

Copy

H-1 CORRESPONDENCE - Mike Lesner

April 17, 2014

Mr. Charles Parkin, Esq.
City Attorney
City of Long Beach
333 West Ocean Blvd.
Long Beach, Ca 90802

Re: Traffic Hazard

Dear Mr. Parkin,

My name is Michael Lesner. My address is [REDACTED], LB, CA. My yacht occupies a slip along Marina Drive and I park daily in the lot shared by the Marine Patrol, marina office employees and registered yacht owners displaying permits.

As you know, Marina Drive is a city-maintained public street. The posted speed limit is 25 miles per hour. There is at least one "Wear Your Seat Belt" sign along this stretch which runs between Gangway #1 of the Marina and the strip mall center across the street where the *Boathouse Restaurant* (formerly McKenna's) is located. (see aerial below)



In addition , this stretch of single lane road is marked clearly with a **double yellow line**. This line prohibits drivers from crossing into the opposing lane for reasons of safety. The road, as you can see, also has head-in parking along either side, with traffic pulling in and out of the traffic lanes regularly...



Several days ago, as I was traveling to my parking space along Marina Drive, I came upon a



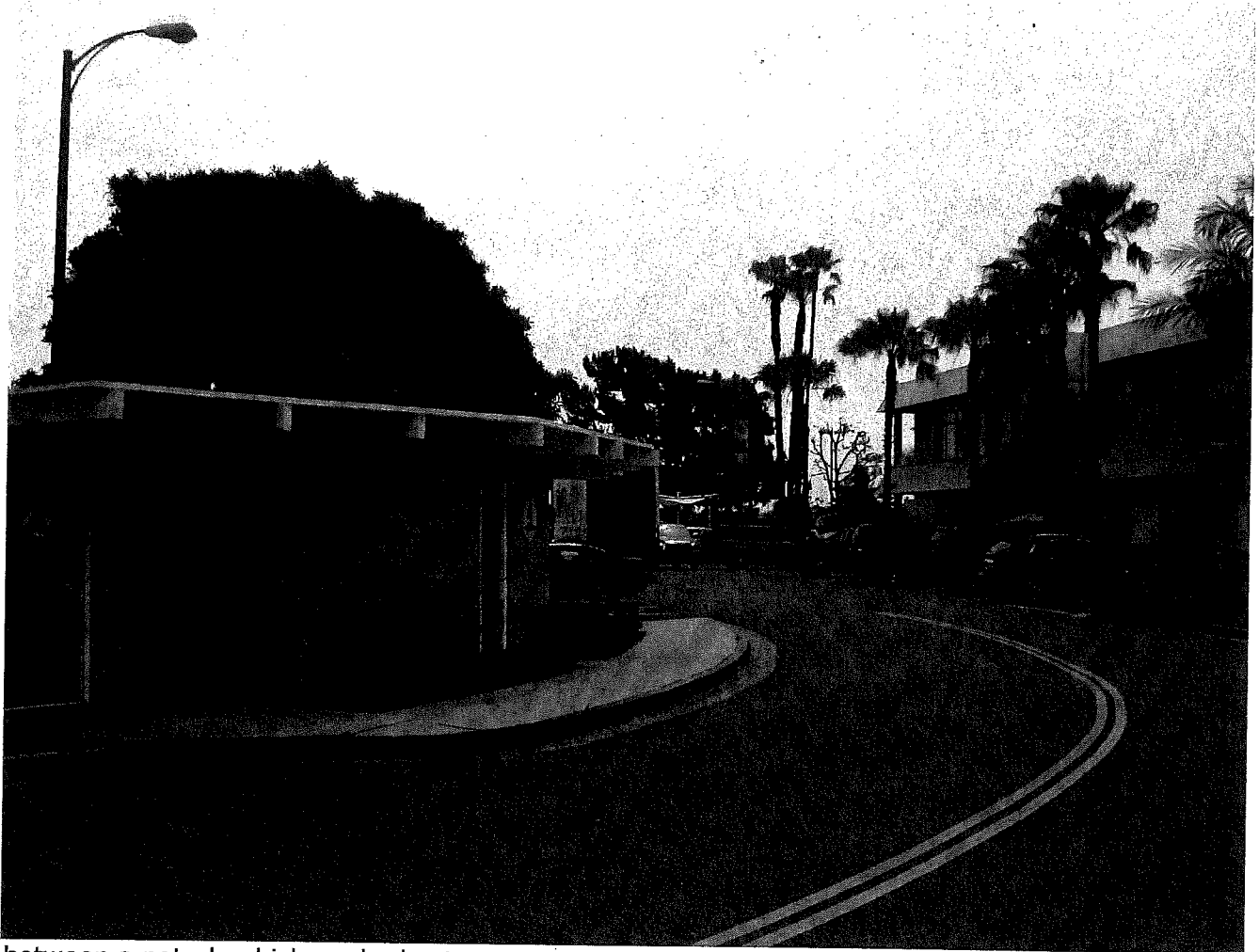
delivery truck parked to offload supplies to the restaurant (*Boathouse*). I waited to see if the driver would return. He didn't. Unfortunately, this illegal parking has become a matter of routine along the street.



