



SMALL CRAFT HARBOR COMMISSION
October 12, 2016
10:00 A.M.

BURTON W. CHACE PARK COMMUNITY ROOM
13650 MINDANAO WAY
MARINA DEL REY, CA 90292

Caring for Your Coast

Gary Jones
Director

Kerry Silverstrom
Chief Deputy

John Kelly
Deputy Director

Brock Ladewig
Deputy Director

Audio

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

2. **APPROVAL OF MINUTES**

Small Craft Harbor Commission Meeting of August 10, 2016 and September 21, 2016 (Special Meeting).

3. **COMMUNICATION FROM THE PUBLIC**



This is the opportunity for members of the public to address the Commission on items that are not on the posted agenda, provided that the subject matter is within the jurisdiction of the Commission. Speakers are reminded of the three-minute time limitation.

4. **COMMUNICATION WITH THE COMMISSIONERS**

This is the opportunity for members of the Commission to provide notification to the public regarding any communication received by the Commissioners from the public, lessees, or other interested parties regarding business of Marina del Rey.

5. **REGULAR REPORTS**

1) a. Marina Sheriff (DISCUSS REPORTS)

- Crime Statistics
- Enforcement of Seaworthy & Liveaboard
- Sections of the Harbor Ordinance with Liveaboard Permit Percentages

1) b. Marina del Rey and Beach Special Events (DISCUSS REPORT)

1) c. Marina Boating Section Report (VERBAL REPORT)

6. **OLD BUSINESS**

None

7. **NEW BUSINESS**

- a. Lease Amendment for Parcel 141 (Marriott Hotel) (ENDORSEMENT)
to include Decennial Rent Adjustment.

8.  **STAFF REPORTS**

Ongoing Activities

(DISCUSS REPORTS)

- Board Actions on Items Relating to Marina del Rey
- Regional Planning Commission's Calendar
- California Coastal Commission Calendar
- Venice Dual Force Main Project Update
- Redevelopment Project Status Report
- Design Control Board Minutes
- Marina del Rey Slip Report
- California Coastal Commission Slip Report
- Fisherman's Village Progress Report

9. **ADJOURNMENT**

PLEASE NOTE

1. The Los Angeles County Board of Supervisors adopted Chapter 2.160 of the Los Angeles Code (Ord. 93-0031 ~ 2 (part), 1993, relating to lobbyists. Any person who seeks support or endorsement from the Small Craft Harbor Commission on any official action must certify that he/she is familiar with the requirements of this ordinance. A copy of the ordinance can be provided prior to the meeting and certification is to be made before or at the meeting.
2. The agenda will be posted on the internet and displayed at the following locations at least 72 Hours preceding the meeting date:

Department of Beaches and Harbors Website Address: <http://marinadelrey.lacounty.gov>

Department of Beaches and Harbors
Administration Building
13837 Fiji Way
Marina del Rey, CA 90292

MdR Visitors & Information Center
4701 Admiralty Way
Marina del Rey, CA 90292

Burton Chace Park Community Room
13650 Mindanao Way
Marina del Rey, CA 90292

Lloyd Taber-Marina del Rey Library
4533 Admiralty Way
Marina del Rey, CA 90292

3. The entire agenda package and any meeting related writings or documents provided to a Majority of the Commissioners (Board members) after distribution of the agenda package, unless exempt from disclosure Pursuant to California Law, are available at the Department of Beaches and Harbors and at <http://marinadelrey.lacounty.gov>

Si necesita asistencia para interpretar esta informacion llame al (310) 305-9503.

ADA ACCOMODATIONS: 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 Disabilities Act) Coordinator at (310) 305-9538 (Voice) or (TTY/TDD) users, please call the California Relay Service at 711. The ADA Coordinator may be reached by email at rstassi@bh.lacounty.gov.

