

**Stan Wisniewski**  
Director

**Kerry Gottlieb**  
Chief Deputy

## AGENDA

### MARINA DEL REY DESIGN CONTROL BOARD

**Thursday, July 20, 2006, 2:00 p.m.**

**Burton W. Chace Park Community Building  
13650 Mindanao Way ~ Marina del Rey, CA 90292**

#### Design Control Board Members

Susan Cloke – Chair	- First District
Katherine Spitz, ASLA – Vice Chair	- Third District
David Abelar – Member	- Second District
Peter Phinney, AIA – Member	- Fourth District
Tony Wong, P.E. – Member	- Fifth District

**1. Call to Order, Action on Absences, Pledge of Allegiance and Order of Agenda**

*The Chair advises all attendees that due to time considerations, the Board may be unable to hear all the items placed on the agenda for this meeting.*

**2. Approval of Minutes**

- December 14, 2005
- February 16, 2006
- March 16, 2006
- April 27, 2006
- May 18, 2006
- June 29, 2006

**3. Design Control Board Reviews**

- A. Parcel 9U – Woodfin Suite Hotel – DCB #04-015-B  
Approval of the record of the DCB's June 2006 action for conditional approval of a development project, per the plans on file with the Department
- B. Parcels 10/FF – Neptune Marina Apartments and Anchorage (Legacy) – DCB #04-014-B  
Approval of the record of the DCB's June 2006 action for conditional approval of redevelopment, per the plans on file with the Department

**4. Consent Calendar** (Items on the Consent Calendar may be held for discussion by the Board at the request of any Board member or member of the public.)

- A. Parcel 50 – Waterside Marina – DCB #06-012  
Consideration of additional identification signage for all tenants
- B. Parcel 50 – Waterside Marina – DCB #06-013  
Approval of existing merchandise kiosks
- C. Parcel 97 – Wells Fargo Bank – DCB #06-014  
Consideration of signage
- D. Parcel 50 – amé mi – DCB #06-016  
Consideration of signage

## Design Control Board Agenda

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### 5. Old Business

- A. Parcels 95 & LLS – Marina Gateway - DCB #02-026-B  
Further consideration of redevelopment project
- B. Parcels 55, 56 & W – Fisherman's Village - DCB #02-029-C  
Further consideration of redevelopment project
- C. Parcels 111/112 – Marina Harbor – DCB #06-010-C  
Further consideration of renovations

### 6. New Business

- A. Parcel 64 – Villa Venetia – DCB #06-015  
Consideration of redevelopment project

### 7. Staff Reports

- A. Temporary Permits Issued by Department
- B. Ongoing Activities Report
  - Board Actions on Items Relating to Marina del Rey
  - Marina del Rey Urban Design Guidelines Update
  - Redevelopment Project Status Report
  - Marina del Rey and Beach Special Events

### 8. Comments From The Public

Public comment within the purview of this Board (three minute time limit per speaker)

### 9. Adjournment

**ADA ACCOMMODATIONS:** If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disability Act) Coordinator at (310) 305-9590 (Voice) or (310) 821-1737 (TDD), with at least three business days' notice.

**Project Materials:** All materials provided to the Design Control Board Members are available (beginning the Saturday prior to the meeting) for public review at the following Marina del Rey locations: Marina del Rey Library, 4533 Admiralty Way, 310-821-3415; Department of Beaches and Harbors Administration Building, 13837 Fiji Way, 310-305-9503; MdR Visitors & Information Center, 4701 Admiralty Way, 310-305-9546; and Burton Chace Park Community Room, 13650 Mindanao Way, 310-305-9595.

**Please Note:** The Los Angeles County Board of Supervisors adopted Chapter 2.160 of the Los Angeles County Code (Ord. 93-0031 §2(part), 1993) relating to lobbyists. Any person who seeks support or endorsement from the Design Control Board on any official action must certify that they are familiar with the requirements of this ordinance. A copy of this ordinance can be provided prior to the meeting and certification is to be made before or at the meeting.

**Departmental Information:** <http://beaches.co.la.ca.us> or <http://labeaches.info>



*"To enrich lives through effective and caring service"*



**Stan Wisniewski**  
Director

**Kerry Silverstrom**  
Chief Deputy

July 13, 2006

TO: Design Control Board

FROM: Stan Wisniewski, Director

SUBJECT: **AGENDA ITEM 3 – DESIGN CONTROL BOARD REVIEWS: DCB REVIEWS  
#04-015-B and #04-014-B**

The Design Control Board's actions from May 2006 are attached:

- A. Parcel 9U – Woodfin Suite Hotel – DCB #04-015-B
- B. Parcels 10/FF – Neptune Marina Apartments and Anchorage (Legacy) – DCB #04-014-B

SW:PW:CS:s

Attachments (2)

# DRAFT

## Design Control Board Review DCB #04-015-B

**PARCEL NAME:** Woodfin Suite Hotel

**PARCEL NUMBER:** 9U

**REQUEST:** Further consideration of development.

**ACTION:** Approved, per the submitted plans on file with the Department.

**CONDITIONS:** Ms. Spitz (Phinney) moved for conceptual approval of DCB #04-015-B, and emphasized that the Board did not believe this building was located correctly and that it was incompatible and out of scale with the neighborhood. The Board recognizes it does not have authority to directly address those issues, and defers to the Department of Regional Planning for further determinations relative to land use compatibility. This action includes the following conditions:

- 1) The existing vernal wetland be protected and restored and not be damaged or converted to a tidal wetland;
- 2) The plinth area, particularly on the promenade side, receive further study by the architect vis a vis improved articulation, planters be scaled down at ground level and additional openings be explored into the parking area;
- 3) When the applicant returns, the waterside design should include the new transient boat slips;
- 4) The applicant should return with more information about contributions being offered to the boating program, including the use of the facilities;
- 5) The applicant must return for final approval of colors, landscaping, fenestration, and building materials;
- 6) The applicant must return if the replacement parking for Parcel FF cannot be appropriately provided; and
- 7) That the applicant return to the DCB for reconsideration of this project in its entirety if there are any changes in the interpretation of the wetland or wetland development or required buffer zone as this project progresses through entitlements.

**MEETING DATE:** June 29, 2006

# DRAFT

## Design Control Board Review DCB #04-014-B

**PARCEL NAME:** Neptune Marina Apartments and Anchorage

**PARCEL NUMBERS:** 10 & FF

**REQUEST:** Further consideration of redevelopment.

**ACTION:** Approved, per the submitted plans on file with the Department.

**CONDITIONS:**

- 1) The existing vernal wetland be protected and restored and not be damaged or converted to a tidal wetland;
- 2) That further study and articulation of fenestration, roof forms, car court, and promenade elevations be done to express a more waterfront marina context;
- 3) That the Board is concerned about the neighborhood compatibility of this structure in Marina del Rey;
- 4) That the project be referred to as a “resort” hotel;
- 5) That the applicant return to the DCB for reconsideration of this project in its entirety if there are any changes in the interpretation of the wetland or wetland development or required buffer zone as this project progresses through entitlements;
- 6) That the applicant return if there are changes in the design due to further analysis of wind studies; and
- 7) That the applicant must return for final approval of colors, landscaping, fenestration, and building materials.

**MEETING DATE:** June 29, 2006



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July 13, 2006

Stan Wisniewski  
Director

Kerry Silverstrom  
Chief Deputy

TO: Design Control Board

FROM: Stan Wisniewski, Director

*Stan W.*

SUBJECT: **AGENDA ITEM 4A – PARCEL 50 – WATERSIDE MARINA SHOPPING CENTER  
DCB #06-012**

Item 4A on your agenda is a submittal by Caruso Affiliated ("Applicant") seeking additional tenant identification signage (except for Ralphs) along the existing Lincoln Blvd. and Admiralty Way frontages at Waterside Marina Shopping Center. A total of 33 channel-type wall business signs are being proposed. No blade-type signage is proposed.

#### Project Description

The proposed identification signs are designed to inform visitors traveling along Lincoln Blvd. and Admiralty Way of available shopping opportunities within the newly renovated shopping center. The signs are proposed on the rear of the respective buildings housing the businesses, away from the public entrances, but corresponding to the location of each tenant within the building. A detail of each proposed sign is included in the submittal.

#### Project Background

Applicant has previously been before your Board for site renovation (DCB #04-007 and #04-007-B), lighting and landscaping (DCB #04-007-C), a signage program (DCB #04-007-D), temporary construction banners (DCB #05-001, #05-001-B, #05-001-C), and permanent tenant identification signage (DCB #05-021, #05-022, #05-026, #05-027, and #06-003). The Department has encouraged the Applicant to consider modest tenant identity signage on all sides of the shopping center in place of the previously proposed wall graphics (DCB #04-007-D), which were not allowable under County Code and also considered inappropriate. Applicant has returned with the subject compromise proposal to identify shopping opportunities within the center along the major adjacent transportation corridors.

#### Project Entitlements

Section 22.52.880 of the Los Angeles County Code governs the application of wall business signage within commercial zones in Marina del Rey (C-3). A maximum of three square feet of wall sign area for each linear foot of frontage is allowable, provided that ground-floor business establishments have entrances intended for and regularly used by the public on the side of the building considered to be building frontage. In this case, Applicant has installed approved signage along the interior of the center and is now seeking additional wall signage along façades that do not qualify as "building frontage" (except for two) to further identify shopping opportunities from major roadways. Preliminary investigation into this matter by the Department of Regional Planning indicates that these signs are permitted subject to the sign provisions of the zoning ordinance.

## **STAFF REVIEW**

The proposed signs vary in size from 6 square feet to 31 square feet. The new sign materials and colors will be consistent with those used in the existing signs approved by your Board at various times in 2005 and 2006.

Applicant proposes tenant identity signs on all sides of the shopping center, consistent with previous recommendations by the Department, to improve shopper information and to replace the originally submitted larger wall graphics on the façades. Only two existing signs are affixed to the rear of the establishments in the center, the U. S. Post Office (on Admiralty Way) and Starbucks Coffee (on Lincoln Blvd.), which both have back entrances intended for and regularly utilized by the public, yet the Department believes that placing all of the proposed signs facing major streets would attract more business and improve wayfinding by tastefully identifying available services to the public. The 1971 *Revised Permanent Sign Controls and Regulations* allow signs on street frontages of a "size and quantity compatible with the scale of the structure, as determined by the Design Control Board." The Department believes the size and placement of the proposed signage are compatible with the scale of the building façades and recommends your Board's approval of the proposed signage.

Following your Board's approval, the proposed signs would be consistent with the *Revised Permanent Sign Controls and Regulations* and the *Minimum Standards of Architectural Treatment and Construction*. The signage shall be subject to further review and approval by the Department of Regional Planning.

**The Department recommends APPROVAL of the signage per DCB #06-012, subject to Applicant obtaining further review and approval by the Department of Regional Planning.**

SW:JJC:s





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July 13, 2006

Stan Wisniewski  
Director

Kerry Silverstrom  
Chief Deputy

TO: Design Control Board

FROM: Stan Wisniewski, Director

**SUBJECT: AGENDA ITEM 4B – PARCEL 50 – WATERSIDE MARINA SHOPPING CENTER  
DCB #06-013**

Item 4B on your agenda is a submittal by Caruso Affiliated ("Applicant") seeking after-the-fact approval for five existing merchandise kiosks located at Waterside Marina Shopping Center. The kiosks are located in the common area of the shopping center, in front of Top Cloud Sushi restaurant and Starbucks Coffee.

#### Project Description

To provide supplement retail sales in an open-air setting, Applicant has installed five merchandise kiosks surrounding the common pedestrian area on the east side interior courtyard of the shopping center. Each kiosk has low-voltage track lighting mounted on the inside of the upper canopy, with portable electrical connections made to surface-mounted electrical outlets. Each kiosk is individually subleased to product vendors. While the merchandise sold in the kiosks can be similar in type to that sold in the existing stores, no store may actually sublease a kiosk for additional sale of its products. Each kiosk stands eight feet high and has a footprint of approximately 21 square feet. A detail of the kiosks is included in the submittal.

#### Project Background

Applicant has previously been before your Board for site renovation (DCB #04-007 and #04-007-B), lighting and landscaping (DCB #04-007-C), a signage program (DCB #04-007-D), temporary construction banners (DCB #05-001, #05-001-B, #05-001-C), and permanent tenant identification signage (DCB #05-021, #05-022, #05-026, #05-027, and #06-003). Applicant added the kiosks when the center reopened to the public earlier this year. They have proven to be appealing and been welcomed by shoppers.

#### Project Entitlements

The Department of Regional Planning has confirmed it does not regulate retail space of this nature, although the kiosks are consistent with the approved visitor-serving commercial activities at the center. Therefore, your Board has the authority to approve the location and scale of this supplemental retail component of the center. The kiosks are typically operated Monday through Thursday from 10:00 a.m. to 7:00 p.m., Friday and Saturday from 10:00 a.m. to 8:00 p.m., and Sunday from 11:00 a.m. to 6:00 p.m., although actual operating hours may vary.



## **STAFF REVIEW**

The kiosks are tastefully designed and manufactured of high quality materials, utilizing colors that are compatible with the rest of the shopping center. They are consistent with the overall renovation strategy of the center and provide a lively, high-quality shopping environment appropriate for the "visitor-serving commercial" designation of the center. The kiosks are clustered in the common area to provide a convenient shopping experience for the customer, without conflicting with the main paths of pedestrian travel or the main public gathering space.

On its preliminary review, the Department of Regional Planning has confirmed it does not regulate retail space of this nature and would defer to the Department for acceptance of the kiosks and to your Board for approval. As the kiosks are not overly intrusive, the Department supports the size and location of the kiosks consistent with the strategic purpose for the center to enhance the public shopping experience.

**The Department recommends APPROVAL of DCB #06-013 as submitted.**

SW:JJC:s



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July 13, 2006

Stan Wisniewski  
Director

Kerry Silverstrom  
Chief Deputy

TO: Design Control Board

FROM: Stan Wisniewski, Director *Stan W.*

SUBJECT: **AGENDA ITEM 4C – PARCEL 97 – WELLS FARGO BANK AT MARINA BEACH SHOPPING CENTER – DCB #06-014**

Item 4C on your agenda is a submittal by Pacific Ocean Management and Wells Fargo Bank (Applicant) for three permanent building identification wall signs for *Wells Fargo Bank*, a new sublessee at Parcel 97, Marina Beach Shopping Center-Building B (514 W. Washington Blvd.). The developer of the property (Gold Coast West, LLC) is currently in the final phase of redevelopment of the Marina Beach Shopping Center. *Wells Fargo Bank* is an existing tenant on Parcel 95, located west of Via Marina, and is being relocated to Parcel 97.