I pulled out around the truck, across the double line, **illegally**, and my timing was such that a Marine Patrol police vehicle was heading out to a call in the opposite direction. We later chatted about the problem, which is equally dangerous for anyone traveling in and out of our area. I've enclosed photos. I ask that you contact the owner and tenants of this shopping center, advising them of their liability. The center has a huge parking area and it would be very easy for them to designate a private delivery area which does not involve illegal parking along our street. I'm sure it would not sit well with delivery drivers who may have to dolly items a little farther. But it is just a matter of time before there is a collision, perhaps a serious one. The police need to move freely and safely in and out of their headquarters area. The marina permit holders need to have safe access to their vessels. And we all need to obey the law. I don't like to place myself in an illegal position because a routine of illegal parking has become the norm along this public, highly traveled section of Marina Drive.

Interestingly, as you will see from the next photo, another truck illegally parked in the opposite direction, again making deliveries to the Boathouse, **the following day**. This is an ongoing hazard, one I wish to make known to the City, since it is along their posted property. It is easily remedied by contacting the restaurant owners and by advising them to accept deliveries **ONLY** within the confines of their private lot, rather than along a dangerous stretch of Marina Drive.

Thank you for understanding and intervening before we have a head-on collision, possibly



between a patrol vehicle and a boat owner.

I'm available to discuss this or provide further information if need be. My number is 562 884 7847.

Sincerely,

Mike Lesner

[REDACTED]
Long Beach, CA 90803

cc/ G. Chapjian, J. McDonnell, J. Rappaport

Lesner Mike

PETITION

To Declare a Noise Source A Nuisance

NOISE SOURCE INFORMATION

190 N. MARINA
 LB CA 90803

Address of Source: THE BOATHOUSE RESTAURANT

Name of Source: OUTDOOR PATIO Phone: _____

Describe Noise: PLEASE SEE ATTACHED LETTER

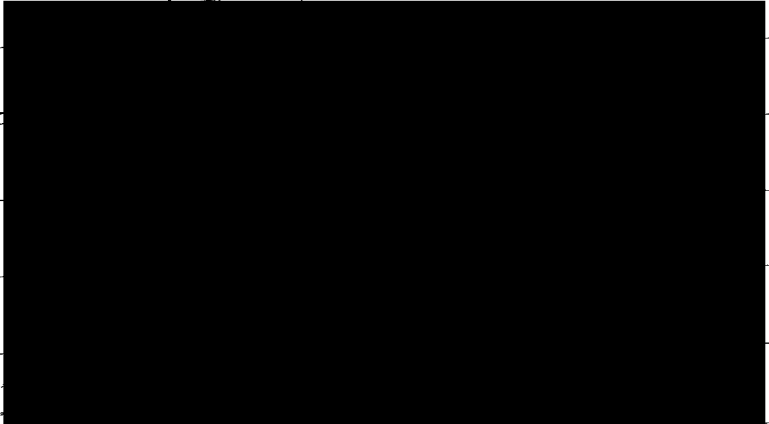
Time of Day/Night Occurring: EVERY EVENING

Day(s) Occurring: 7 DAYS A WEEK

PETITIONER'S INFORMATION

Describe how the noise affects you: IMPACTS ENVIRONMENTAL HEALTH OF YACHT OWNERS AND LIVEABOARD RESIDENTS IN ADJACENT BARRAGWAYS

The undersigned declare and certify that the information supplied on this petition is true and correct to the best of their knowledge and if requested will be willing to testify in court regarding the alleged noise conditions described above.

