



CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE



2760 N. Studebaker Road, Long Beach, CA 90815-1697
(562) 570-3100 • FAX (562) 570-3109
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March 14, 2019

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 Art Bracamontes; and deny the Appeal and uphold the Marine Bureau's decision to terminate Permit No. 1346108 for violation of the Long Beach Marina Rules and Regulations. (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. Art Bracamontes has been a Long Beach Marinas customer since June 2013. His vessel is currently located on Dock 15 in the Alamitos Bay Marina.

On February 4, 2019, the Marine Bureau cancelled Permit No. 1346108 for violation of Article III, Section I: Vessels as Place of Abode, of the Long Beach Marinas Rules and Regulations, effective February 28, 2019. Mr. Bracamontes requested and was granted the opportunity to appeal. Attached is a staff report and related documentation which outlines the reasons for the cancellation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

A handwritten signature in blue ink that reads "Elvira Hallinan".

ELVIRA HALLINAN
MANAGER, MARINAS AND BEACHES

EH:ts
Attachments



Date: February 1, 2019
To: Elvira Hallinan, Manager, Marinas and Beaches
From: Kimarie Vestre, Supervisor, Alamitos Bay Marina
Subject: **ILLEGAL LIVE ABOARD DOCUMENTATION/TIMELINE
BRACAMONTES, ART – DOCK 15, SLIP 03**

HISTORY/TIMELINE

6/24/2013 New Permit Issued; 31' Vessel underfilling in a 40' slip at Shoreline.

9/1/2013 Mr. Bracamontes purchased a new boat; proper size slip/current rate.

11/20/ 2017 Permit cancelled by department for non-payment of slip fees.

11/28/2017 Permit re-instated. All fees paid including \$150 re-instatement fee.

12/30/2017 Received complaint from fellow boater that Charles Bracamontes, son of permittee, attacked him. LBPd and LBFD responded; Charles was escorted off the premises by LBPd. Mr. Bracamontes was in violation of the following rules and regulations:

III Marina Slip Permits (A) Cancellation: Manager may cancel and terminate any permit . . . (iv) for Permittee's use of the Marina facilities which disturbs the peaceful use and occupancy or he public health, safety, peace, welfare and convenience of the users of Marine facilities or the public.

IV General Regulations (K) Visitors: Visitors, unless accompanied by a Permittee shall not be permitted on the docks after sunset.

1/5/2017 Advised Art Bracamontes of the incident, he agreed to talk to his son.

1/11/2018 After receiving several complaints, Kurt Borsting, Superintendent and Eric Skelly, LB Shoreline Marina Supervisor met with Mr. Bracamontes regarding Charles' behavior and overnight stays on the vessel. Mr. Bracamontes acknowledged that he was aware that Charles spent the night on the boat occasionally. He was advised that per the rules and regulations Charles could not stay on the vessel overnight and could not be on the vessel without him after dark. Mr. Bracamontes was in violation of the following rules and regulations:

IV General Regulations (K) Visitors: Visitors, unless accompanied by a Permittee shall not be permitted on the docks after sunset.

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.

- 5/10/2018 Received email requesting a credit of \$136.31 for December 2017 auxiliary vessel mooring fees. Stating the vessel vacated the slip in November, however Mr. Bracamontes did not notify the marina until January 10, 2018. Per the rules and regulations, if the Permittee wishes to cancel a permit, he/she must deliver in writing a notice of cancellation on or before the 5th day of the calendar month in which the cancellation is to be effective.
- 5/18/2018 Kurt Borsting, Superintendent approved the credit request.
- 7/5/2018 Transferred to Alamitos Bay Marina.
- 12/24/2018 Received complaints that Charles, Mr. Bracamontes' son, is living aboard. He has been seen every night, is loud, verbally abusive and uses profanity. Mr. Bracamontes was potentially in violation of the following rules and regulations:
- IV General Regulations (K) Visitors: Visitors, unless accompanied by a Permittee shall not be permitted on the docks after sunset.
- 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.
- III Marina Slip Permits (A) Cancellation: Manager may cancel and terminate any permit . . . (iv) for Permittee's use of the Marina facilities which disturbs the peaceful use and occupancy or he public health, safety, peace, welfare and convenience of the users of Marine facilities or the public.
- 1/1/2019
- 1/31/2019 Marine Patrol conducted an illegal liveaboard investigation.
- 2/1/2019 A review of the documentation clearly illustrated that Charles Bracamontes has been living on the vessel.

