to allow the mooring permittee or mooring sub-permittee to temporarily use a portion of the waters of Newport Harbor for the mooring of a vessel if the Harbormaster makes the findings set forth in Section 17.05.140(D)(1). A mooring permit may hold up to two mooring permits at any time. A mooring permittee that held or continues to hold more than two mooring permits prior to May 11, 2017, may continue to hold the mooring permits until the permits are sold, revoked, or otherwise transferred under this chapter.

1. Exceptions.

a. The Balboa Yacht Club and the Newport Harbor Yacht Club (collectively, "yacht clubs") currently hold permits for single point moorings placed within certain mooring area boundaries established by the City, as noted in subsection (B)(3)(g) of this section. In addition, the Lido Life Community Association ("LICA") has permits for onshore moorings on Lido Isle. These organizations shall hold their respective permits under the yacht club, or respective organization name, for the moorings identified by the City as under their respective control at the time of enactment of the ordinance codified in this section. The yacht clubs and LICA shall be solely responsible for managing moorings under their control and shall be permitted to assign moorings under their control to yacht club members and members of LICA, respectively. The yacht clubs and LICA shall keep accurate records of the name and address of the club members and community association members to which each mooring has been assigned and the corresponding length of each vessel. The yacht clubs and LICA may not sell or otherwise transfer the moorings under their control to a third party that is not a member of the yacht club or LICA. Mooring records and 24/7 emergency contact information shall be provided annually to the Harbormaster by the yacht clubs and LICA on or before February 1st.

b. Mooring of a Tender. A single vessel no longer than fourteen (14) feet in overall length to serve as access to and from the assigned vessel may be secured to the assigned vessel or may be secured to the offshore mooring in the absence of the assigned vessel. The vessel must be secured in such a manner so as not to intrude into the fairway or obstruct neighboring permittees. Notwithstanding the single vessel restriction, permitted live-aboards may secure up to two vessels no longer than fourteen (14) feet in overall length to the assigned vessel, to serve as access to and from the assigned live-aboard vessel.

c. Multiple Vessel Mooring System Program. The Harbormaster may approve a multiple vessel mooring system in the single anchor mooring areas of Newport Harbor. An application and applicable fee, established by resolution of the City Council, for a multiple vessel mooring system shall be submitted in writing to the Harbormaster, who shall evaluate the application based upon standards established and the application shall be approved if the Harbormaster makes the findings under the applicable standards and those set forth in Section 17.05.140(D)(1).

2. Permit Requirements. A mooring permit may be issued to a maximum of two persons ("mooring permittee(s)") who shall be individually and collectively responsible for all activities related to the mooring permit. The mooring permit shall specify the assigned mooring location, the mooring length, and assigned vessel information. Mooring permittee(s) are subject to and shall fully comply with the following conditions:

City of Newport Beach - Harbor Department - Vessel Inspection Form

To be completed by City of Newport Beach Harbor Department staff. See the back of this form for a brief explanation of the required items.

BRIEF EXPLANATION OF REQUIRED ITEMS:

1. DEMONSTRATED OPERABILITY: NMHC Requirements.

2. NUMBERING: The boat's registration characters must be plain, visible, space or hyphen must separate AB or FL-4234-AB.

3. REGISTRATION/DOCUMENTATION: Numbers must be permanently must be displayed on the exterior.

4. PERSONAL FLOTATION DEVICE: good, serviceable condition. A properly fitted PFDs designed to one Type IV (throwable) device, "immediately available." PFDs worn. An impact rating is recommended.

5. VISUAL DISTRESS SIGNALS: a) three day and three night pyrotechnics (not 500 light) or b) a combination distress signal when operating waters should have some means by considering conditions under.

6. FIRE EXTINGUISHERS: Fire extinguishers must be completely tested components that contain fuel propelled by onboard motors or appliances. NOTE: Fire extinguisher.

7. VENTILATION: Boats with gas system. Those built prior to the other August 1, 1978 must meet either natural or powered vent.