Name (print)/Signature	Address	Phone	Date
<u>HOL STEIN</u>			<u>8-24-14</u>
<u>Michael Lesner</u>			<u>8-24-14</u>
<u>[Signature]</u>			<u>8-26-14</u>
<u>[Signature]</u>			<u>8-26-14</u>
<u>[Signature]</u>			<u>8-29-14</u>
<u>[Signature]</u>			<u>8/11/14</u>



CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES
BUREAU OF ENVIRONMENTAL HEALTH



2525 GRAND AVENUE ROOM 220 • LONG BEACH, CALIFORNIA 90815 • (562) 570-4132
WWW.LONGBEACH.GOV/HEALTH/EH

*Correspondence w/ city
August 2014 - Jan 2015*

August 11, 2014

Mr. Michael Lesner

████████████████████
Long Beach, California 90803

Regarding: 190 North Marina Drive, Long Beach, California 90803

Dear Mr. Michael Lesner:

In response to your complaint on August 11, 2014, a "Noise Abatement Notification" was mailed on August 13, 2014, to the alleged source of your complaint. This action usually solves the noise problem.

You must wait for two weeks to allow the alleged noise source an opportunity to correct the problem. If the problem continues after the two weeks have passed, or recurs within one year of the original complaint, you must complete the enclosed "Petition" and/or "Noise Complaint Form" and return the form(s) to us. The completed form(s) are required by Section 8.80.370 of the Long Beach Municipal Code which states in part "Enforcement of noise control regulations shall be undertaken only upon receipt of a written sworn complaint made by a person who resides or owns property within the noise district into which the alleged noise intrudes."

If you should have any questions, please contact Daniel Phillips at (562) 570-4297 during regular business hours, Monday through Friday.

Sincerely,

Nelson Kerr, R.E.H.S., M.P.A.
Manager, Bureau of Environmental Health

September 1, 2014

Attn: Mr. Nelson Kerr
Mr. Daniel Phillips
Bureau of Environmental Health
Department of Health & Human Services
City of Long Beach
2525 Grand Avenue, Room 220
Long Beach, CA 90815

Dear Sirs:

We are in receipt of your letter dated August 11, 2014 to Michael Lesner.
In the letter you indicate a "Noise Abatement Notification" was sent August 13.

Unfortunately, the noise problem has worsened. Attached please find our "Noise Complaint Form" with the last signature dated September 1, 2014. The petitioners include yacht owners who normally expect the quiet and peaceful enjoyment of their surroundings. The list includes the yacht owners, some with live aboard status as boat residents, who occupy slips 14, 15, 16 and 17 along Gangway #1, one boat owner at the end of Gangway #2, and another boat owner situated at what is know as Berth #1.

We are all quite upset that we have had to go through this process in order to silence what is clearly illegal activity. The Boathouse Restaurant, which has already adversely affected this area with illegally parked delivery trucks along a street section with a double yellow line, has decided to expand its entertainment operations onto PUBLIC land. Recently, the restaurant built a patio. Now they have more patrons and a stage inside the restaurant that they prefer not to use. So, they set up full-sized band amplifiers on the public grass and their noise has affected all of us. It's all we hear on the weekend, it encourages public drinking and vandalism to our cars.

Again, this is ILLEGAL. We respectfully ask that you contact the owners immediately so that we can have peace and quiet again for the boat owners. I am available to meet with you at any time to discuss and I am also sending along a few photos which may help.

Sincerely,

Michael Lesner




CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES
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WWW.LONGBEACH.GOV/HEALTH/EH

October 2, 2014

Mr. Mike Lesner

[REDACTED]
Long Beach, California 90803

Regarding: 190 North Marina Drive, Long Beach, California 90803

Dear Mr. Mike Lesner:

In response to your complaint on October 2, 2014, a "Noise Abatement Notification" was mailed on October 7, 2014, to the alleged source of your complaint. This action usually solves the noise problem.

You must wait for two weeks to allow the alleged noise source an opportunity to correct the problem. If the problem continues after the two weeks have passed, or recurs within one year of the original complaint, you must complete the enclosed "Petition" and/or "Noise Complaint Form" and return the form(s) to us. The completed form(s) are required by Section 8.80.370 of the Long Beach Municipal Code which states in part "Enforcement of noise control regulations shall be undertaken only upon receipt of a written sworn complaint made by a person who resides or owns property within the noise district into which the alleged noise intrudes."

If you should have any questions, please contact Daniel Phillips at (562) 570-4297 during regular business hours, Monday through Friday.

Sincerely,

A handwritten signature in black ink, appearing to read "Nelson Kerr".