RECOMMENDATION

Cancel the slip permit for repeated violations.

KV
C: Permit File



Date: March 4, 2019
To: Elvira Hallinan, Manager
From: Kimarie Vestre, Supervisor
Subject: **FOLLOW-UP: BRACAMONTES, ART SLIP CANCELLATION**

This is a follow-up memo that lists additional timeline information regarding the decision to cancel Mr. Bracamontes' slip for violations of the rules and regulations.

HISTORY/TIMELINE (continued/see memo dated 2/1/2019)

2/2/2019 Kimarie Vestre, Supervisor, Alamitos Bay Marina called Mr. Bracamontes and advised him of the investigation and cancellation of his permit. He requested a meeting with Manager.

2/4/2019 Letter of cancellation was sent to Mr. Bracamontes.

2/15/2019 Mr. Bracamontes, his daughter, Kimarie Vestre and Elvira Hallinan, Manager, met to discuss the investigation. Mr. Bracamontes admitted to knowing his son was staying on board the vessel and stated he would speak to him. Ms. Hallinan pointed out that this has been an on-going issue and that he was in violation of:

IV General Regulations (K) Visitors: Visitors, unless accompanied by a Permittee shall not be permitted on the docks after sunset.

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.

Mr. Bracamontes was informed of his right to an Appeal before the Marine Advisory Commission.

2/16/2019 Mr. Bracamontes requested a hearing. Hearing scheduled for March 15, 2019.

KV
C: Permit File



CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION AND MARINE

MARINE BUREAU

Long Beach Shoreline Marina
450 East Shoreline Drive, LB, CA 90802
(562) 570-4950 FAX: (562) 570-1799

Alamitos Bay Marina
205 Marina Drive, LB, CA 90803
(562) 570-3215 FAX: (562) 570-3247

Rainbow Harbor Marina
200B Aquarium Way, LB, CA 90802
(562) 570-8636 FAX: (562) 570-8640

February 4, 2019

Art Bracamontes

Dear Mr. Bracamontes:

RE: CANCELLATION OF PERMIT MB 1346108 Dock 15

We regret to inform you that your permit MB 1346108 Dock 15 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, February 28, 2019. 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 2070 0000 6048 6823
Regular Mail
Permit file

Welcome to the LONG BEACH MARINE BUREAU



Marina Support System

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PERMITEE INFORMATION

OWNER INFO

Permit Number: 1346108

Permitee: ART
BRACAMONTES

Marina:
Gangway:
Slip Number:
Invoice Number: 54138

Live Aboard: NO

Permit Status: CLOSED

Application No. 8614195

Original Date: 6/24/2013 4:42:00 PM

OWNER DETAILS

Address:
Phone [Home]:
Phone [Work]:
Phone [Cell]:
E-mail: ARTBRACAMONTES@YAHOO.COM

EMERGENCY INFO

Emg. Contact:
Emg. Phone:
Spouse Name:

BILLING INFO

Billing Name: ART BRACAMONTES

Billing Address:
Bill Sys:
Billing Type:

EMPLOYER INFO

Company Name: RETIRED

Address:
Phone : #

Fax :

PARTNER INFO

Partner1 Name:
Partner1
Phone:
Partner2 Name:
Partner2
Phone:

INVENTORY

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<u>Item Desc</u>	<u>Item No</u>	<u>Date Issued</u>	<u>Invoice Number</u>	<u>Date Returned</u>
FOB	F-15878	6/24/2013	54138	7/9/2018
FOB	F-14666	9/22/2013	54459	7/9/2018
Annual Parking Decal	H-10574-16	3/2/2016		
H-Pass	H-172102	3/5/2017		
H-Pass	H-172101	3/5/2017		
1 2 3 4 5				