#### Project Description

Applicant proposes to install one channel-type wall sign on the east, west and north elevations of the shopping center, for a total of three signs. Proposed wall signs #1 and #3 will face Building C and Washington Blvd, respectively, and will read *Wells Fargo* in the corporate font, 7.76 inches above a 1.4-inch wide solid rule line. The signs will each measure 14'-11" wide by 1'-3" high, for a total of slightly less than 19 square feet in area. The halo-lit reverse channel letters will be colored yellow (PMS-123C) with black returns, and the rule line will be colored red (PMS-200C) with black returns. Sign #1 will be centered over the east building entrance (facing Building C) on the tenant's fascia/sign band frontage, with the rule line at an elevation of approximately 11'-6" feet above grade. Sign #3 will be centered on the tenant's north fascia/sign band frontage (facing Washington Blvd.), with the rule line at an elevation of approximately 11'-6" feet above grade.

Proposed wall sign #2 will face the corner of Washington Blvd. and Via Marina, with copy to read *Wells Fargo* in a corporate font, 6.2 inches above a 1.12-inch wide solid rule line. The sign will measure 11'-10<sup>3</sup>/<sub>8</sub>" wide by 1'-0" high, for a total area of slightly less than 12 square feet. The halo-lit reverse channel letters will be colored yellow (PMS-123C) with black returns, and the rule line will be colored red (PMS-200C) with black returns. The sign will be centered over the westerly building entrance on the tenant's fascia/sign band frontage, with the rule line at an elevation of approximately 11'-6" feet above grade.

#### Project Background

*Wells Fargo Bank* represents the last existing tenant to apply for signage approval on Parcel 97. Other tenants with previously approved signage include *The UPS Store* (DCB #05-029), *Frankie & Johnnie's New York Pizza*, *Wolf's Liquor*, *Joni's Coffee Roasting Café*, *Noah's Bagels*, *Cleaning Baron*, *Pet Spa*, *Talk of the Town Hair & Nails*, and *First Coastal Bank* (DCB #05-031).

Additionally, your Board approved the lessee's overall signage program in February 2004 (DCB #02-009B). Tenants that have completed installation of their approved signage include *Wolf's Liquor*, *Joni's Coffee Roasting Café*, *Noah's Bagels*, *Pet Spa* and *First Coastal Bank*. The only tenant that has not yet installed its approved new signage is *Cleaning Baron*.

### Project Entitlements

Section 22.52.880 of the Los Angeles County Code permits the application of wall business signage within commercial zones in Marina del Rey (C-3). A maximum of three square feet of wall sign area for each linear foot of frontage is allowable. In this case, where a ground-floor business establishment has entrances intended for and regularly used by the public on the side of the building not considered to be building frontage, the business is permitted one wall sign on each such side, provided the total combined sign area on the additional sides does not exceed one-half of the sign area permitted on the building frontage. Preliminary calculations of permissible sign area indicate allowable area to be 336 sq. ft. The total sign area proposed for all three signs does not exceed 50 sq. ft., which is well under the maximum permissible sign area.

### **STAFF REVIEW**

Applicant proposes one sign over each of the two shopping center entrances, plus one facing Washington Blvd. The lighting of the sign should be consistent with the hours of the latest-open tenant in the center. On its preliminary review, the Department of Regional Planning has indicated the signage area and appearance are acceptable.

Staff believes the proposed sizes, colors, and locations of the signage are compatible with the scale and appearance of the buildings. The signage is consistent with the overall tenant sign program approved by your Board in February 2004. The *Revised Permanent Sign Controls and Regulations* and the *Minimum Standards of Architectural Treatment and Construction* grant your Board the authority to make the determination as to whether or not the proposed signage is in conformance with these standards. Following your Board's approval, the signage will require further review and approval by the Department of Regional Planning.

**The Department recommends APPROVAL WITH CONDITIONS for DCB #06-014:**

- 1. The lighting of the sign shall be consistent with the hours of the latest-open tenant at the shopping center; and**
- 2. The Applicant shall obtain further approval from the Department of Regional Planning.**

SW:JJC:cs



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July 13, 2006

Stan Wisniewski  
Director

Kerry Silverstrom  
Chief Deputy

TO: Design Control Board

FROM: Stan Wisniewski, Director *Stan W.*

SUBJECT: **AGENDA ITEM 4D – PARCEL 50 – AMÉ MI AT WATERSIDE MARINA DEL REY – DCB #06-016**

Item 4D on your agenda is an application for identification signage at amé mi (formerly Gotta Have Shoes), a sublessee at Parcel 50, Waterside Marina del Rey.

#### Project Description

Applicant proposes to install one channel-type wall sign on the south façade of the premises, at 4714 Admiralty Way. The proposed wall sign will read *amé mi* in a Bertoni font. The first line of the sign (*amé*) will measure 12" high by 50.5" wide and the second line (*mi*) will measure 23" high by 50.5" wide. Additionally, there will be a 1" space between the lines of text, for a total of slightly more than 12 square feet in area. The halo-lit reverse channel letters will be aluminum and colored bronze (PMS-7533C). The sign will be centered over the business entrance on the tenant's fascia/sign band frontage, with the bottom of the sign at an elevation of approximately 15'-1" above grade.

#### Project Background

Formerly Gotta Have Shoes, the applicant has recently changed from selling footwear to selling women's fashion apparel, under a different trade name. This accounts for the signage change. The previously approved (DCB #04-007-D, February 2005) Gotta Have Shoes signage was slightly more than 18 square feet in area, so the proposed signage will be smaller in overall size.

#### Project Entitlements

Section 22.52.880 of the Los Angeles County Code permits the application of wall business signage within commercial zones in Marina del Rey (C-3). A maximum of three square feet of wall sign area for each linear foot of frontage is allowable. Preliminary calculations of permissible sign area indicate the allowable area to be 45 sq. ft. The total sign area proposed is slightly more than 12 square feet, well under the maximum permissible sign area.

#### **STAFF REVIEW**

Applicant proposes one sign centered over the business entrance. The proposed new sign will be approximately 6 square feet smaller than the existing sign. The lighting of the sign should be consistent with the hours of the latest-open tenant in the center. On its preliminary review, the

Department of Regional Planning has indicated the signage area and appearance are acceptable.

Staff believes the proposed size, color, and location of the signage are compatible with the scale and appearance of the building. The signage is consistent with the overall tenant sign program approved by your Board in February 2005. The *Revised Permanent Sign Controls and Regulations* and the *Minimum Standards of Architectural Treatment and Construction* grant your Board the authority to make the determination as to whether or not the proposed signage is in conformance with these standards. Following your Board's approval, the signage will require further review and approval by the Department of Regional Planning.

**The Department recommends APPROVAL WITH CONDITIONS for DCB #06-016 as follows:**

- 1. The lighting of the sign shall be consistent with the hours of the latest-open tenant at the shopping center; and**
- 2. The Applicant shall obtain further approval from the Department of Regional Planning.**

SW:JJC:cs



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**Stan Wisniewski**  
Director

**Kerry Silverstrom**  
Chief Deputy

July 13, 2006

TO: Marina del Rey Design Control Board

FROM: Stan Wisniewski, Director *Stan W.*

SUBJECT: **AGENDA ITEM 5A – PARCELS 95/LLS – MARINA GATEWAY  
DCB #02-026-B**

Item 5A on your agenda is by Gold Coast West, LLC (Applicant) seeking conceptual approval of its revised redevelopment plans for Marina Gateway Shopping Center, located along Washington Blvd., between Via Marina and Via Dolce, on the northern edge of Marina del Rey. The project location serves as the northern gateway to traffic entering and leaving Marina del Rey.

History and Brief Description of the Proposed Project

The project plan was originally considered by your Board in November 2002 and received conceptual approval at that time (DCB# 02-026). Such approval originally called for complete redevelopment of the parcel including demolition of the 21,119 sq. ft. Marina West development and exterior improvements to the 5,713 sq. ft. Islands Restaurant. The approved project included construction of 39,613 sq. ft. of commercial/retail space, for a net increase of 18,494 sq. ft., and was to provide 234 parking spaces, with access from three driveways on Washington Boulevard and from the alley on the south side of the center.

Based upon comments made by the Regional Planning Commission when presented with the initially-approved project, Applicant has substantially altered the project to provide 72 residential units over visitor-serving commercial uses. The Applicant is, therefore, now seeking conceptual approval for a revised redevelopment plan for Marina Gateway, including a programmatic change to a mixed-use retail/office/residential project. The proposed changes in scope are outlined below and in the accompanying summary table.

- **Building A** – This building is located at the east end of Parcel 95, near the corner of Via Marina and Washington Blvd and adjacent to Parcel LLS. The approved plan for this site formerly was a new building varying in height from 27 to 42 feet to house a relocated bank and new restaurant. The Applicant has modified the building to accommodate the relocated Islands restaurant and to provide ancillary office and retail uses within two stories and a basement.
- **Building B** – This building, located mid-block between Via Marina and Via Dolce, was initially designed as a 21 to 35 foot high retail and restaurant building. Applicant's current proposal changes the use to a four-story residential (36 units) and retail/mixed-use building, rising to over 60 feet high over a basement parking garage.
- **Building C** – This building, located at the west end of Parcel 95, initially was to remain as restaurant use, but now mirrors Building B by providing additional mixed-use residential (36 units) and retail uses.

The conversion of this project from strictly visitor-serving commercial to a mixed-use residential/retail project has resulted in a revised total adjusted project area of 231,705 square feet, which represents an increase of 192,092 square feet over the project approved in 2002, as detailed in the following summary table:

**PROJECT SUMMARY**  
 (Area in square feet)

	<b>ORIGINAL PROJECT AREA (2002)*</b>	<b>PROPOSED PROJECT AREA (2006)</b>
Bldg. A	14,903	31,885
Bldg. B	18,997	99,910 <sup>(a)</sup>
Bldg. C	--	99,910 <sup>(a)</sup>
Bldg. D	5,713	--
Park (LLS)	open space	open space
	<b>39,613*</b>	<b>231,705</b>

\* DCB #02-026, approved November 2002; existing building area is 21,119 s.f.

<sup>(a)</sup> Ground floor retail and two floors of apartments (total of 72 residential units)

- **Public Park (Parcel LLS)** – This 0.225-acre parcel would accommodate a public park, located at the southwest corner of Via Marina and Washington Blvd. Its location will complement another new park approved by your Board and developed by Applicant across Via Marina, on Parcel 97, to enhance the northern gateway to Marina del Rey. The proposed park will include a fountain/water element, a small circular amphitheater and enhanced signage/landscape/hardscape elements that provide an attractive outdoor area for gathering, entertainment, or for more passive uses. The proximity of the park to the proposed new Islands restaurant will also create synergy for a variety of public uses at the east end of the project.

Parking for the revised Marina Gateway redevelopment proposal will be provided in basement, surface and structured parking for Building A and in basement and structured parking areas within Buildings B and C. Additional rooftop parking will be available between Buildings A and B, linking them with an attractive bridge. The revised project provides a total of 337 on-site parking spaces, which appears to meet County parking requirements.

### Development Rights and Regulations

The Via Marina development zone (DZ) is situated in the extreme northwest corner of the Marina and contains zoning designations and entitlements supporting expansion of visitor-serving and high-density residential properties. The LCP designates the subject Parcel 95 as visitor-serving commercial with a mixed-use overlay, which *provide[s] additional flexibility for development of creatively designed mixed-use projects on selected non-waterfront parcels*. Previous decisions by



your Board have enabled the allocation of entitlements for all but 72 residential dwelling units within this DZ. As this property is off the water and carries the mixed-use (MUZ) designation, Applicant was encouraged by DRP to consider this opportunity to add residential units to the program for development.

In that Parcel LLS carries the zoning designation of *Public Facility*, the incorporation of a public park would meet the intended land use criteria and, the Department believes, would significantly add to the public's enjoyment of the overall project. In addition, complementary design elements for the park (e.g., water elements and signage) would emphasize the northern Marina gateway effect desired at this entry/exit location for the Marina.

#### Land Use Context

Parcel LLS is presently operated by the Department as a public parking lot with eight spaces serving the existing visitor serving uses in the vicinity of Parcel 95. These spaces will be retained and increased within the proposed project, while the parcel is otherwise enhanced to provide valuable public open space uses. Parcel 95 currently houses the Marina West Shopping Center, as indicated above.

The project is bounded on the north by Washington Blvd. in the City of Los Angeles, which forms the northern boundary of Marina del Rey. The north side of Washington Blvd. is fully developed with high-density multi-family residential, commercial and office development. On the west, the property abuts Via Dolce, which is also in the City of Los Angeles and corresponds to the western boundary of Marina del Rey. Existing high-rise office uses predominate west of Via Dolce. The project is bounded on the south by an alley and the high density residential (Residential V) Oakwood Apartments. On the east, the project fronts on Via Marina, with existing commercial and adjacent hotel (Marina Marriott) development, which forms the basis for the desired gateway effect to/from the Marina.

#### Environmental Review Process

Applicant has not yet filed an application with DRP to initiate the environmental review process under the California Environmental Quality Act (CEQA) for the modified project scope. Following your Board's action with respect to this application, Applicant will file the project at DRP, where a full project review, including an environmental analysis under CEQA, will be completed prior to consideration by the Regional Planning Commission. Significant issues will be fully addressed in the environmental impact report (EIR) to be prepared as a part of its application. As part of that process, the EIR will be circulated to all relevant agencies and will involve interested parties to consider public comment. Major issues to be considered in further analysis to be undertaken will include, but may not be limited to the following:

- Shade/Shadow Effects
- Traffic and Circulation
- Land Use Compatibility
- Public Access
- Light and Glare
- Water Quality

#### STAFF REVIEW

The revised project embodies the identical architectural character as the 2002 project, with the added residential components and enhanced visitor-serving retail and office arrangement. The Department supports this addition of on-site residential units and the necessary rearrangement of previously-approved uses.