8. BACKFIRE FLAME ARRESTERS: approved backfire flame control.

9. SOUND PRODUCING DEVICES: producing device (whistle, horn, required to have a bell (see how).

10. MAINTENANCE: All to reduce visibility. Boats of two anchor light capable of being lit.

11. POLLUTION PREVENTION: MARPOL TRASH PLACARD: trash placard. Operating costs.

12. MARINE SANITATION DEVICES: capable of being tested. Dye.

13. OVERALL CONDITION OF VESSEL.

14. DECK FREE OF HAZARDOUS: CLEAN BILGE / ONSHORE: demonstration of operation log.

15. BACKUP DEWATERING SYSTEM.

16. MARINE RADIO: Review.

17. MOORING LINE SECURITY.

18. FIRST AID KITS: Confirm.

Mooring Permittee: _____

Mooring Number: _____

Vessel Name: _____

CS/DOC #: _____

Vessel Length: _____ Sail [] Power []

"Overall length measured from bow to stern"

Vessel Inspection Categories	YES	NO	N/A	Notes:
1. Demonstrated Vessel Operability	☐	☐	☐	
2. Display of Numbers (Includes Tenders)	☐	☐	☐	
3. Registration / Documentation	☐	☐	☐	
4. Personal Flotation Devices (PFD)	☐	☐	☐	
5. Visual Distress Signals (VDS)	☐	☐	☐	
6. Fire Extinguishers	☐	☐	☐	
7. Ventilation (gas powered)	☐	☐	☐	
8. Backfire Flame Control (gas powered)	☐	☐	☐	
9. Sound Producing Devices / Bell	☐	☐	☐	
10. Navigation Lights	☐	☐	☐	
11. Pollution Placard	☐	☐	☐	
12. MARPOL Trash Placard	☐	☐	☐	
13. Marine Sanitation Devices (Dye Tab Test)	☐	☐	☐	
14. Overall Vessel Condition	☐	☐	☐	
15. Deck Free of Hazards	☐	☐	☐	
16. Clean Bilge / Operable Bilge Pump	☐	☐	☐	
17. Backup Dewatering Device	☐	☐	☐	
18. Marine Radio	☐	☐	☐	
19. Mooring Line Req. / Anchor & Line	☐	☐	☐	
20. First Aid Kits	☐	☐	☐	

Harbor Related Discussion Items

1. Dinghy / Use of Public Docks ☐

2. Disposal of Trash / No Public Dumping ☐

3. Regular Checks on Vessel Condition ☐

4. Monitoring of Weather / Wind ☐

5. Public Pump Out Locations ☐

6. Sea Lion Deterrents ☐

7. Reporting Incidents / Observations ☐

I certify that I have examined this vessel and find it meets the requirements established by the City of Newport Beach Harbor Dept.

Inspection completed by: _____

Signature: _____ Date: _____

Permittee Signature: _____

Date: _____

Additional Comments: This is not an official boarding for law enforcement purposes. Some vessel deficiencies may require correction in order to moor vessel in Newport Harbor (see Title 17 NMHC). There is no assumption of liability of any kind for advice given or opinions expressed in connection to this inspection.

I am consenting to this vessel inspection with full knowledge that it is provided to me as a condition of mooring permit in Newport Harbor. I understand and agree that my receipt of this vessel inspection shall not constitute or be construed as a warranty or guarantee as to either the qualifications, knowledge, or skills of the operator; the seaworthiness of the vessel, or the serviceability or adequacy of any equipment on board.

Vessel Inspection started by: _____ DATE: _____

Vessel Inspection Completed ☐ Vessel Inspection in Progress ☐ Vessel Inspection FAIL ☐