Nelson Kerr, R.E.H.S., M.P.A.
Manager, Bureau of Environmental Health

October 31, 2014

Mr. Daniel Phillips
Mr. Nelson Kerr
Department of Health and Human Services
Bureau of Environmental Health
City of Long Beach
2525 Grand Avenue, Room 220
Long Beach, CA 90815

Re: **The Boathouse Restaurant**

Dear Sirs:

Attached, and pursuant to the process of Section 8.80.370 of the Long Beach Municipal Code for enforcement of noise control regulations, please find our signed petition.

Despite the issuance of a Noise Abatement Notification mailed by your office on 10/7/2014, the problem continues to impact our environmental health.

To fully understand the seriousness of this problem one needs to understand and similarly appreciate the following facts:

This business establishment operates within 200 feet of liveaboard residents of the Long Beach Marina at Alamitos Bay. The landlord is the City of Long Beach and receives added payment for the liveaboard privilege.

1. This restaurant has built an open air patio adjacent to the enclosed physical plant of the restaurant itself. This patio has **no walls, no roof, no soundproofing**. It is an open air pavilion where, perched atop a pedestal, live performers play virtually every evening. There is NO noise mitigation.

The only *disingenuous* accommodation made to the boatowners has been to "point" the amplifiers toward the Alamitos Channel. This does not contain the noise at all. In fact, one of the signatories to the petition you provided is actually two marina gangways away and is still annoyed.

Our request is to be allowed to enjoy the quiet peaceful enjoyment of our beautiful environment. We ask that you instruct this establishment to move it's entertainment and music noise inside behind closed doors. We hope by enclosing this noise source inside the building, where the noise can be dampened by the walls and roof, our peaceful environment can be restored. Curiously, they have a stage inside but prefer to use that space for paying diners. We feel this is at our expense.

We know of no legal variance in the City that allows any establishment to operate unchecked, outdoors and unmonitored, within proximity to residents, let alone residents of City managed property.

Thank you for your quick response. Although the petition you provided allows for only 6 petitioner signatures, we have others who have expressed their displeasure that this occurs and is also unchecked. They would be willing to add to the list. In the evenings, yacht owners, who in many cases pay considerably more to the City than this restaurant, would like to relax aboard their vessels, watching football, without unrestricted benefit of musical accompaniment.

Sincerely, and on behalf of the yacht owners undersigned,

Michael Lesner

████████████████████
Long Beach, CA 90803

January 2, 2015

Ms. Kelly Colopy
Director
Health & Human Services
City of Long Beach, CA 90803

Re: **Noise Monitoring**

Dear Director Colopy,

I attach for your reference a letter dated 10/31/14 and addressed to Messrs. Daniel Phillips and Nelson Kerr. The letter is a follow-up response to an original request made on in late September.

The noise complaint involves The Boathouse Restaurant located in the retail complex at 190 North Marina Drive. Following a procedure as directed by your staff, a noise complaint was filed in early October, with a Noise Abatement Notification subsequently sent to The Boathouse business manager on 10/17.

Despite the issuance of this letter, the problem continued. So, again in response to the directive of your Noise Monitoring team, the signatures of six yacht owners were filed in a complaint petition.

To date, we have been ignored.

The Restaurant offers amplified live music on its patio every night until closing. Yet, after visiting Business Relations we have learned the business has only a temporary permit AND that permit requires the music to be contained indoors. The patio has no walls or ceiling. No patron is any further from the live music than 15 feet. There is no need for amplification. Furthermore, and in response to other restaurants in the area who would love to have unobstructed live music at night, it appears that the Boathouse Restaurant is the only establishment in Long Beach with this "bended rule."

I have spoken with Mr. Phillips. Mr. Kerr has never responded to us at all. The Boathouse continues to operate outside of the temporary permit (calling for only indoor live entertainment). At a recent boatowner meeting of the large yachts along the front row... the petitioners opposing the restaurant, the question arose "*why is this happening?*" **Clearly it is illegal.** And, since we have dutifully followed your procedural guidelines, what is next for us? A larger petition? A legal response?

It is important to recognize, **this is a liveaboard marina.** As such, 10% of the yachts here have been awarded liveaboard status...and those who have are charged a monthly fee for same by the City of Long Beach, the landlord receiving the fees. This noise is disruptive to our pleasant enjoyment of our evenings aboard these fine yachts.

As we seek to uncover why this is happening, we ask that you intervene.