Further building refinements to Building A provide a curved façade to enhance the building aesthetics and to open up views along Washington Blvd. Various design features of the building emphasize its importance at the confluence of two major streets and as the northern Marina gateway. Rooftop parking will be provided on a bridge over a driveway connecting Buildings A and B. Buildings B and C will be similar in design, housing ground-floor retail and small restaurant uses. A lobby entrance will be at the center of each building to provide secure access to residential units and tenant parking. All one- and two-bedroom residential units will have balconies, and the exteriors will be smooth plaster with pre-cast accent detailing.

Exterior building lighting will add a sophisticated look to the development at night. Lighting fixtures will be shielded and unobtrusive, yet provide for ample accent of building features and for safety and security. Decorative lighting elements will include softly glowing balconies and decorative wall sconces. Selected trees will have controlled up-lighting and post-mounted area lighting will accent paths and significant planter areas. Special event lighting will be provided to serve the park area during special events.

The gateway park on Parcel LLS will complement the park area to be provided on Parcel 95, across Via Marina, to enhance the Marina gateway feel. The park will include a fountain, amphitheater seating, a circular stage to accommodate small performances, and hardscape and landscape improvements to enhance this urban park experience. This larger of the two public park areas at the Marina gateway would be further enhanced by the incorporation of significant public art, which requires further consideration by Applicant.

As submitted, the project is in conformance with the *Marina's Specifications and Minimum Standards of Architectural Treatment and Construction*.

**The Department recommends conceptual approval of the revised redevelopment DCB #02-029-B with the following conditions:**

- 1) For post-entitlement DCB review, Applicant will provide full project design details for the buildings, promenade, landscaping, signage, lighting, and the provision of public art; and**
- 2) Any subsequent significant use changes shall require further DCB review and approval before continuing through the entitlement process.**

SW:JJC:s



*"To enrich lives through effective and caring service"*



**Stan Wisniewski**  
Director

**Kerry Silverstrom**  
Chief Deputy

July 13, 2006

TO: Marina del Rey Design Control Board

FROM: Stan Wisniewski, Director 

SUBJECT: **AGENDA ITEM 5B – PARCELS 55/56/W – FISHERMAN'S VILLAGE  
DCB #02-029-B**

Item 5B on your agenda is the application for conceptual approval of the revised redevelopment plans for Fisherman's Village by Gold Coast Village, LLC (Applicant). The initial redevelopment project plan was originally considered by your Board in January 2003 and received conceptual approval at that time (DCB# 02-029). Such approval originally called for complete redevelopment of the parcel, including significant waterfront public amenities and parking facilities. In 2003, all structures were to be demolished except for El Torito's Restaurant and the existing Lighthouse structure. The DCB #02-029 conceptual approval authorized 48,600 square feet of visitor-serving commercial development, for an increase of 16,000 square feet over existing conditions. Those improvements included eight new buildings, a new parking structure, three parking lots (one subterranean), a circular wharf area extending over the water, a fountain, a merry-go-round, a children's play area, an entertainment plaza, an improved waterfront promenade and new docks. (DCB Review #02-029 is attached for your reference.) Since 2003, no further entitlements have been granted for this project through the Department of Regional Planning (DRP).

Applicant appeared before your Board in May 2006 with revised plans including landside and waterside (dock) improvements. At that time, your Board asked Applicant to return with more information pertaining to waterfront design elements (e.g., fuel docks, pump-out stations/boater restrooms, transient boater/boat rental facilities, accessibility), navigational impacts to an adjacent rowing venue (LMU) and parking. Responses to these issues from Applicant are included in the revised submittal materials and are reviewed in this staff report.

#### Brief Description of the Proposed Project

At this time, Applicant has submitted a revised redevelopment plan for Fisherman's Village, including much of the former improvements, except that the existing El Torito (Bldg. A) will be demolished to accommodate a reconfigured ground-floor retail space. The El Torito will be relocated to the south of the property, in a new Bldg. 1, adjacent to Shanghai Red's restaurant. The other significant change is the addition of a second-floor boutique hotel above Bldgs. 6, 7 and 8. The total adjusted area of the new redevelopment proposal is 127,450 square feet, an increase of 94,850 square feet over the existing improvements and 78,850 square feet more than the project approved in 2003 (see following Project Summary table).

**PROJECT SUMMARY**  
 (Area in square feet)

	<b>EXISTING CONDITIONS (AREA, sf)</b>		<b>ORIGINAL PROJECT AREA (DCB #02-029)*</b>	<b>PROPOSED PROJECT AREA (2006)</b>
Bldg. A	6,224	Bldg. 1	6,500	9,354
Bldg. B	6,647	Bldg. 2	4,000	3,350
Bldg. C	6,510	Bldg. 3	2,500	1,700
Bldg. D	5,557	Bldg. 4	6,688	12,700
Bldg. E	7,508	Bldg. 5	6,688	12,700
Bldg. F	154	Bldg. 6	6,224	27,167 <sup>(h)</sup>
	--	Bldg. 7	4,000	25,813 <sup>(h)</sup>
	--	Bldg. 8	4,400	22,967 <sup>(h)</sup>
	--	Bldg. 9	7,600	11,700
	<b>32,600</b>		<b>48,600*</b>	<b>127,451</b>

\* -- DCB #02-029, approved January 2003.

<sup>(h)</sup> – includes 132-room boutique hotel, apportioned equally across 2<sup>nd</sup> floor of Buildings 6, 7 and 8.

Accompanying waterside improvements would utilize under-utilized water space at Parcel 55 to expand and construct rearranged boating facilities and substantially improve the public promenade. Modifications to the planned dock improvements include:

- Elimination of the charter boat slip adjacent to the LMU Boathouse and provision of a dock extension along the pier-head line to provide 485 linear feet of dockage area for two charter boats in tandem;
- Creation of larger boat rental area;
- Provision of individual sewage connections for each commercial slip and elimination of a single common vessel pump-out;
- Provision of expanded area for three transient slips and dinghy dockage area (20-32);
- Relocation of water taxi slip to central area; and
- Provision of ADA-compliant dock and gangway improvements throughout.

**Development Rights and Regulations**

The Marina del Rey Local Coastal Program (“LCP”) contains provisions for prospective redevelopment of Parcels 55, 56 and W within land and water use allocations for Development Zone (DZ) 10, the Fisherman’s Village Development Zone. The subject DZ 10 currently has an available development allocation of 20,000 square feet of visitor-serving commercial retail space, 350 restaurant seats, and a ferry terminal and office. Existing zoning designations include marine

commercial for Parcel 55, visitor-serving commercial for Parcel 56, and parking for Parcel W. The subject parcels also carry the *Waterfront Overlay Zone* (WOZ) designation, which is an overlay land use category intended to encourage coastal-related, coastal-dependent and visitor-serving land uses while increasing development flexibility. Applicant has proposed to use the WOZ designation to add waterfront amenity to the project.

Applicant's proposal to construct the expanded visitor-serving components and commercial dock space is consistent with the LCP use allocations. Parcel 55 has a marine commercial designation, and Applicant is aware of the expectation expressed in the LCP for providing a fuel dock on this parcel. However, substantial alternative public marine-related uses are proposed for the project, and Applicant is working with DRP staff to determine the appropriateness of restoring fueling operations at this site.

## **STAFF REVIEW**

### **Land Use Context**

Fisherman's Village is located near the south end of Fiji Way and serves as the key visitor-serving commercial activity center for the eastern side of the Marina. From the water, the parcel serves as the mooring location for many of the larger charter boats in the Marina and as an embarkation point for sportfishing and charter boat services. To the north, the parcel is bordered by marina commercial uses, including the LMU Boathouse and the Windward Yacht Center. To the east, the property is bounded by Fiji Way and undeveloped State property comprising the Ballona Wetlands Ecological Reserve. To the west, the property borders on the main channel.

### **Environmental Review Process**

Applicant has not yet filed an application with DRP to initiate the environmental review process under the California Environmental Quality Act (CEQA) for the project scope. Following your Board's action with respect to this application, Applicant will file the project at DRP, where a full project review, including an environmental analysis under CEQA, will be completed prior to consideration by the Regional Planning Commission. Significant issues will be fully addressed in the environmental impact report (EIR) to be prepared as a part of its application. As part of that process, the EIR will be circulated to all relevant agencies and will involve interested parties to consider public comment. Major issues to be considered in further analysis to be undertaken will include, but may not be limited to, the following:

- |                               |                   |
|-------------------------------|-------------------|
| • Traffic/Circulation/Parking | • Public Access   |
| • Navigation                  | • Light and Glare |
| • Land Use Compatibility      | • Water Quality   |
| • Viewshed/View Corridors     | • Landscaping     |

### **Special Issues**

Modifications to the project made by Applicant appear to be responsive to all concerns raised by the Board at your May 2006 meeting.

- Parking -- Parking for the revised Fisherman's Village redevelopment proposal will be provided in three areas:
  - a 3-story parking garage with additional rooftop parking on the south side totaling 488 spaces;
  - an underground parking garage on the north side of the property to accommodate boaters and valet retail and hotel parking totaling 295 spaces; and
  - additional on-grade parking totaling 63 spaces.

In total, 846 parking spaces are provided, which, Applicant acknowledges, falls short of providing sufficient parking for all intended on-site uses per the Los Angeles County Zoning Code. To address this shortfall and Board concerns, Applicant has provided a preliminary parking analysis for the project with their submittal materials, which will be provided to DRP with the project zoning application. The study assesses the planned operational practices of the proposed 846 parking spaces (self-park and valet) serving the various project uses. The study concludes that adequate parking is available to accommodate all anticipated uses, including shared use by Shanghai Red's restaurant and all charter boat operations.

- Wind Impacts -- To address potential wind impacts on pedestrian comfort and boating activities, Applicant has provided a wind study of the proposed project with their submittal materials, which will also be provided to DRP with the project zoning application. The study concludes that given the generally low wind speeds in the Marina and the limited building heights, the resulting wind conditions in the gaps between the proposed buildings are likely to be appropriate for pedestrian activities when mitigated through design and orientation. Wind impacts from the proposed project on adjacent boating activities were previously reviewed and found to be within acceptable limits, as mariners who would continue to use these docks are in the final stages of docking and would not be affected by localized changes in wind speed and direction.
- Geotechnical Issues -- To further address previous Board comments concerning subsurface conditions at the project site, Applicant has provided a complete geotechnical investigation report for the project site with their submittal materials. This report will also be provided to DRP with the project zoning application.
- Boating Impacts -- The proposed project would utilize under-utilized water space at Parcel 55 to expand and rearrange boating facilities to provide for up to 26 commercial boat slips, ranging in size from 55 feet to 72 feet. Redesign of the northern dock section would accommodate a revised boat rental concession for smaller watercraft and eliminate possible navigational impacts on the LMU Boathouse. In this way, the project serves to enhance the priority water dependent uses that support the visitor-serving nature of this project.

#### Development Review

- Architectural Character -- The revised project embodies the identical architectural character as the 2003 project, with enhanced visitor-serving uses and vibrant waterfront elements normally associated with successful specialty retail centers. The project's dramatic increase in building area is due to the relocation of El Torito and inclusion of a boutique hotel above enhanced retail space in the proposed Bldgs. 6, 7 and 8.

Conclusion

Staff believes this modified project scope achieves the Board's intended enhancements, while providing the desired increase in public access and visitor-serving uses. As modified, this project is in conformance with the *Marina's Specifications and Minimum Standards of Architectural Treatment and Construction*.

**The Department recommends conceptual approval of the revised redevelopment DCB #02-029-B with the following conditions:**

- 1) For post-entitlement DCB review, Applicant will return with full project design details for the buildings, promenade, landscaping, signage, etc. If significant project design changes are required due to technical review, the project will return to the DCB before continuing through the entitlement process; and**
- 2) For all waterside improvements, Applicant shall:**
  - a. Obtain approval from the Department's Harbor Engineer prior to filing as joint applicant for a coastal development permit with the Coastal Commission and a permit from the U.S. Army Corps Of Engineers; and**
  - b. Ensure that the public has continuous access to charter boat operations during construction.**

SW:JJC:s

Attachment





**COUNTY OF LOS ANGELES  
DEPARTMENT OF BEACHES AND HARBORS**



**DESIGN CONTROL BOARD REVIEW  
DCB #02-029**

**STAN WISNIEWSKI**  
DIRECTOR

**KERRY GOTTLIEB**  
CHIEF DEPUTY

**PARCEL NAME:** Redevelopment of Fisherman's Village

**PARCEL NUMBER:** Parcel 55, 56 and W

**PROJECT DESCRIPTION:** The project plan calls for complete redevelopment of the parcel with new landside and waterside improvements, including significant waterfront public amenities and parking facilities. With the exception of El Torito's Restaurant and the Lighthouse, all structures will be demolished. Following redevelopment, the building square footage will be 48,600 square feet, an increase of 16,000 square feet. Proposed improvements include eight new buildings, a parking structure, four surface parking lots (one which includes subterranean parking), a circular stage partially overhanging the water, fountain, merry-go-round, children's play area, entertainment plaza, entrance promenade leading to the improved waterfront promenade and new docks.

At the December 2002 meeting, the Board deferred action on this item and requested the applicant to provide additional information regarding groundwater levels, engineered parking garage sections and stormwater management. The Board sought this information to determine the feasibility of the overall project design, as submitted. The proposed projects are in a developmental stage and have not been subject to any design modifications. The Local Coastal Plan (LCP) provides the Board with the authority to consider and grant conceptual approval to basic guidelines of the project and specifically authorizes the Board to retain jurisdiction for the project for a more specific design criteria, which is generally developed later in the entitlement process (signage, landscape, etc.).

**ACTION:** Approved in concept with the modification to Staff's recommendation conditions, including post entitlement DCB review.