Follow up email sent ☐ Dates: _____

Additional Info / Notes: _____

Some Conditions: City may assign mooring to another vessel when it is unoccupied; Must provide proof of insurance for assigned vessel naming City as an additional insured to the satisfaction of the Risk Manager; Must provide registration or other proof of right in the assigned vessel; Agree to move the vessel from the mooring to another location when deemed necessary... and authorize the City or its designee to move the vessel upon the mooring permittee's failure to do so, at the permittee's expense; Agree to allow the Harbormaster, or his designee, to board the permittee's vessel at any time without judicial oversight...; Agree that if the permittee's maximum mooring length is shorter than the established length of its mooring row by five feet or more, permittee is subject to relocation;... Agree that the City shall charge mooring permittee for the right to transfer a mooring permit in an amount equal to seventy-five (75) percent of the annual mooring rent; liveboards may not live aboard for less than two hundred forty-three (243) days in any calendar year; The live-aboard permittee shall maintain a log, which shall be updated by the end of each calendar month and kept on the vessel subject to the liveboard permit, which shows the days/nights the liveboard resided on the boat; Compliance shall be considered a condition to each live aboard permit; A pump out log and supporting material shall be made available for inspection by the Harbormaster at all reasonable hours and upon request. The decision of the Harbormaster shall be final and nonappealable.

City of Newport Beach Harbor Code (Title 17)
Regulating Residential Piers: 1 Page

City of Newport Beach
Residential Pier Vessel Inspection Form: 0 Pages

17.60.030 Pier Permits for Noncommercial Piers.

A. Noncommercial Pier Permits. Upon the request of the abutting upland residential property owner, or lessee or the authorized agent of the owner or lessee and in accordance with all applicable laws including, but not limited to, Sections [17.35.020\(A\)](#) and (B), a residential pier permit shall be issued for up to ten (10) years. The City shall extend the term of any residential pier permit for up to ten (10) years upon:

1. Permit expiration and the request of the owner or lessee, or the authorized agent of the owner or lessee; or
2. Upon sale of the abutting upland property and the request of the new owner or lessee, or the authorized agent of the owner or lessee. The maximum term of any permit issued hereunder, with extensions, shall be fifty (50) years. After fifty (50) years, the abutting upland residential property owner, or lessee or authorized agent of the owner shall be required to apply for a new residential pier permit.

B. Rental Fees. Every owner or permit holder who maintains a pier used for noncommercial purposes, any part of which extends into public tidelands, shall pay to the City the applicable pier permit rental fee for such portions of the pier that extend into public tidelands, as established by City Council resolution.

C. Transfer of Noncommercial Pier Permits.

1. Permits for noncommercial piers are issued subject to the condition that any improvements constructed shall not be sold in whole or part, leased, or transferred without the prior written consent of the City.
2. Whenever a permittee sells the abutting residential upland property, a request shall be made to the City to transfer the permit. Forms for this purpose may be obtained from the Public Works Department. Failure to apply for a transfer within thirty (30) days from the date that the abutting upland residential property changed ownership will result in an additional fee as established by resolution of the City Council.
3. Along with the City Manager, the Public Works Director is authorized to approve transfers to the new owners or long-term lessee of the abutting upland residential property.
4. Prior to the transfer of a pier permit, all harbor structures shall be inspected for compliance with the City's minimum plumbing, electrical and structural requirements, and the conditions of the existing permit. All structural deficiencies must be corrected prior to the transfer of the permit.
5. Noncommercial piers may be rented/leased in whole or in part, by the permittee to a third party or parties. Such rental/lease shall not be deemed a transfer under this section.
6. The provisions of this section shall not apply to piers, docks or other structures located in Promontory Bay and in other waters over privately owned land. (Ord. 2020-5 § 1 (Exh. 1) (part), 2020: Ord. 2018-17 §§ 56, 57, 2018: Ord. 2014-8 § 1, 2014: Ord. 2013-27 § 3, 2013: Ord. 2013-1 § 9, 2013: Ord. 2008-2 § 1 (part), 2008)

From: **What Happened** <whathappenedtoal@gmail.com>
Date: Wed, Oct 16, 2024 at 11:37 AM
Subject: Docks
To: <MInfelise@newportbeachca.gov>

Hi does the city collect information on boats at docks at houses?
insurance, owner, registration, etc?
thnx

From: **Infelise, Madison** <minfelise@newportbeachca.gov>
Date: Wed, Oct 16, 2024 at 11:51 AM
Subject: RE: Docks
To: What Happened <whathappenedtoal@gmail.com>

Hello,

Thank you for your email. We do not collect vessel information for vessels on private docks.