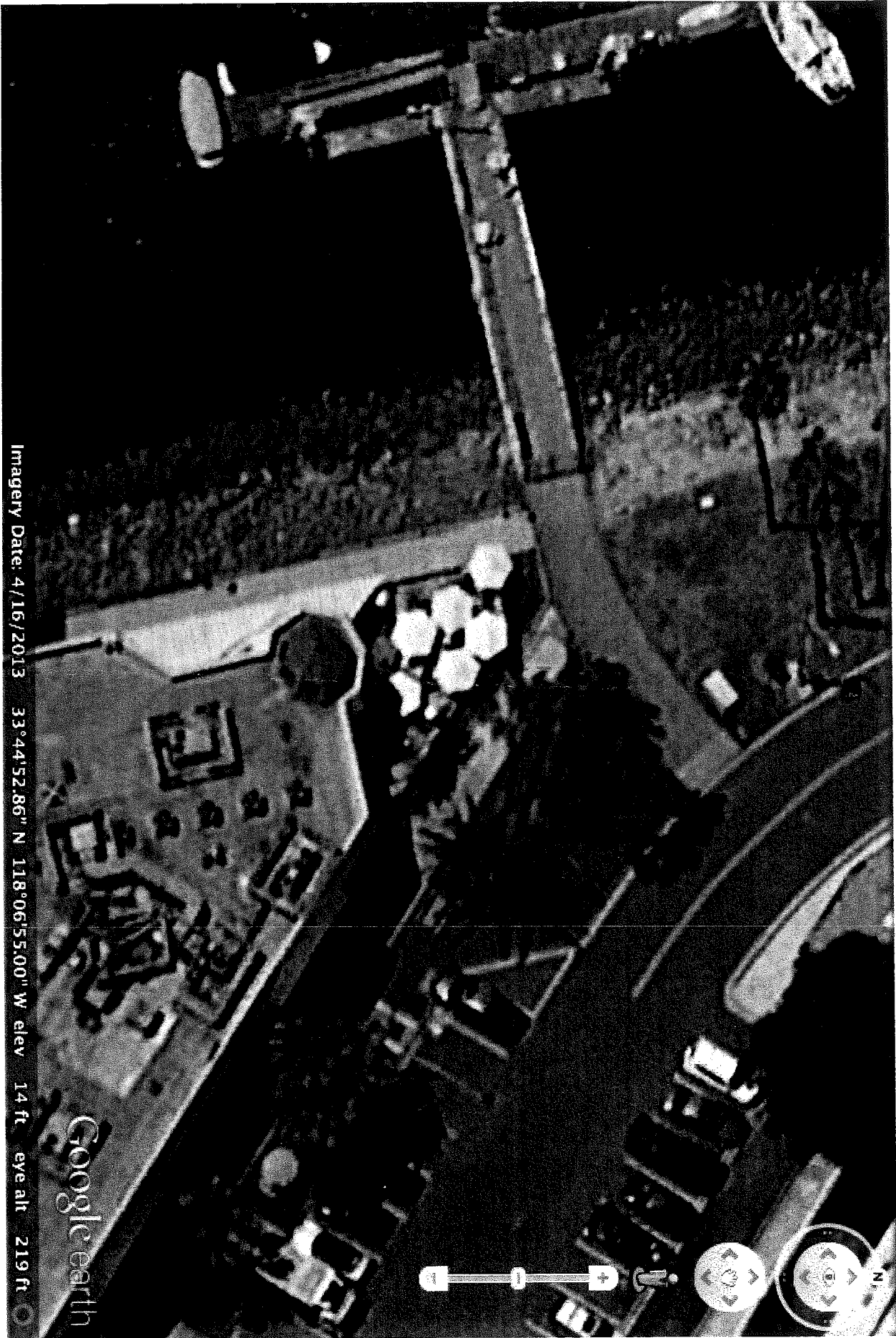
I notice you have previously been the architect of a fine mental health program in Salt Lake County, UT. I'm sure you recognize how this affects us night after night. I, too, am a health professional and currently host the longest continuously airing health program on PBS. I recognize noise monitoring to be an important component of mental comfort and well-being.

If you would like to contact me directly, I may be reached via email at [REDACTED]
or by phone at [REDACTED]

Sincerely,

Michael Lesner

PHOTOS



Imagery Date: 4/16/2013 33°44'52.86" N 118°06'55.00" W elev 14 ft eye alt 219 ft

Google earth

1994

Imagery Date: 4/16/2013

33°44'53.13" N 118°06'54.36" W elev 13 ft eye alt 713 ft

Google earth