- CONDITIONS:**
1. Post-entitlement DCB review: the applicant will provide full project design details for the buildings, promenade, landscaping, signage, etc., as discussed in the staff review. If significant project design changes are required due to technical information, the project will return to the DCB before continuing through the entitlement process;
  2. Landside improvements permit: during the entitlement process at the Department of Regional Planning, the

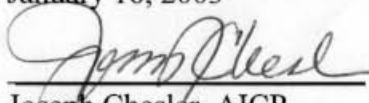
Department of Beaches and Harbors shall review and approve, prior to approval by the RPC:

- a. The demolition and trucking plan; and
  - b. To ensure the implementation of Best Management Practices (BMPs) to minimize the volume, velocity and pollutant load of stormwater leaving the site, the applicant must provide a drainage and pollution runoff control plan, prepared by a licensed civil engineer, covering the entire site.
3. Applicant has provided revised plans for underground parking that are reconfigured on the Fiji Way frontage on the northeast corner of Parcel W, adjacent to Parcel 54. This reconfiguration maximizes the distance of the underground parking facility from the seawall, and is acceptable with the following conditions:
- a. The elevation of the underground parking structure shall conform with the required depression of surface parking, if used for view corridor credit, as provided in the LCP;
  - b. Applicant agrees to work to reduce the total parking required for the overall project and any reductions achieved will result in a corresponding reduction and/or the elimination of underground parking on the site.
  - c. Per the basement parking plan submitted at the January 16, 2003 DCB meeting, the underground parking structure will consist primarily of tandem spaces and will be valet only, not a public access parking garage.
  - d. The elevation of any underground parking structure constructed shall conform with the required depression of surface parking, if any portion of that is used for view corridor credit as provided in the LCP.
  - e. Ensure that the operation of the large yacht charter boats on Parcel 55 will neither endanger nor disrupt the operation of the rowing facility on Parcel BB;
  - f. Ensure that sufficient dock space is provided for transient boats and yachts, small transient boats (e.g. dinghies and kayaks and rowing sculls) with appropriately designed docks. A minimum of one pump-out station must be made available to the general public.

MEETING DATE:

January 16, 2003

APPROVED BY:

  
Joseph Chesler, AICP  
Chief of Planning



"To enrich lives through effective and caring service"



July 13, 2006

TO: Design Control Board

FROM: Stan Wisniewski, Director

Stan Wisniewski  
Director

Kerry Silverstrom  
Chief Deputy

**SUBJECT: AGENDA ITEM 5C – PARCELS 111/112 – MARINA HARBOR – DCB #06-010-C**

Item 5C on your agenda is a returning submittal from Marina Pacific Associates, LLC (Applicant) with respect to Parcels 111/112 (Marina Harbor). Applicant is returning with signage, wayfinding icons and entry fountain design, as directed by your Board at its May 18, 2006 meeting.

Project Background -- This submittal is in response to your Board's May 2006 (DCB #06-010-B) suggestion that Applicant return with a more definitive plan for an entry water feature, wayfinding symbols and signage. Applicant was also previously before your Board in March 2006 (DCB #06-010) for approval of exterior renovations to The Tides (Parcel 111) and Waters Edge (Parcel 112).

Project Description -- Applicant proposes a new fountain for the entry to the project, located at the corner of Bora Bora Way and Via Marina. The fountain will be coordinated with new wayfinding icons along Bora Bora Way that will lead residents to the view park on the Main Channel at the back of the Waters Edge portion. A new signage program is also proposed, some of which is new and some of which will replace older existing signage, as follows:

- Signage – Waters Edge (Parcel 112) -- The new Waters Edge signage program will consist of several types of signage as follows:
  - Four freestanding address signs (sign types 1+2);
  - Seven building-mounted address signs (sign type 3);
  - Seven vinyl film glass-mounted address signs (sign type 4);
  - Three parking signs (sign types 5-7);
  - One view park sign (sign type 18); and
  - One entry fountain sign (sign type 19).

The four freestanding address signs will be placed at each parking entry between the buildings and will indicate the building's address range and parking location. Each will be a 4' high by 2' wide monument-style sign made of aluminum with a brushed satin finish. Copy will consist of a black vinyl sailboat icon and lettering in a Bauer font. These signs will replace the 3' high by 8' long monument wall signs currently in place in front of each building.

The seven building-mounted address signs will be mounted above each building main entrance, facing Bora Bora Way. They will consist of 1" thick black aluminum and will state the building address in 1' high Bauer lettering above copy reading *Waters Edge* in 6.5" Bauer lettering.

The seven vinyl film glass-mounted address signs will be mounted to the glass on the right side of each building plaza entrance. The frosted vinyl film will have Bauer font cutouts that indicate the building's address.

The three parking signs will be placed outside the parking entrances to Buildings A, F and G. Each will be a 4'-6" high by 3' wide dual pole-mounted style sign made of aluminum with a brushed satin finish. Copy will consist of a black vinyl sailboat icon and parking information for residents and boaters in a Bauer font.

The view park sign will be mounted on the 4' high brick wall at the north edge of the view park. It will consist of 1" thick black aluminum lettering stating *View Park* in a Bauer font next to a 10" high black aluminum sailboat icon.

The entry fountain sign will be mounted facing Via Marina on the side of the entry fountain wall, at the corner of Via Marina and Bora Bora Way. It will consist of 1" thick black aluminum lettering stating *Marina Harbor* on the left in a 5.5" Bauer font and *Apartment Homes and Anchorage* on the right in a 3.5" Bauer font. In the center will be a 1'-6" high black aluminum sailboat icon. The fountain will replace the existing 6' by 8' monument sign.

- Signage – The Tides (Parcel 111) -- The signage program at The Tides will consist of several types of signage as follows:
  - Seven freestanding address signs (sign types 8+9);
  - Seven vinyl film glass-mounted address signs (sign types 10-12);
  - Three parking signs (sign types 13-15);
  - One freestanding office sign (sign type 16); and
  - One existing monument sign (sign type 17).

The seven freestanding address signs will be placed in front of all buildings along Via Marina and Tahiti Way and will indicate the address of each building. Each sign will be a 4' high by 1'-8" wide monument-style sign made of aluminum with a brushed satin finish. Copy will consist of a black vinyl sailboat icon and lettering in a Bauer font.

The seven vinyl film glass-mounted address signs will be mounted to the glass at various building entrances. The frosted vinyl film will have Bauer font cutouts that indicate the building's address.

The three parking signs will be placed outside the parking entrances to Buildings 1 (two signs) and 6 (one sign). Each will be a 4'-6" high by 3' wide dual pole-mounted style sign made of aluminum with a brushed satin finish. Copy will consist of a black vinyl sailboat icon and parking information for residents and boaters in a Bauer font.

The freestanding office sign will be mounted at the west corner of Building 7. The sign will be a 4'-6" high by 3' wide dual pole-mounted style sign made of aluminum with a brushed satin finish. Copy will consist of a black vinyl sailboat icon and directions to the anchorage office in a Bauer font.

The existing monument sign is located on Tahiti Way just east of Via Marina. The sign base is 14' high with a cabinet of 4' high by 12' wide. The sign base is to be repainted Chelsea Gray, while the cabinet will not change.

- Signage Lighting -- Lighting of the signage will be by 3 $\frac{7}{8}$ " diameter ground and wall-mounted pewter spotlights manufactured by Vista Professional Outdoor Lighting. Bulbs will be only 50W and proposed hours of lighting are from dusk until dawn.

- Entry Fountain -- The new entry fountain will be located at the west corner of the intersection of Via Marina and Bora Bora Way and will replace the existing 6' by 8' monument sign there. The new design eliminates the dolphin statues and raises the base to 2'-6", for an overall height of 4'. This represents a change from 5'-6" high with the dolphins. The dimensions of the oval-shaped fountain will remain at 10' by 13'.
- Wayfinding Icons -- The proposed wayfinding icons have been changed from dolphins to sailboats. The icons will begin at the entry fountain, where they will be stenciled into the sidewalk in front of it. They will be approximately 12"-18" high and spaced about 5' apart. They will lead around the corner and along the sidewalk, leading the pedestrian to the promenade and ultimately to the view park. At the promenade guardrails along Basin A, the sailboat icons will be mounted to the railing and spaced about 30'-35' apart. The icons here will be 2'-6" tall by 2' wide and made of 1/8" thick aluminum finished to match the railing.

### **STAFF REVIEW**

The revised plans are designed to complement the architectural concepts previously approved by the Board. The proposed aluminum material will enhance the overall aesthetic by reflecting the material of the new railing system to be installed on the exterior of the patios of the apartment buildings. Additionally, each building will now have a vinyl address sign at the entry door that is clear and visible to the community. The new freestanding signs will be located in front of all of the separate apartment buildings throughout the project along Bora Bora Way, Via Marina, and Tahiti Way. The proposed signage elements not only serve the essential purpose of wayfinding, but will also reinforce the distinctive, recognizable icon of the Marina Harbor complex and be seamlessly integrated with the approved building renovations.

Staff believes the proposed designs will enhance the appearance and use of the Marina Harbor Apartments and meet the desired design objectives for Marina del Rey. The project is in conformance with the *Marina del Rey Minimum Standards of Architectural Treatment and Construction*. Following your Board's approval, the signage will require further review and approval by the Department of Regional Planning.

**The Department recommends APPROVAL WITH CONDITIONS for DCB #06-010-C:**

- 1. The lighting of the signage shall be only from dusk until dawn; and**
- 2. The Applicant shall obtain further approval from the Department of Regional Planning.**

SW:JJC:cs





*"To enrich lives through effective and caring service"*



July 13, 2006

**Stan Wisniewski**  
Director

**Kerry Silverstrom**  
Chief Deputy

TO: Design Control Board

FROM: Stan Wisniewski, Director

*Stan W.*

**SUBJECT: AGENDA ITEM 6A – PARCEL 64 – LYON VILLA VENETIA APARTMENTS & VACATION OWNERSHIP – DCB #06-015**

Item 6A is submitted by Lyon Capital Ventures, LLC (Applicant) for consideration of conceptual approval for the redevelopment of Parcel 64, Villa Venetia Apartments & Vacation Ownership. Following DCB review, Applicant will proceed with land use entitlements from the Department of Regional Planning and/or Coastal Commission and will return to your Board for further review and approval of final design plans, including landscaping, lighting, signage, fencing, exterior treatments, colors/materials, and hardscape elements.

Brief Description of the Proposed Project

Applicant proposes to demolish all existing landside improvements on the 6.39-acre Parcel 64 (224 dwelling units and appurtenant parking and landscaping) and to construct a new residential complex within the existing parcel boundaries. The architectural program consists of three distinct buildings (appearing as four) rising from a raised podium and plaza level over an expansive covered parking garage/service area. Buildings of varying heights will consist of the following program elements:

- Three buildings containing 479 new dwelling units (263 apartments and 216 condominium units; net increase of 255 units);
- An expansive central landscaped plaza;
- Two levels of appurtenant covered parking (1,047 spaces);
- Recreational facilities, including a pool and health club/gym;
- Resident-serving waterfront retail and appurtenances (~3,000 sq. ft.); and
- New boat anchorage (21 to 34 slips) and accessible boating-related facilities.

Development Rights and Regulations

The Marina del Rey Local Coastal Program ("LCP") contains provisions for prospective redevelopment of Parcel 64 within land and water use allocations for Development Zone (DZ) 11, the Harbor Gateway Development Zone. The subject DZ 11 currently has an available development allocation of 255 additional dwelling units and 34 boat slips.

As noted, Applicant proposes a total of 479 dwelling units on the site, which represents a net increase of 255 dwelling units over the existing development. Applicant's project is, therefore, consistent with the DZ allocation in terms of the number of additional dwelling units being proposed; as such, an LCP amendment will not be required to achieve the proposed development program. Parcel 64 is zoned "Residential V" in the LCP, which is the highest-density land use classification, affording up to 75 dwelling units per acre. The proposed project is consistent with the maximum density allowed for the 6.39-acre parcel (i.e., 6.39 acres x 75 units per acre = 479 units).

Applicant's proposal to construct a new marina containing between 21 and 34 new boat slips is consistent with the LCP use allocation.

The subject parcel also carries the *Waterfront Overlay Zone* (WOZ) designation, which is an overlay land use category intended to encourage coastal-related, coastal-dependent and visitor-serving land uses while increasing development flexibility. Applicant has proposed to use the WOZ designation to add 3,000 square feet of commercial space to support visitors to the promenade and plaza, South Bay Bicycle Trail users, visitors to the transient dock, as well as on-site residents.

## **STAFF REVIEW**

### **Land Use Context**

Parcel 64 is located at the south end of Fiji Way and, combined with the adjacent Parcel 65, serves as the southernmost development parcel in Marina del Rey. From the water, the parcel is significant because it frames the starboard (right) approach to the interior of the Marina and is the most prominent waterfront feature for arriving mariners. To the north, the U.S. Coast Guard Station-Marina del Rey, home to USCGC Halibut, and Fiji Way border Parcel 64. To the east and south, the property is bounded by undeveloped State property, comprised of the Ballona Wetlands Ecological Reserve and Ballona Creek, and the popular South Bay Bicycle Trail follows the perimeter of the property. To the west, the UCLA rowing facilities and Ballona Creek define the southern boundary of Marina del Rey.

### **Environmental Review Process**

Applicant has not yet filed an application with the Department of Regional Planning (DRP) to initiate the environmental review process under the California Environmental Quality Act (CEQA) for the proposed project scope. Following your Board's action with respect to this application, Applicant will file the project at the Department of Regional Planning, where a full project review, including an environmental analysis under CEQA, will be completed prior to consideration by the Regional Planning Commission. Significant issues will be fully addressed in the environmental impact report (EIR) to be prepared as a part of its application. As part of that process, the EIR will be circulated to all relevant agencies and will involve interested parties to consider public comment. Issues to be considered in further analysis to be undertaken will include, but not be limited to, the following:

- Shade/Shadow Effects
- Wind Effects
- Biology/Wildlife
- Traffic and Circulation
- Light and Glare
- Public Access
- Viewshed
- Water Quality
- Navigation
- Landscaping

### **Special Issues**

- Heronry Relocation

Development of the Villa Venetia site will involve the removal of nine mature Monterey cypress trees, two of which are currently used by Great Blue Herons for nesting. These colonial nesters are found throughout the Marina and are accustomed to large trees. Their arrival at the subject site seems to have coincided with the removal of a eucalyptus grove southeast of the site, in Playa Vista, more than 5 years ago. The herons also nest in trees around the adjacent U.S.