Let me know if you have any questions.

Thank you,



Madison Infelise
Permit Technician
Harbor Department
Main Line: 949.718.3429
Front Office: 949.270.8159
1600 W Balboa Blvd
Newport Beach, CA 92663

From: **What Happened** <whathappenedtoal@gmail.com>
Date: Sat, Oct 19, 2024 at 2:59 PM
Subject: Re: Docks
To: Infelise, Madison <minfelise@newportbeachca.gov>

Will I need to add the city to my insurance policy for my boat I put at a house dock? someone said I might.

From: **Infelise, Madison** <minfelise@newportbeachca.gov>

Date: Mon, Oct 21, 2024 at 6:47 AM

Subject: RE: Docks

To: What Happened <whathappenedtoal@gmail.com>

No, you do not need to add the city to your insurance policy on your private dock.

Let us know if you have any other questions.

Have a great week,



Madison Infelise

Permit Technician

Harbor Department

Main Line: 949.718.3429

Front Office: 949.270.8159

1600 W Balboa Blvd

Newport Beach, CA 92663

From: **What Happened** <whathappenedtoal@gmail.com>

Date: Mon, Oct 21, 2024 at 12:37 PM

Subject: Re: Docks

To: Infelise, Madison <minfelise@newportbeachca.gov>

What kind of inspection process will I have to pass to place a boat at a house dock? I'm sorry, learning as I go.

From: **Infelise, Madison** <minfelise@newportbeachca.gov>

Date: Mon, Oct 21, 2024 at 12:39 PM

Subject: RE: Docks

To: What Happened <whathappenedtoal@gmail.com>

There is no inspection to place a vessel on your private dock.

Newport Harbor waterfront, back in the day:



OrangeCountyHistoricalSociety
orangecountyhistory.org

Newport Harbor waterfront, Present Day:



\$13,995,000

4 Beds • 4.5 Baths • 4,083 Sq Ft

3 Linda Isle, Newport Beach, CA 92660

Discover waterfront living in this newly remodeled bayfront residence on Linda Isle, Newport Beach's premier guard-gated community. A private dock accommodates approx 62' yacht plus two side ties, settlin...



\$14,495,000

5 Beds • 5.5 Baths • 5,132 Sq Ft

8 Beacon Bay, Newport Beach, CA 92660

8 Beacon Bay in Newport Beach is an exceptional bayfront residence offering the perfect blend of luxury, functionality, and thoughtful design. This stunning three-level home features four spacious en suite...



\$17,995,000 (300)

5 Beds • 6.5 Baths • 6,601 Sq Ft

301 Morning Star Ln, Newport Beach, CA 92660

Showcasing approximately 148 feet of prime bay frontage from its exceptional end-of-cul-de-sac location in Newport Beach's prestigious Dover Shores, this extravagant custom estate elevates waterfront...



\$19,500,000 (400)

6 Beds • 7.5 Baths • 4,598 Sq Ft

29 Linda Isle, Newport Beach, CA 92660

The ultimate expression of Newport Beach's enviable waterfront lifestyle awaits at this classic Mid-Century Modern custom home on guard-gated Linda Isle. With a location on the exclusive island's...

< Back to search



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See all 52 photos

Listing Provided by:

Ron Millar DRE #01101742, Mesha Swart DRE #01502463, Arbor Real Estate

\$29,750,000

1324 E Balboa Blvd, Newport Beach, CA 92661

Est.: \$180,978/mo Get pre-qualified

5 beds
5 baths
5,453 sqft

Request a tour

as early as today at 6:30 pm

Contact agent

Single Family Residence

Built in 2017

7,424 Square Feet Lot

\$27,019,400 Zestimate®

\$5,456/sqft

\$-- HOA



The screenshot displays the 'Map Viewer' interface for Newport Beach - GIS. On the left, a 'Layers' panel lists various map features: Address Text, Map Layers, Street Text, Harbor Layers (Bulkhead and Pierhead, Project Line, RGP 54 Plan Area, Navigation Channel, Mooring Sites, Mooring Liveboard), and Locations (Residential Pier Permits, Commercial Pier Permits). A search bar at the top left contains the text 'I want to...'. A pop-up window titled 'Residential Pier Permit' provides details for a specific permit: Address: 1322 BALBOA BLVD E, Permit Area Total Square Footage: 157, and Permit Fee: \$91.04 for the current year. The pop-up also includes a 'Pier Permit Exhibit' link and buttons for 'Add to Results' and 'View Additional Details'. The background is an aerial map of a residential area with property lines and addresses visible. A yellow line and a green line are drawn on the map, likely indicating the location of the permit area.

Homeowner pays about \$91 annually in Tidelands fees

Mooring sublet through City
would pay over \$21,600 annually
(40' Offshore Mooring Sublet Rate)

HARBOR FEES Fees starting July 1, 2025

Guest Moorings (GM) & Anchorage (GA)

Fees

GM Offshore	\$1.48 per lineal foot//per night
GM Offshore Large Vessel 80' +	\$1.83 per lineal foot//per night
GM Offshore Multihull Vessel (2 Hulls)	\$1.77 per lineal foot//per night
GM Offshore Multihull Vessel (3 Hulls)	\$2.07 per lineal foot//per night

40' Offshore Guest Mooring @ \$1.48 per lineal foot//per night = \$59.20 nightly

\$59.20 nightly x 15 days = \$888.00

\$59.20 nightly x 30 days = \$1,776.00

\$59.20 nightly x 90 days = \$5,328.00

\$59.20 nightly x 180 days = \$10,656.00

\$59.20 nightly x 365 days = \$21,608.00



From: Tom LeDeau

Date: September 1, 2025 at 5:55:10 PM PDT

To: Paul Blank <pblank@newportbeachca.gov>

Subject: Short Term now long term live-aboard.

Paul,

The new "2 week but forever" live-aboard one mooring east of A 141 has...

1. A dog aboard that barks.
2. A generator and propane on fore deck.
3. A generator that is very noisy.
4. Overall un-kept look of the deck of the vessel.

Ordinances and Codes are in place to address these concerns

On a separate matter but shades of the same story, we have found several compelling arguments to open up a conversation with the City Attorney with the objective ending the live-aboard practice entirely within any portion of the State Tidelands.

the demonstrated political will of the Newport Beach City Council - see the approved language and absolute total restriction on live-aboard attached to the issuance of any new pending City Mooring License Agreements.

I have already started the conversations with several Harbor Commissioners and hope to continue our discussions together with the City Attorney and the City Council.

Thank you for your time.

Regards,

Tom LeBeau

From: [Tom LeBeau](#)
To: [Beer, Ira](#); [Marston, Marie](#); [Scully, Steve](#); [Miller, Robert](#); [Svrcek, Rudy](#); [Williams, Gary](#); [Yahn, Don](#)
Cc: [Blank, Paul](#); [Harp, Aaron](#)
Subject: FW: Short Term now long term live-aboard.
Date: September 02, 2025 11:04:51 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.
Report phish using the Phish Alert Button above.

Honorable Harbor Commissioners,

This email is broken into 2 sections, they are related.

We respectfully request that HC step in and restrict the Harbormaster's ability to use any vacant moorings to bestow 2 week live-aboard status, then extend those 2 week periods over and over again without limitation. This practice essentially circumvents the existing cap of 51 live-aboard permits. Further, as part 2 of this email suggests we are seeking to open a conversation with and seeking the legal support/foundation from the City on the very existence of any live-aboard permits in the Harbor.

Thank you for your attention to this matter.