Coast Guard station and the Department of Beaches and Harbors headquarters. Throughout the balance of the Marina, considerable nesting activity is found in and around the Oxford Basin. Attached, as Appendix A, is a report by Dr. Jeffrey B. Froke, documenting the heron nesting activities in the Marina.

As the biologist notes (Appendix A, pg. 12.3), guano deposition is taking its toll on the two Villa Venetia trees. Significant portions of the trees are dying, and as the trees' canopy dies, the trees will be less useful to the herons. In addition, the biologist notes that while these herons are relatively tolerant of humans, a better location away from human interactions would benefit the birds. The redevelopment of this site provides the opportunity to fashion a mitigation program that either relocates the trees, or creates a new heronry, all at lessee expense.

No Environmentally Sensitive Habitat Areas (ESHA) are designated in the LCP. In fact, the Coastal Commission removed all ESHA policies from the LCP in 1996 when the Ballona wetlands were also removed from the LCP. Although those who have commented have asserted ESHA in the area of Parcel 64, there is no legal way of imposing this designation at this point. Additionally, the Coastal Commission has found similar areas in other harbors not to be ESHA (e.g., Boating Instruction and Safety Center in Channel Islands Harbor).

The fact that an area fails to rise to the level of an ESHA hardly signals that it is not important. Quite to the contrary, it simply prevents a finding that the property cannot be developed at all and steers the entitlement effort towards mitigation pursuant to CEQA. A Coastal Development Permit is required for removal of trees wherein birds roost, and the fact that the trees will be removed will be a part of the project description in the Coastal Development Permit application.

The County and its consultants contacted the California Department of Fish and Game (DFG) to determine its level of interest in relocating the trees to the Ballona Ecological Reserve. (The County's letter and the response from DFG are provided in Appendix B.) DFG is at the beginning of its program to restore the Ballona wetlands and, thus, has not yet completed its vision for resource locations. Therefore, it is unable to agree to any particular mitigation at this point, including a financial contribution to a heronry it is not yet sure of developing. However, the Department sees the long-term value of having a rookery in the area – it is simply a question of where.

Removal of the trees on the project site is not anticipated to have an adverse effect on the heronry currently used between the Villa Venetia site and the County offices, although this determination will ultimately be made in coordination with the EIR. Only two nests are involved at Villa Venetia, and as these birds are colonial nesters and the trees at the Coast Guard and County offices are not proposed for removal, the herons can relocate to these trees.

Early comments on the idea of removing the trees entirely from the Villa Venetia site have focused on why the trees cannot remain while the site is redeveloped. The County does not consider retaining the trees in their present location as feasible or prudent. As earlier stated, portions of the trees are already dying. Secondly, the birds – and their guano – will continue to interfere with the public's use of the site and the proposed new promenade and associated public amenities that will be built by the lessee. Finally, the continued impacts of construction and human interference strongly suggest that a relocation of the heronry is a suitable alternative.

The County will continue to study this matter with DFG and the Coastal Commission during the entitlement process for this project. However, for the purposes of the DCB review, the trees are to be removed from the site.

- Development Review

- Architectural Style – Applicant has selected a prestigious team of architects and designers worthy of the prominence of this site. The project is a collection of residential buildings and high quality land and water amenities and retail uses composed on the site to maximize the marine experience both interior and exterior. Three buildings varying in height from 84 feet to 140 feet surround a central landscaped plaza constructed over two levels of parking. The building elevations are notched and graduated to soften the impact of the project when viewed from a distance and to allow penetration of wind and light.

Drawing inspiration from fine sailing yachts, the design is purposeful and elegant in its simplicity. Although the building exteriors will vary according to location, orientation and interior function, the expression will be minimal without extraneous embellishment. Building materials will derive from the surrounding natural colors of the landscape, water, and stone and will include exposed concrete, limestone, and glass.

- Public Access/Promenade – The project expands pedestrian activities along the waterfront with a promenade that will be accessible to the public. Currently, the existing promenade fronting the Marina's main channel has limited access by the public. Applicant proposes to make strong connections between the public sidewalk on Fiji Way and the South Bay Bicycle Trail (along the middle jetty) to create a continuous trail through and around the subject property. The project's new Waterfront Pedestrian Promenade will be highly developed to encourage everyone to enjoy the waterfront. Handrails, ground materials, lighting, seating, ramps and docks will be of the same high quality as is being proposed on the interior of the site. The existing bike path along the south edge of the property will be improved with enhanced surfaces, site furniture, lighting, and landscaping. Additionally, a series of exercise stations will be located along the path. Both the Waterfront Pedestrian Promenade and the bike path will be upgraded to fully accessible standards. The Waterfront Pedestrian Promenade opens to broad "Spanish Steps" fronting a public plaza providing views directly over the Marina.

- Traffic and Parking – Vehicles would continue to enter the site from the north via Fiji Way. Residents, visitors and guests will enter the subterranean garage or proceed to an entry pavilion for valet parking. The two-level garage is organized to allow easy navigation and convenient parking for first-time users and guests on the main parking level, and the lower parking level is utilized for long-term residents. Leasing center parking is located just inside the garage entry. Marina (boater) parking is located close to the promenade activities and will be clearly indicated within the garage for added convenience. Parking for the project will be provided consistent with County Zoning Code standards. There will be limited valet stacking at the entry pavilion and several short-term parking stalls located in front of the apartment leasing center.

- Viewshed/View Corridors – The subject parcel is not subject to the view corridor requirement, however, Applicant has strived to provide enhanced views through and within the project of the water. For example, Building A, situated directly on the waterfront, is dramatically elevated three stories to fully expose the entry court to the water from the terminus of Fiji Way.

The central landscaped plaza is also visible from the entry and approach drive, providing a sense of openness and transparency across the interior of the site.

The entire property frontage along the water will be enhanced for public viewing and enjoyment, and views from the "Spanish Steps" fronting a public plaza will offer views of the Marina. A café and/or small resident-serving retail shop(s) fronting on the Waterfront Pedestrian Promenade will help to make this a vibrant public gathering space. Boundaries between the public and residents will be resolved through careful architectural treatments. A landscaped hedge or change in elevation will define where public access is available and to provide security for the residents.

- Shade/Shadow Impacts -- Applicant has provided a shade shadow analysis of the proposed project in winter and summer. The studies demonstrate minor shading effects will occur along the waterfront area during morning hours, between sunrise and approximately 11:00 a.m. in all seasons, with longer shadows occurring during winter months. Afternoon shading from the taller structures will extend over portions of the ecological reserve to the east between noon and sundown, with the primary impacts occurring in the winter months (see Appendix C).

- Navigation – The project will create a new marina containing 21 to 34 new boat slips, each meeting current construction and accessibility guidelines. Because of the more exposed location along the Main Channel, docks will be constructed to withstand higher wave and wind exposure and will be arranged to facilitate ease of maneuvering in inclement conditions. It is anticipated the new docks will be constructed with current marina industry technology and materials, possibly a proprietary concrete dock system with all new pre-stressed concrete guide piles, and served with a new utility distribution system for power, water, cable and phone connections. The marina will also contain a sewage pump-out station. End ties, launching, kayaking, and instruction facilities are planned as marina components. In addition to new waterside facilities, boaters will have access to boaters' restroom facilities located directly off of the Waterfront Pedestrian Promenade.

- Landscaping – Applicant has provided an illustrative landscape site plan in its submittal packet. The landscape plant palettes will contain many native and/or drought tolerant plants. Non-invasive plant material will be used contiguous with the Ecological Reserve. The landscape will borrow from the forms, colors and textures of the architecture. Oversized active recreation areas, as well as smaller intimate garden courtyards, will loosely reflect the geometry and formality of the buildings. Recessed planters set into the structural deck will provide open vistas while still allowing adequate planting depth for trees and shrubs. Enhanced pedestrian walks and a public plaza will invite social interaction and activity while providing an attractive circulation corridor for residents and guests. Vehicular areas will be lined with large shade trees and palms and will feature enhanced paving and flowering shrubs and vines to provide a welcoming street level experience.

Utilizing drought tolerant material where possible, plant material will be used to accent architectural features while also serving as a means of "softening the edges" as necessary. Large canopy trees, decorative palm trees, colorful and lush shrubs and seasonal flowers will be used to define spaces, screen undesirable views and provide an attractive environment for residents and guests. An automatic irrigation system will be used to maximize water conservation and water the various hydro zones efficiently. Decorative groundcover and mulch will also be used to minimize water evaporation and discourage weed growth. A rainwater collection system will be used to capture first flush run-off prior to discharge to local drains.

- Wind Impacts -- Applicant has provided a wind study of the proposed project. The study concludes that there will be localized areas of altered wind direction and wind speeds in the Marina during infrequent easterly winds. There will be no effect on the general air circulation patterns along the main channel resulting from construction of the project. The study did not assess changes in prevailing wind direction and speed related to the project's impact on activities on the Ecological Reserve to the east (see Appendix D)
- Signage and Lighting -- Applicant will return at a later time with details of proposed signage and lighting. However, lighting will be designed to minimize spill and glare on adjoining parcels and the adjacent Ecological Reserve and lighting design will be complementary to the architectural style. Outdoor maps and wayfinding signage will promote awareness of the marine environment.

### Conclusion

The Department believes Applicant has appropriately addressed the project's building height, circulation, massing, visual impact and public access requirements. The proposal is in conformance with the *Marina Specifications and Minimum Standards of Architectural Treatment and Construction*. The project is designed as a landmark property on the waterfront in Marina del Rey and is being developed to provide significant upgrade to this prime waterfront property at the water gateway to the Marina. In addition to meeting quality development objectives for the property, the project provides additional boater facilities and enhanced public access that will create an important missing link in the Marina's waterfront promenade.

The Department believes, therefore, that it would be appropriate for your Board to move the project forward to the Regional Planning Commission, stating any concerns precisely in your report, thereby allowing the regulatory agencies responsible for making the determinations with respect to the environmental aspects of the proposed project the opportunity to perform this function.

**The Department recommends APPROVAL of DCB #06-015, as submitted.**

SW:JJC:s

Enclosures (4)



*"To enrich lives through effective and caring service"*



**Stan Wisniewski**  
Director

**Kerry Silverstrom**  
Chief Deputy

July 13, 2006

TO: Design Control Board

FROM: Stan Wisniewski, Director

**SUBJECT: AGENDA ITEM 7A - TEMPORARY PERMITS ISSUED BY DEPARTMENT**

Item 7A on your agenda provides a recap of permits for all temporary banners, signs and tents issued by the Department since your June 29, 2006 Design Control Board meeting. One temporary permit has been issued as follows:

**TP #06-010 –** Temporary permit for two "Coming Soon" banners at Wells Fargo Bank at Marina Beach Shopping Center. The banners are permitted from June 26, 2006 through July 26, 2006.

Additional information is provided in the attachment.

SW:PW:CS

Attachment



*"To enrich lives through effective and caring service"*



**Stan Wisniewski**  
Director

**Kerry Silverstrom**  
Chief Deputy

June 27, 2006

Jill Peterson  
Pacific Ocean Management  
13575 Mindanao Way  
Marina del Rey, CA 90292

**TEMPORARY BANNER AT WELLS FARGO BANK (P-97)  
(TP 06-010)**

Dear Ms. Peterson:

By means of this letter, Wells Fargo Bank is permitted to mount two (2) 3-foot high by 6-foot wide banners horizontally from the façade above their premises at 514 Washington Blvd, Marina Beach Shopping Center. The banners will be black vinyl with white lettering stating "Coming Soon" and a red Wells Fargo logo. One banner will be mounted on the north façade (facing Washington Blvd) and one will be mounted on the west façade (facing the shopping center).

The banners are permitted from June 26, 2006 through July 26, 2006. They must be removed by noon on July 27, 2006. Failure to remove the banners by this time will result in their removal and storage by the County of Los Angeles at your expense.

If desired, one consecutive 30-day extension may be granted, provided that the request for such is made in writing to the Department *before* the original permit expires. If you have any further questions or requests, please contact Chris Sellers, Regional Planning Assistant, at 310-578-6448.

Very truly yours,

STAN WISNIEWSKI, DIRECTOR

Paul Wong, Division Chief  
Asset Management & Planning Bureau

SW:PW:CS



*"To enrich lives through effective and caring service"*



Stan Wisniewski  
Director

Kerry Silverstrom  
Chief Deputy

July 13, 2006

TO: Design Control Board  
FROM: Stan Wisniewski, Director *Stan W.*  
SUBJECT: **AGENDA ITEM 7B - ONGOING ACTIVITIES REPORT**

**BOARD OF SUPERVISORS ACTIONS ON ITEMS RELATING TO MARINA DEL REY**

There are no actions to report.

**LOCAL COASTAL PROGRAM PERIODIC REVIEW – UPDATE**

We have learned the Marina del Rey Local Coastal Program periodic review is being considered for the Coastal Commission's August 9-11 meeting in San Pedro. However, the Commission's agenda is already quite full, and we understand budget constraints are restricting Commission meetings to three days rather than four. Thus, we will not know until release of the August agenda on July 21 whether or not the matter will be heard in August or delayed until a future local meeting. Both the October and November meetings are to be held in either Los Angeles or Orange Counties.

**SMALL CRAFT HARBOR COMMISSION MINUTES**

The June 14, 2006 minutes are attached.

**MARINA DEL REY URBAN DESIGN GUIDELINES UPDATE**

This matter is pending a meeting with Chair Cloke to discuss project scope.

**REDEVELOPMENT PROJECT STATUS REPORT**

Revision of the Status Report is still in process to conform to Board direction. It will be provided at your meeting, whereat we will discuss its contents and obtain any potential instructions from your Board for further revision.



## **MARINA DEL REY AND BEACH SPECIAL EVENTS**

### ***MARINA DEL REY***

#### **THE MARINA DEL REY SUMMER CONCERT SERIES 2006**

Presented by Arrowhead Mountain Spring Water  
July 13 through September 2 from 7:00 p.m. – 9:00 p.m.  
Waterside at Burton Chace Park  
13650 Mindanao Way

The opening program of the sixth season of Marina del Rey classical concerts with the Marina del Rey Summer Symphony, conducted by Maestro Frank Fetta, will take place Thursday, July 13, at 7:00 p.m. The traditional presentation of the colors and water display will precede organ soloist Samuel Soria, performing music by Joseph Jongen and Camille Saint-Saëns.