Tom LeBeau



- A review of documents processed by the department in the last three years revealed the following:
 - Mooring Sub-Permit Agreements (1600+ per year)

- As of this report, there were 14 sub-permits written for offshore moorings. Six of those sub-permits are enjoying successive renewals. Of those six enjoying successive renewals, two sub-permittees are living aboard. Of the two sub-permittees living aboard who are enjoying successive renewals,
 - One began sub-permitting with us on 7/15/2025 meaning he has renewed twice
 - The other began sub-permitting with us on 8/2/2025 meaning he has not yet renewed with us, but plans to

7/15/2025 Sublet would have now paid over \$6,689

8/2/2025 Sublet would have now paid over \$5,624

(Each based upon the rate for most common in Newport 40' Mooring)

- **Sub-Permit Oversight:**
At the insistence of a Peninsula resident, a visiting mariner utilizing a series of sub-permits was relocated.

CITY CALENDAR

Harbor Stakeholder Meeting- Title 17

Date:

11/10/2025 6:00 pm - 8:00 pm

Location:

Marina Park Community Center
1600 W. Balboa Blvd
Newport Beach, California 92663

A Balboa Peninsula resident has expressed concerns about allowing sub-permittees to live aboard and perpetually renew their sub-permits. It is felt that this creates a situation in which the 7% limit on liveaboards on offshore moorings can be exceeded.

Recommended revisions to consider are highlighted:

Section 17.40.030 Permits Required.

No person shall live aboard any vessel 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. For purposes of this section, "principal residence" shall mean: (A) with respect to a mooring permittee, to live aboard for not less than two hundred forty-three (243) days in any calendar year; or (B) with respect to the tenant of a commercial marina with a valid rental agreement, to live aboard for a period not less than one hundred eighty (180) days in any three hundred sixty-five (365) day period. Notwithstanding the foregoing, a sub-permittee of an off-shore mooring under Section 17.60.040 who is in good standing may live aboard for up to thirty (30) days in a calendar year, subject to and upon compliance with the requirements set forth in Section 17.40.070(A). The ability of a sub-permittee to live aboard may be revoked at the discretion of the Harbormaster. The decision of the Harbormaster shall be final and nonappealable. (Ord. 2022-9 § 5, 2022; Ord. 2020-27 § 6, 2020; Ord. 2020-5 § 1 (Exh. 1) (part), 2020; Ord. 2018-17 § 32, 2018; Ord. 2008-2 § 1 (part), 2008)

From: [Jim Palmer](#)
To: [Shintaku, Cynthia](#); [City Clerk's Office](#)
Subject: Title 17 Subcommittee Review 11/17/2025
Date: November 10, 2025 12:57:18 PM
Attachments: [CSLC Draft Report findings permit reviews may violate state law.png](#)

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Hello Cynthia

I understand you are gathering public input ahead of tonight's meeting. I am unable to attend in person but want to submit input on the following two items.

1) On 8/21/2025 the California State Lands Commission (CSLC) issued their Draft Report on their agency's review of the City's Tideland management practices. In that review, the CSLC highlighted "... *clear differences in rate revisions for moorings and residential piers... may violate both the granting statutes and the California constitution.*"

In light of the California State Lands Commission's (CSLC) ongoing findings, and given that Title 17 mooring rates and terms are subject to annual review while residential pier permit fees follow a 10-year review cycle in potential violation of state law, I respectfully urge the Subcommittee to suspend any proposed changes to Title 17 until the CSLC issues its Final Report.

2) Seeking clarification: Will mooring permit holders be required to refrain from advertising that their mooring permit may be available for transfer in order to remain in compliance with Title 17? Such a requirement would likely violate the First Amendment rights of mooring permit holders.

17.60.040 Mooring Permits.

B. Issuance of Permit—Conditions.

2. Permit Requirements.

...

m. Agree not to advertise for rent, rent, assign, loan, or transfer the use of the mooring to any other person without prior written permission of the Harbormaster.

Attachment: CSLC slide presentation screenshot

Thank you,
Jim Palmer
949-433-6512

Staff Review of City Actions

Findings on City's Public Trust Lands Management

- The City can reasonably rely on its recent mooring rate appraisal to set rates for its mooring permits.
- There are clear differences in rate revisions for moorings and residential piers. These may violate both the granting statutes and the California constitution.