The first Saturday pop concert is scheduled for July 22 and will feature Davis Gaines, Phantom of the Opera star. On July 27, enjoy an evening with the Los Angeles Opera featuring soloists Julianna di Giacomo, soprano; Robert McNeil, tenor; and Ralph Cato, baritone.

Parking is available in County Lot 4 on Mindanao Way and County Lot 5 on Bali Way for a reasonable fee.

For more information call: Marina del Rey Visitor Center at (310) 305-9545.

#### **MARINA DEL REY WATERBUS**

June 30 through September 4

For a fun weekend, ride the Marina del Rey WaterBus. Park your car and take our WaterBus for a unique water's-eye view of Marina del Rey. Six boarding stops throughout the Marina offer opportunities to shop, dine and recreate in one of the most beautiful Southern California residential and tourist areas. Bikes and strollers are welcome on board, no pets allowed. Fare is \$1.00 per person, one way.

WaterBus Schedule:

##### **June 30 – September 4**

Fridays: 5 pm - midnight  
Saturdays: 11 am – midnight  
Sundays: 11 am – 9 pm

##### **Holiday Schedule**

Labor day: 11 am – 9 pm

##### **Marina Concert Schedule**

Thursday, July 13: 5 pm – midnight  
Thursday, July 27: 5 pm – midnight  
Thursday, August 10: 5 pm - midnight  
Thursday, August 24: 5 pm - midnight

WaterBus attendants will arrange for land taxi service for passengers needing special assistance to any WaterBus boarding stop for the \$1.00 fare.

**Boarding locations are:**

Marina "Mother's" Beach (ADA accessible)  
4101 Admiralty Way

Fisherman's Village  
13755 Fiji Way

Burton Chace Park (ADA accessible)  
13650 Mindanao Way

Waterfront Walk (ADA accessible)  
4433 Admiralty Way, Fire Station #110

Dolphin Marina (ADA accessible)  
13900 Panay Way, Dock Gate #C-200

Marina Harbor (ADA accessible)  
13928 Tahiti Way, Dock Gate #A-2200

Ample parking is available at nearby Los Angeles County lots for a reasonable fee.

For more information call: Marina del Rey Visitor Center at (310) 305-9545.

**BEACH SHUTTLE**

Playa Vista, Marina del Rey and Venice Beach Pier  
July 1 – September 4  
Saturdays, Sundays and Holidays  
8:00 am – 8:00 pm

This FREE speedy shuttle, powered by clean fuel, runs every hour along a one-hour route. Traveling from Playa Vista and stopping at several popular locations throughout Marina del Rey and Venice Beach, riders can visit retail shops, restaurants, local beaches and other attractions in the area. The Beach Shuttle service will also connect riders to the Marina del Rey WaterBus.

The Beach Shuttle will also provide late evening service to the free Marina del Rey Summer Concerts at Burton Chace Park. Shuttles will run from 5:00 pm to 11:00 pm on Thursday concert nights and 8:00 am to 11:00 pm on Saturday concert nights.

**For more information call: Marina del Rey Visitor Center at (310) 305-9545 or visit website at [www.labeaches.info](http://www.labeaches.info).**

**OLD FASHIONED DAY IN THE PARK**

Sunday, July 23  
10:00 am – 3:00 pm  
Burton Chace Park  
13650 Mindanao Way

This annual event offers vintage yachts to tour, antique and classic cars and motorcycles to view, ship models and modelers to admire, vintage steam engines to watch, and FREE steam launch rides in the harbor to enjoy. The event is free and open to the public. For

further information call: Jim Butz at (626) 335-8843 or the Marina del Rey Visitor Center at (310) 305-9545.

**FISHERMAN'S VILLAGE WEEKEND CONCERT SERIES**

Sponsored by Pacific Ocean Management, LLC  
All concerts from 2:00 p.m. - 5:00 p.m.

**Saturday, July 15**

Bob Desena, playing Latin Jazz

**Sunday, July 16**

The Michael Haggins Group, playing Smooth Jazz

**Saturday, July 22**

Unkle Monkey, playing Tropical Rock

**Sunday, July 23**

Sullivan Hall Band, playing R&B, Blues and Jazz

**Saturday, July 29**

Phyllis Chang, playing Contemporary Pop & Jazz

**Sunday, July 30**

Son Candela, performing NY Style Afro Cuban

For more information call: Dee Lavell Gilbert at (310) 822-6866.

***BEACH EVENTS***

**KEEP LA RUNNING**

13<sup>TH</sup> ANNUAL 5K WALK/RUN, 10K RUN, AND COASTAL FUN BIKE CRUISE

Sunday, July 16, at 8:00 am  
Dockweiler Beach, Playa del Rey

The Board of Supervisors has proclaimed Sunday, July 16, 2006, as "Keep LA Running Day" throughout Los Angeles County. This event will be held at Dockweiler Beach in Playa del Rey and has grown to be one of Southern California's most popular distance running events. It has raised over \$600,000 for such charities as the American Cancer Society, the Breast/Ovarian Cancer National Alliance, the Women's and Children's Hospital of LAC+USC Medical Center and many more.

For registration and further information call: Alejandro Stephens at (213) 368-8633 or visit website at [www.w2promotions.com](http://www.w2promotions.com).

**TWILIGHT DANCE SERIES**

Thursdays, June 29 to August 31, beginning at 7:30 pm  
Santa Monica Pier

The 22th Annual Twilight Dance Series, presented by the Santa Monica Pier Restoration Corporation, is back. FREE concerts are held every Thursday night from June 29 through August 31 on the Santa Monica Pier west parking deck.

July 13th  
Dick Dale and Agent Orange, playing  
Surf Guitar Music

July 20th  
Mavis Staples and Rick Holmstrom,  
playing Soul, Gospel & Blues

July 27th  
Lyrics Born and Daara J, playing Club-  
style Hip-Hop

August 3rd  
The Aggrolites, Joey Altruda's Classic  
Riddims and Chris Murray Combo,  
performing Reggae

For information call: Santa Monica Pier Restoration Corp. at (310) 458-8900 or visit  
website [www.SantaMonicaPier.org](http://www.SantaMonicaPier.org).

**2006 INTERNATIONAL SURF FESTIVAL**

Friday, August 4, Saturday, August 5, and Sunday, August 6  
Sponsored by Arrowhead Mountain Spring Water, the Chambers of Commerce and Cities  
of Hermosa Beach, Manhattan Beach, and Redondo Beach and the  
Los Angeles County Department of Beaches and Harbors  
Hermosa Beach (1300 the Strand)  
Manhattan Beach (4500 the Strand)

The International Surf Festival is an exciting series of events that include the Los Angeles County Lifeguard Championship Competition, surfing, body surfing, sand soccer, paddleboard, volleyball, and sand castle design contest. Event viewing is free with participation fees for some of the events.

For a complete schedule of events and dates, visit <http://www.surffestival.org>.

SW:PW:ks

Attachment

Small Craft Harbor Commission  
June 14, 2006  
Minutes

**Commissioners Present**

Harley Searcy, Chairman  
Russ Lesser, Vice-Chairman  
Albert Landini, Ed.D  
Christopher Chuang-I Lin, Ph.D

Department of Beaches & Harbors: Stan Wisniewski, Director  
Dusty Crane, Chief, Community & Marketing Services Division

Other County Departments: Thomas Faughnan, Principal Deputy County Counsel  
Lt. Greg Nelson, Sheriff's Department  
Deputy Paul Carvalho, Sheriff's Department

**1. CALL TO ORDER, ACTION ON ABSENCES AND PLEDGE OF ALLEGIANCE**

Chairman Searcy called the meeting of the Los Angeles County Small Craft Harbor Commission to order at 9:39 a.m. in the Burton W. Chace Park Community Room, Marina del Rey.

The Commissioners, staff and members of the public stood and recited the Pledge of Allegiance.

**2. APPROVAL OF MINUTES**

*Commissioner Lesser moved and Commissioner Landini seconded a motion to approve the April 12, 2006 minutes. The motion passed unanimously.*

Commissioner Landini commended Ms. Minor for her fine work on the minutes.

**3 REGULAR REPORTS**

**a. Marina Sheriff**

**-- Crime Statistics**

Lt. Greg Nelson, harbormaster, reported a decrease in theft, which he attributed in part to arrests of felons who've gone to jail not only for property crime, but also guns, drugs, etc. Also educating the public not to leave property on car seats and working with property managers on theft awareness have helped to reduce crime.

Lt. Nelson said that Los Angeles County finalized the tsunami preparedness plans and will begin distributing public informational pamphlets within the next month or two, in particular to those people and businesses that would be most impacted by a tsunami. He believes there might also be a pilot study on an early warning system.

In conclusion, Lt. Nelson reported that the bike patrol, consisting of four officers, was restored for the summer and will be deployed on Fridays-Sundays for the July 13 through September 2 Summer Concert Series and for the Fourth of July and Labor Day weekends.

-- **Enforcement of Seaworthy & Liveaboard  
Sections of the Harbor Ordinance**

Commissioner Lesser referenced the Seaworthy and Liveaboard Compliance Report and its statistic of 556 total reported liveaboards. He commented that the figure equates to approximately 12 or 13% of all the boats and this percentage is higher than many of the other California anchorages with liveaboards. Marina del Rey has a balance on the high side compared to most marinas in the California area.

Mr. Wisniewski said that the Marina typically has approximately a 10% liveaboard rate. The Department's study of other harbors revealed the Marina is within the range of other harbors.

Chairman Searcy commented that he personally believes liveaboards are good for the Marina and provide another set of eyes and ears to help with dock safety.

**b. Marina del Rey and Beach Special Events**

Ms. Dusty Crane reported that the Marina del Rey Summer Concert Series begins July 13. There will also be a Fourth of July fireworks and staff is working with local law enforcement to get people to and from the Marina safely and timely.

Ms. Crane continued, stating that staff is working with Playa Vista for a land-based shuttle that will run from Playa Vista through the Marina, over to Venice Beach along Pacific Avenue and coming up Via Marina so that residents can move along the coast without having to drive their cars on the weekend. These stops will be coordinated with the waterbus, which will begin operating on June 30. On July 1, the shuttle will begin working in conjunction with the waterbus.

Commissioner Landini asked the frequency of the shuttle bus.

Ms. Crane responded that the bus route would take approximately one hour.

Mr. Wisniewski commented that Ms. Crane would continue to provide updates on the shuttle bus. He expressed appreciation to Supervisor Knabe, who contributed some of the Fourth District's transportation funds for the shuttle service.

Commissioner Landini asked whether there is any chance that the County could fund an L.A. City DASH Bus.

Mr. Wisniewski responded he would ask Barry Kurtz to address this issue at the next Commission meeting. Mr. Wisniewski mentioned that there was a DASH bus system at one time in the Marina that failed due to lack of ridership.

Ms. Crane confirmed that Los Angeles City had a bus shuttle that no one rode. There will be a strong effort to inform the public so that this won't happen to the Marina shuttle service.

#### **CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT**

Mr. Donald Klein, president, Coalition to Save the Marina, referenced page 5 of the April 12, 2006 minutes and mentioned he was pleased to read the plan to improve the Palawan Way/Washington Blvd. intersection by installing double left turn lanes onto Washington Blvd.

Mr. Klein questioned whether the Marina Expressway (SR90) Project is the same as the Admiralty Way widening plan. He assumed they're two different projects. The minutes indicate there is a plan to proceed with the Admiralty Way/Via Marina Intersection Realignment Project even if the Admiralty Way Improvement Project or Marina Expressway (SR90) Project fail to move. He asked, "Why is that if they're two separate projects? There looks like some kind of mitigation for Playa Vista traffic passing through the Marina if the SR90 doesn't come through."

Chairman Searcy informed Mr. Klein that the response/clarification would be included in the next Traffic Mitigation Report, which is scheduled for the July 12, 2006 meeting.

#### **4. OLD BUSINESS**

##### **a. None**

#### **5. NEW BUSINESS**

##### **a. Commission's Authority Relating to Liveaboard Issues in Marina del Rey**

Mr. Tom Faughnan informed the Commission that his report is in response to the Commission's request from the April meeting to provide information on the Commission's authority relative to liveaboard issues and a bill of rights for liveaboards in the Marina.

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Mr. Faughnan explained that the Commission is an advisory body created by the Board of Supervisors by ordinance. The ordinance sets forth that the Commission is created to advise and make recommendations to the Board and Beaches and Harbors regarding issues related to small craft harbors, development of the small craft harbor area, maritime issues, etc. The Commission can make recommendations, govern its own actions and create policies as to how it would address issues; however, the Commission does not have independent authority to enact policies or enforce them short of any specific delegation of authority that the Board might give it from time to time.

Mr. Faughnan said that at this point in time the Board has not delegated such authority, but it has done so in the past, such as when the County enacted rent control. The Commission essentially acted as the rent control board for Marina del Rey. The rent control ordinances ended in 1985 and with that the Commission's authority to act as the rent control board. In 1978, the County enacted an ordinance relating to liveaboard evictions, which was challenged in court. At the trial court level, the judgment was against the County and the ordinance was invalidated. The County repealed the ordinance.

Mr. Faughnan said that he hasn't been given any specific information; however, he reserves the right to review any proposals that are presented to the Commission to determine their legal validity and to determine whether the County has the authority to enter into policies or ordinances relating to liveaboard issues because of the lessees' contractual relationship with the County.



Chairman Searcy clarified that in 1978 the Board amended the County Code to prohibit the eviction of liveboards from their slip tenancies except for cause. He added that a copy of this ordinance was attached to Mr. Faughnan's report.

Commissioner Landini asked whether the Commission is strictly advisory to the Department's Director except when the Board grants it special authority to act as a preliminary or final decision maker. As he understands it, the Director actually has greater authority than the Commission in matters of final signature. Additionally, the Commission has ability to act independently in an advisory capacity to the Board if it so chooses.

Mr. Faughnan affirmed that Commission Landini was correct.

Commissioner Lesser commented that it's pretty clear the Commission doesn't have a lot of authority over the liveboard problem.

Chairman Searcy said he didn't want it to appear that the Commission's voice does not have impact, albeit limited, as the Board of Supervisors could completely ignore the Commission. The Board appointed Commission members for reasons, such as to receive public comment, communicate with the public and make recommendations on various matters. While the Commission does not have the ultimate power, he takes his job seriously and he is sure the other Commissioners do as well.

Commissioner Lesser said it appears from reading Mr. Faughnan's report that the County tried to strengthen its position in relation to the lessees to ensure that people weren't unfairly taken advantage of, however, the Court declared the County couldn't do that. He commented that the Commission still has ability to encourage lessees to be reasonable, as he believes most are, and there are ways to encourage them in this regard.

Mr. Wisniewski commented that he didn't want the discussion interpreted as meaning the Commission has no impact. He said it's actually to the contrary, as the Commission helps him get a sense or pulse of the community. Almost every item presented to the Board of Supervisors was first submitted to the Commission for review. The Commission helps him to get a direction of the course he should take and he perceives it as a valuable tool not just for his administration, but also for the Board and community.

Chairman Searcy concurred with Mr. Wisniewski and commented that there were times when the Commission and/or members of the public had specific comments/suggestions about development projects that were incorporated into the Department's plans.

#### **CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT**

Ms. Nancy Marino, Marina resident, asked what ordinance governs the liveboard rental agreement between the lessee and tenant. She wondered why the liveboard tenant and lessee aren't viewed the same as an apartment tenant and landlord in the application of State law.

Mr. Faughnan said the question is how slip contracts are viewed under State law. That is not an issue for the County. There are specific protections for apartment residential tenants in State law, but he isn't sure they're applicable, although people have made the argument that they are applicable to the liveboard slip contracts. It's not clear to Mr. Faughnan that they are. He views slip contracts as basic commercial contracts that are governed by State law and the terms of the contracts.

Chairman Searcy asked whether the issue had been adjudicated.

Mr. Faughnan responded that he believes there is some case law that addresses boat slip contracts. He would not want to specifically advise the Commission on the matter because it does not involve the County and it is not an issue he has specifically researched. He has experienced in recent litigation other parties raising the issue of the status of slip contracts and arguments have been made on both sides relating to what State law provisions apply to those contracts.

In terms of County ordinances regulating liveaboards, Mr. Faughnan said there is a County ordinance, 19.12.1110 that provides for liveaboard status and the issuance of liveaboard permits. That's pretty much it in terms of County ordinances relating to liveaboards.

Ms. Marino asked whether Mr. Faughnan could report at a future meeting about cases that were adjudicated so that liveaboards would know where in the law to go to seek support, precedent, regulation, etc.

Mr. Faughnan responded that his role is to advise the Commission and Department. If the Commission wants him to provide further information on the issue, he could do so; however, those are legal issues involving private persons and private contracts that he would feel uncomfortable advising on.

Commissioner Lesser commented that he thinks it's a good idea for the Commission to receive information about laws that liveaboards are governed by. The County had tried with the ordinance (that the courts overturned) to make the liveaboard tenant/lessee more of a landlord/tenant relationship. He would like to know the rights of liveaboards under the existing law.

Commissioner Landini asked whether the trial court has made a copy of the case public.

Mr. Faughnan responded that he could do some research and report back to the Commission.

Commissioner Lesser asked why the ordinance was declared unconstitutional.

Mr. Faughnan responded that the ordinance was declared unconstitutional on the grounds that it violated the constitution of the U.S. because it was an impairment of contracts and an invalid exercise in the County's police power. In simple terms, governments can't enter into contracts and legislate to avoid their financial obligations. A person can't enter into a contract on the one hand and then regulate the purposes of that contract and frustrate the purposes of that contract on the other hand. In leases, the County does not regulate the liveaboard or boat slip contracts, nor does it regulate the tenant contract. Lessees are allowed to enter boat slip contracts of one year or less and residential apartment contracts of one year or less without County approval.

Mr. Faughnan continued, stating that if the County adopted an ordinance stating that a lessee couldn't evict a person, it would be interfering with the lessees' contractual rights. Sometimes a government can regulate generally and those regulations may impact contracts the government entered into, but the regulation has to be for the general benefit. In this case, the County adopted an ordinance that specifically regulated only its contracts because the only application of the ordinance is for liveaboards in the Marina and all of those liveaboard contracts derive from contracts that the County has entered into. The companion case to this was the County's rent control ordinance, which was also challenged. The Court determined that it was not

unconstitutional because it was a general application to the entire County. It did impact slightly the contracts in the Marina but it was of general benefit to the population.

Commissioner Landini commented that it appears the Commission could almost take the ordinance, reword and adopt it as the Commission's policy statement and encourage the lessees to follow the guidelines, but have no real enforcement.

Chairman Searcy commented that this area is not clear-cut and he suggested that the public not get its expectations too high. He doesn't think it's a settled area, but one that will continue to be unclear. Chairman Searcy said he believed Mr. Faughnan, if asked to research the matter, would return with a report indicating there have been different outcomes where the cases were heard throughout the country.

Mr. Faughnan concurred with Chairman Searcy and stated that if there was a State statute to address the ordinance, he would be happy to provide it, but there isn't one. It relates to how other statutes are interpreted that might be applicable. Then, you get into issues of case law. It's legal argument and legal advice that's not appropriate for Mr. Faughnan to provide to the public in this kind of forum.

Chairman Searcy wondered whether there are organizations that deal with landlord/tenant law that are willing to pursue the matter, do the research and clarify matters. He reiterated that any research done by Mr. Faughnan would come back cloudy.

Commissioner Lesser asked whether there is any clear-cut answer that a liveaboard is or is not governed by the same law as a landlord/tenant.

Mr. Faughnan responded that he's heard arguments on both sides, but hasn't done any research specifically on the issue because it is not one that impacts the County. He can't answer Commissioner Lesser's question without doing research.

As for the Commission's ability to establish policy, Chairman Searcy commented that there is already an existing ordinance that established a policy that provides for the issuance of liveaboard permits.

Mr. Wisniewski reminded the Commission that its role is to serve as advisory to the Director and the Board. He doesn't think it would be appropriate for the Commission to adopt its own policy. The Commission, however, could make a recommendation for Board approval. He would express whether or not he agreed with it.

Commissioner Landini said that he'd like the Commission to create a policy statement, whether or not it's enforceable, to give lessees some guidelines and send a message about the County's intent relative to liveaboards.

Mr. Wisniewski said that an ordinance would be needed if the intent were to offer protection to liveaboards.

Chairman Searcy commented that it's a waste of time to request Mr. Faughnan to provide a legal opinion. It would be a better use of time for Mr. Faughnan to look back at the original case and ordinance and see where it fell on the wrong side of constitutionality and find out how and where something could potentially be crafted that wouldn't necessarily impair the contract.

Commissioner Landini questioned whether the Commission could embed the terms from the liveaboard eviction ordinance into each new lease; that way, it would be a condition of the lease.

Mr. Faughnan responded that this could be done; however, it would have to be negotiated with each lease.

Commissioner Lesser pointed out that the issue is very complex. He wondered whether adding conditions to new leases would encourage more or less liveaboards if the conditions made it harder for a lessee to evict tenants.

Ms. Nancy Marino commented that she'd like the Commission to recommend that because the liveaboards are something different than a commercial contract of other boaters, language be adopted as policy by the Board and incorporated into new leases with the lessees as they're renegotiated so that people whose primary residence is a slip have the same protection as those who live on land.

Further, Ms. Marino commented that she had written Chairman Searcy on behalf of two liveaboards who had been evicted without cause and Chairman Searcy replied that he did not have authority to do anything. She said that the Commission has a great deal of influence and even though it can't direct a lessee to do so, the Commission could use its position to intercede with the lessee. It would make a big difference to everyone to know that the Commission considers the public interest a priority and tries to protect it as best it could.

Ms. Marino asked the Commission to use its influence to at least try to help, as the public doesn't know how to proceed and is requesting the Commission's assistance.

Mr. Wisniewski informed the Commission that a mediation committee had existed for many years where boat slip tenants, liveaboards and apartment tenants could go for mediation. It was a voluntary service. The committee reviewed everything but rent amounts. It's been a number of years since the Department had any applications to the committee, but in the past it solved a lot of issues. It's an old procedure, but he believes the Department could dust it off and move forward very quickly.

Mr. Wisniewski asked Ms. Crane to provide information on the mediation committee.

Ms. Crane informed the Commission that there was a Beaches and Harbors' mediation committee; however, there is now a Department of Consumer Affairs' (DCA) mediation committee that is used in its place.

Chairman Searcy requested Ms. Crane to provide the DCA's contact information to the public after today's meeting.

Mr. Wisniewski commented that the public could contact Ms. Crane at her office. He also requested Ms. Crane to post the DCA mediation information on the Department's website.

Commissioner Lesser asked whether lessees are required to attend the mediation committee meetings.

Ms. Crane responded that it's voluntary.

Chairman Searcy commented that it might be voluntary; however, he believes all the wonderful lessees would avail themselves of the process. He believes that most lessees, unless they view it as a repeat of what they've already been through, would want to participate.

Mr. Wisniewski noted that more objectivity is an added advantage of the DCA mediation committee whereas Beaches and Harbors' mediation committee would be perceived as biased and possibly swayed to one side or the other.

Commissioner Lesser asked how long it takes to get a hearing before the mediation committee.

Mr. Wisniewski did not know the answer and responded that he would agendize the issue for the July meeting and provide the details then. He encouraged members of the public to contact Ms. Crane or the Department's website if they need information in the meantime.

Ms. Dorothy Franklin, Marina resident and boat owner, informed the Commission that she was a member of Beaches and Harbors' arbitration committee, composed of nine members, many years ago. The committee heard disputes between lessees and boaters. The people involved abided by the committee's decision. The arbitration committee evolved into the mediation committee. The nine members represented various groups within the Marina. Ms. Franklin represented the liveaboards.

Further, Ms. Franklin informed the Commission that she works with a grass-roots organization named POWER, (People Organized for Westside Renewal), which has spoken to various liveaboards and boat owners in the Marina. POWER is developing a registry of boaters within the Marina. One issue of concern is boat fees, which are from \$12.50 - \$19.00 per foot. There's no regulation on them and it appears that lessees can charge what they want. In basin A, the standard fee is \$22.00 per foot. Supposedly, Esprit will charge the same. At one of the marinas there's been two fee increases in one year.

Ms. Franklin said that a lot of people are concerned about the decreased number of slips. There used to be 7,000 and now it's approximately 4,000. Remodeling and evictions are a problem. A lot of boats older than 12 years are at risk for losing a slip. Lessees want newer boats and bigger slips.

Ms. Carla Andrus thanked the Commission for agendizing the liveaboard issue. She requested that the Commission extend the discussion to a night meeting. She and other members of the public have done a lot of dock walking and heard lots of boaters who are concerned. Ms. Andrus suggested that time be taken to study the legal issues, constitutionality, etc. There are lots of interested boaters and conducting a night meeting would be an excellent opportunity for them to discuss their concerns with the Commission.

Mr. Donald Klein, president, Coalition to Save the Marina, referred to Mr. Faughnan's report and expressed surprise that he hadn't included the court decision and case number. Mr. Klein said that he's been working with the POWER organization on a draft bill of rights for boaters. There's a problem with tenants getting evicted for no reason whatsoever. When it made the contract with the County, the federal government specifically stated that the Marina would be open on an equal basis to all. When one person is evicted and another person gets his/her slip, it's a classic case of discrimination and a violation of the 14<sup>th</sup> amendment. There needs to be a policy statement, much like the County's Policy Statement 27 to address this issue. This problem has gone on for a long time and should be addressed. Not only liveaboards are affected, but all boaters. Lessees are agents of the County and anything they do reflects the County. Anything the County does reflects the lessees. They're all together. There's no separation.

Commissioner Lesser asked Mr. Faughnan whether lessees are actually agents of the County.

Mr. Faughnan responded it is a position that Coalition to Save the Marina has frequently taken in its litigation. He has no further comment on the matter.

Chairman Searcy asked Mr. Faughnan to cite the particular court where the case was handled.

Mr. Faughnan informed Chairman Searcy that he didn't provide the information because it was a trial court case and can't be easily looked up. It's briefly discussed in the interstate Marina case, which dealt with rent control.

Chairman Searcy asked Mr. Faughnan to bring to the July meeting whatever information he could.

Chairman Searcy added that this issue requires a lot of attention. It's not over and will be further discussed; however, there won't be a night meeting until the Commission receives something definitive.

**b. APPOINT COMMISSIONER TO ACT AS LIAISON TO DESIGN CONTROL BOARD PER THE REQUEST OF DESIGN CONTROL BOARD CHAIRPERSON SUSAN CLOKE**

***Chairman Searcy moved and Commissioner Lesser seconded a motion to appoint Commissioner Landini to act as Liaison to the Design Control Board. The motion passed unanimously.***

**CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT**

Ms. Susan Cloke, Chair, Design Control Board, thanked the Commission for its vote and commented that it was a good action for the entire Marina. She said that more communication is needed between the Small Craft Harbor Commission and Design Control Board (DCB). The DCB welcomes Mr. Landini and appreciate the Small Craft Harbor Commission's vote.

Ms. Cloke informed the Commission that she spoke to former Small Craft Harbor Commissioner John Law and he told her about an existing policy governing height in the Marina. She mentioned that she isn't "speaking out of school," as she's already requested Departmental staff to research the matter. The DCB has received applications that exceed the policy's height limit. She was informed that staff would respond at the next DCB meeting, but Ms. Cloke wanted to mention it at today's meeting because it serves as an example of how not only is there a need for improved communication, but also a need to better understand how the policies work.

Ms. Cloke questioned whether the Commission's policies are only advisory and even if the Commission declared a maximum height limit, the developer would be allowed to exceed it if permitted by law. She said the Commission and DCB need to understand how they will make decisions and she thinks a step in the right direction is improved communication. When there's no communication and people don't understand the rules, it's harder to make decisions.

Ms. Cloke again thanked the Commission for its action today.

After brief discussion, Chairman Searcy affirmed that Mr. Faughnan and staff would provide the Commission with information on the height policy at the July meeting.

Commissioner Landini asked the advisory character of the Design Control Board.

Mr. Faughnan responded that the Design Control Board is of a slightly different character than the Small Craft Harbor Commission. Because of its incorporation in the Local Coastal Plan, the DCB has certain general powers that are not purely advisory in terms of dealing with some aspects of design in the Marina.

Commissioner Landini asked whether the DCB could impose conditions on a project.

Mr. Wisniewski responded that DCB is one part of the process. After its review, projects are submitted to Regional Planning, the Board of Supervisors and in some cases to the Coastal Commission. Along this route a project can be denied and then appealed to Regional Planning.

## **6. STAFF REPORTS**

### **a. Ongoing Activities Report**

The Commission received and filed this item.

### **b. Public Request for Information at April 12, 2006 Meeting**

Mr. Wisniewski informed the Commission that the report responds to Mr. John Rizzo's concerns (expressed at the April 2006 meeting) pertaining to the Oxford Flood Basin, Admiralty Way repaving and an obstruction at Oakwood Apartments.

## **CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT**

Mr. Rizzo, president, Marina Tenants Association, thanked the Department, Commission and Board of Supervisors for their actions in responding to his concerns. He said that when he exits his garage each morning now he's reminded that the plants were removed and no longer pose a safety threat.

Mr. Rizzo thanked staff for repaving Admiralty Way in front of the Marina City Club. He informed the Commission that he walked by the bird sanctuary and noticed a real difference after it was cleaned. It now resembles a garden. He requested that it be cleaned on a quarterly basis. Mr. Rizzo complimented the beautiful purple flowers growing there and he said that adding plants would make a big difference and further enhance the site.

Mr. Rizzo said that right beyond the bird sanctuary is the entrance to Admiralty Park. It's an uninviting entrance; nothing is there but stubs, as the grass was cut very low. With a little work this area could be very attractive.

Mr. Wisniewski informed the Commission that staff would follow up on concerns expressed about the appearance of Admiralty Park's entrance.

## **7. COMMUNICATION FROM THE PUBLIC**

Mr. Steve Freedman, 30-year resident of the Oxford Triangle (L.A. City neighborhood beyond the City/County line), informed the Commission that he'd be very happy if the Oxford Flood Basin was kept clean on a regular basis. He commented that he recently saw the California Conservation Corps working there.



Mr. Wisniewski said that he isn't sure it was the California Conservation Corps. Permanent Beaches and Harbors' employees supplement the Department of Public Works' staff, which is supposed to take care of water quality issues and trash in the water. This is where the most improvement needs to be made.

Mr. Freedman agreed that it's where most of the improvement needs to be made. Whenever there is rain, a lot of debris goes into the catch basin, washes into the flood control basin and stays there for many months. An ongoing maintenance program would be immensely appreciated.

Mr. Freedman said that his neighborhood is low and very dependent on the proper functioning of the Oxford Flood Control Basin as a flood control basin. There have been a number of floods in the neighborhood over the years, though not in the last few years. He's had a long association with the department that maintains those aspects of the flood control basin, with varying degrees of luck.

Mr. Freedman said he's concerned that over the years silting has seriously compromised the capacity of the flood control basin. When the tide is really low, the bottom can be seen with no water almost throughout the basin and years ago that was not the case. There was considerably greater capacity. It's not hard to understand where the silting comes from because from time to time, not now particularly, there have been a tremendous number of animals in the basin. He believes the damage is long term. Mr. Freedman would like the Department to consider new fencing around the basin, as the current fencing is no longer adequate.

Mr. John Simas, boater, said it was brought to his attention that there's a seven day limit currently for boaters visiting Chace Park. Quite often there's many vacancies at the park, particularly during the winter. He asked why the County couldn't extend the seven days based upon availability and demand and become more lenient so that visiting boaters or those who have lost their slips could continue to remain at the park for a few additional days. Everyone would benefit. The County would make more money on slip vacancies and the boaters could remain in the Marina for a longer period of time.

Mr. Wisniewski commented that the Commission was addressed at previous meetings on this issue. There continues to be an ongoing struggle with a number of people who don't have slips, moor their boats outside of the Marina and come here when there's a small craft harbor advisory. There's a problem with a number of people trying to use the transient slips as a permanent location. The existing policy is appropriate for visitors and distressed boaters.

Chairman Searcy asked Mr. Wisniewski to explain the policy terms.

Mr. Wisniewski responded that he would provide at the July meeting a copy of the policy and a summary of its terms. He explained that during the summer months the transient docks are restricted to ensure they're available to everyone on an ongoing basis as much as possible. Slips are available at times, but to make them available on an ongoing basis to displaced boat tenants would eliminate the primary purpose of the availability.

Mr. Wisniewski mentioned that the Department is in the process of trying to acquire additional slips to expand the transient capability. The County has an option to purchase a portion of Parcels 44 and 77 and reassume the Santa Monica Windjammers Yacht Club. There will be consideration of expanding the transient capabilities but it won't be with the goal of trying to

facilitate people staying in the Marina when they don't have the prospect of obtaining a regular slip.

Mr. Simas said that if there is a vacancy and no one is using the transient slip, it would be in the best interest of everyone to allow the boater to remain, particularly if the boater is visiting from another county, country, etc.

Mr. Wisniewski said that he's unaware of anyone in that situation who hasn't been accommodated.

Ms. Pat Phillips, 20-year Marina resident, agreed with earlier comments that a night meeting is needed. She commented that many boaters are very interested in the issues and would like the opportunity to attend a meeting.

Ms. Phillips further commented that she attempted to get help from the Beaches and Harbors' mediation committee in 1994 and was told that it had been disbanded. She's heard from many people who received the same response. She's also heard from many dockmasters that they're trying to get rid of liveaboards.

Chairman Searcy commented that the Commission would consider a night meeting when it has material to share and more concrete information on various issues.

As for the disbanded mediation committee, Chairman Searcy explained that the Department of Consumer Affairs' (DCA) mediation services are now being used in place of Beaches and Harbors' mediation committee. Ms. Crane has the DCA's contact information for those members of the public that are interested.

Mr. Barry Norcroff, long-term Marina resident, reiterated the need for an evening meeting. He said that he could bring a lot of people to the Commission meetings, but they all work and aren't available in the mornings. The liveaboard issue is confusing and no one seems to be able to come down on any side about liveaboard rights. He asked the Commission to recommend to the Board a moratorium on arbitrary evictions until the Commission can provide guidelines. Boaters are being evicted for arbitrary and capricious reasons and should have a chance to hear what the law really is.

Chairman Searcy commented that he's not an expert on landlord/tenant law, but he remembers from his previous experience as a tenant that California law allows an apartment landlord to give tenants a 30-day Notice to Quit. Commissioner Lesser interjected that he believes the limit is now 60-days.

Mr. Andrew Lynch informed the Commission that he is an organizer for POWER, which primarily organizes around affordable housing issues. He said that a boat is one of the few remaining affordable places to live in the Marina. There are people who aren't low-income who are liveaboards, but there are also many people who can only live as liveaboards in the Marina.

Mr. Lynch said that his organization became involved with liveaboards a few months ago after people kept calling about the issues they were facing, mostly concerning evictions with docks being rebuilt and their being kicked out and not offered a slip after remodeling was done. His group met with people, walked the docks and found a lot of interest in this issue. A couple hundred signatures were collected and meetings were held. He hopes County Counsel's report won't end the discussion on this issue but rather encourage further discussion. It sounds as if the Commission is heading in that direction and is finding a creative solution to the problem.

Mr. Lynch also commented that at some point a night meeting should be held to increase public participation and input. He only received County Counsel's report a few days ago so it's difficult to respond properly and explore some of the legal issues involved.

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Commissioner Lesser commented that the Commission constantly hears about displaced and evicted liveaboards. He requested staff to provide at the July meeting a spreadsheet showing by month or quarter for the last five years the quantity of liveaboards. He'd like to see how the quantity of liveaboards has changed over time.

Relative to the Department of Consumer Affairs (DCA), Ms. Patricia Younis reminded the Commission that DCA representatives attended a meeting to discuss their services, including the mediation process, and distributed material to Commissioners and members of the public.

Chairman Searcy thanked Ms. Younis for the reminder and requested staff to invite DCA representatives to the next evening meeting.

Mr. Fred Newman commented that bicyclists on Admiralty Way are becoming more and more dangerous. He asked Lt. Nelson what the Sheriff's Department is doing to address the problem.

Further, Mr. Newman expressed concern about the increased congestion that all of the development projects are creating in the Marina. He suggested a moratorium on development projects. The Board office told him that every building project would receive personal attention, but he questioned what good is that attention unless Marina residents can vote on development. Also, he doesn't think the Department is serious about its Admiralty Way widening plans.

Relative to bicyclists, Lt. Nelson responded that the Sheriff's bicycle patrol will enforce bicycle safety laws and officers in their vehicles will also enforce these laws.

Commissioner Landini asked whether the Sheriff's Department issues traffic citations.

Lt. Nelson responded that the Department does.

Commissioner Landini mentioned that people illegally cut through the library parking lot. When he returns his books to the library, he fears hitting someone. He's personally seen numerous violations and the County has the opportunity to receive additional revenue from issuing citations at this spot.

Lt. Nelson informed the Commission that he would brief the deputies to ensure they enforce the traffic laws. The California Highway Patrol has primary jurisdiction for traffic enforcement in the area, but the Sheriff's Department also has authority.

Ms. Nancy Marino told the Commission that the eastbound lane on Admiralty is quite wide. She asked why it can't be striped for a bicycle lane. As for the Marina's development process, she said that many residents are quite concerned about it and only have the opportunity on a piece-meal basis to comment on projects that have already been decided and after leases have been written. Residents would like the opportunity to comment on the overall redevelopment, priorities and strategy. She often hears from the developers and architectural firms making presentations that the Marina is tired, sorry, sad and needs revitalization. The Marina can be revitalized if it were cleaned up. The water quality stinks. Mother's Beach is advertised on the County's website as a sheltered beach where parents can bring their children and play in the water. This is an abomination. She wouldn't let anyone go into the water because it's so bad, particularly for

young children playing in the sand, with little children putting their fingers in their mouths. She'd like to see the Mother's Beach information removed from the website until it is cleaned to at least a "C" grading. Currently, it's practically the worst beach in the County, possibly along the coast. Revitalization of the Marina can be best accomplished by improving the quality of the resources here. It is for public recreation and small craft harbor, not small craft harbor for public recreation. She'd like to see more recreation developed, more open space developed for the people of Los Angeles County and would like the Commission to recommend strongly to the Board that we need to get back to our primary focus, which is public recreation.

Ms. Andrus commented that the Department of Consumer Affairs (DCA) is not connected to the boaters or Marina community. She suggested that the Beaches and Harbors' mediation committee, with boaters, lessees, and other interested stakeholders, be reestablished so that there would be parties who are involved in the community. A DCA representative could be given the opportunity to participate as an objective party as well. The Beaches and Harbors' mediation committee shouldn't be pushed aside and the community should not be distanced by requiring it to present problems to the Department of Consumer Affairs. Reestablishing the mediation committee is something that could easily be done and it's more productive for the community.

Further, Ms. Andrus submitted a letter for the record (Attachment A) from Mr. Ruben Cardona, Tradewinds Marina liveaboard, concerning his eviction.

Ms. Andrus recalled a liveaboard tenant from Mariners Bay a couple of years ago discussing the illegal liveaboard situation there. The docks are degraded and it's a situation where people are moved in close together. It's not what you want to see in a liveaboard community. The docks should be condemned at this point because they're not very safe at all. The Commissioners should consider doing a dock walk around the older marinas. As Doug Ring's place is closed down, a lot of people are displaced and the new docks won't be opening up soon enough. This creates price fixing because fewer slips are available and people who are moved out are relegated to old marinas. The Commission could realize the problem if it did a dock walk.

Mr. Steve Freedman informed the Commission that he attended today's meeting to discuss boaters' rights and concerns. He's a long time competitive sailor, primarily out of the Marina. The Commission needs to remember that the Marina was envisioned and created to provide a public recreation facility. He hopes the various commissions that hear and evaluate development proposals will also keep that in mind. Some of the problems expressed by community members concern the various proposals to build on practically every parking lot in the Marina and the taking of slips, particularly small slips that allow recreation for boaters of common means. There are proposals to redevelop the Marina with much taller and denser buildings that will certainly affect sailing within the Marina. These various proposals pass the bodies involved without consideration to this Marina as a recreational facility and the recreational opportunities that are here. He hopes that the various commissions, when reviewing development proposals, try to work together and recognize that recreational opportunities in the Marina are important to protect.

Mr. Freedman continued, stating that the lack of free parking in this recreational facility has always been quite notable, with the exception of 16-minute free parking around the slips. The County has never offered their empty parking lots. The County has never put out a sign on a beach day during the summer advising people that there are parking lots available for beach parking within walking distance to the beach. There's lot of public parking, but not for free. For recreational purposes within the Marina, there should be some free public parking. There should be signs out on Washington and elsewhere letting people know that parking is available in the Marina.

Ms. Dorothy Franklin, Bar Harbor liveaboard tenant, said that the last couple of times she went to pay her slip rent, she asked whether she would be permitted to continue as a liveaboard. A Bar Harbor staff person told her that the corporate office hadn't provided any information on the matter. The only thing the staff person knew was that management was considering not having liveaboards at all.

Ms. Franklin said that August was supposed to be the deadline for her to move, then it was extended to November, then January 2007. She received a notice from management indicating that she would be given a 6-month notice to vacate her slip. She said that she sees the new property on "C" basin and it appears the lessee is building as close to the water as possible, which can create, in heavy winds, a curl or a vortex and suck a smaller boater and possibly a power boat into it. It could be a real hazard. Ms. Franklin expressed concern with building so close to the water and she commented that other buildings have more of a walkway or drive around them. She mentioned that the crosswind slips being built, like at Esprit, are a concern. There could be a problem with larger boats trying to get into their slips during heavy winds and it could cause damage.

## **8. ADJOURNMENT**

Commissioner Landini moved and Commissioner Lin seconded a motion to adjourn the meeting at 11:29 a.m. The motion passed unanimously.

Respectfully Submitted,

Toni Minor  
Commission Secretary