SMALL CRAFT HARBOR COMMISSION MINUTES

August 10, 2016

Commissioners: David Lumian, Chair; Dennis Alfieri, Vice Chair; Russ Lesser; Allyn Rifkin; Vanessa Delgado, (excused absence)

Department of Beaches and Harbors (DBH): Gary Jones, Director; Steve Penn, Chief of Asset Management Division; Carol Baker, Chief of Community and Marketing Services Division; Michael Blenk, Real Property Agent I; Michael G. Rodriguez, Chief Property Manager; Don Geisinger, Lease Specialist; Gloria Perez, Management Fellow

County: Amy Caves, Senior Deputy County Counsel; Richard Godfrey, Deputy Sheriff

Item 1- Call to Order and Pledge of Allegiance

Chair Lumian called the meeting to order at 10:06 a.m., followed by the Pledge of Allegiance led by Deputy Sheriff Barrios. Chair Lumian read the Commission's policy on public comments.

Item 2- Approval of Minutes

Motion to approve July 13, 2016, meeting Minutes by Commissioner Alfieri, seconded by Vice Chair Rifkin, unanimously approved.

Ayes: 4 – Chair Lumian, Vice Chair Rifkin, Mr. Alfieri and Mr. Lesser

Item 3 – Communication from the Public

Kelly Cantley-Kashima, the Commodore for the South Coast Corinthian Yacht Club, expressed her concerns regarding the plans for the interim accommodations and permanent facilities.

Chair Lumian asked staff if there were going to be additional meetings with the Yacht Club.

Gary Jones stated that the lessee is responsible for resolving the issues.

Chair Lumian requested that staff keep the commissioners updated on the situation.

Gary Jones stated that he will be meeting with the lessee in the afternoon to discuss the issues.

Elliot Zimmerman of Blue Water Sailing expressed his concerns about the illegal commercial charters in Marina del Rey (MdR).

Commissioner Lesser expressed his concern about the unfairness to legal charter operators in the Marina and asked staff what are the penalties for illegal charters.

Gary Jones replied that DBH does not oversee the enforcement. He stated that DBH would have to work with the Sheriff as well as other agencies to determine penalties.

Commissioner Lesser made a motion to place the issue of illegal boat charters on a future agenda and have DBH staff provide a summary of agencies responsible for enforcement.

Motion by Commissioner Lesser place the subject of illegal charters for the next meeting and have staff return with more information regarding enforcement. Seconded by Commissioner Alfieri, unanimously approved.

Ayes: 4 – Chair Lumian, Vice Chair Rifkin, Mr. Alfieri and Mr. Lesser

Item 4 – Communication with the Commissioners

Vice Chair Rifkin announced that he received a survey from the California Coastal Commission asking his opinion on issues related to the organization's rules and regulations and operations.

Item 5a – Marina Sheriff

Deputy Sheriff Richard Godfrey presented the liveaboard reports. He also announced that the grant money the Sheriff received from the State for the removal of abandoned vessels has been depleted. However, the State has issued a new grant and funds are forthcoming.

Item 5b – MdR and Beach Special Events

Carol Baker reported that the summer concerts at Burton Chace Park were successful and she thanked the Sheriff's department for all their hard work and coordination. She further announced upcoming fall activities planned for MdR, including having haunted tall ships on display during Halloween.

Item 5c – Marina Boating Section Report

Michael Blenk announced that Parcel 77's Power Boat Dry Storage Electrical Installation Project has been completed. He further announced that Anchorage 47 has a waiting list. He offered assistance to boaters that are having difficulty securing a slip in MdR.

Item 5d – Marina del Rey Convention Visitors Bureau (CVB) Report

Janet Zaldua reported that tourism is thriving in MdR and the hotel occupancy rate is at 84.1%, which is an increase from 79.2% that was reported last year. All hotels in MdR are fully operational and none are currently undergoing renovations. She announced that the CVB website was redesigned to make it more mobile friendly. She also talked about the Free Ride Program that will be made available in the future. The Free Ride Program will offer transportation throughout MdR during the hours of 11:30 am to 9:30 pm. The program will be funded through advertising revenue. Ms. Zaldua played a new video produced by the CVB, with the assistance of DBH. The video highlighted MdR's history and the County's development of the recreational harbor.

Vice Chair Rifkin commented that he had met with other cities to discuss their bike share programs and asked if there is a market in MdR for this type of program.

Ms. Zaldua replied that Carol Baker is exploring the issue.

Item 6a – Old Business

None.

Item 7a – Total Maximum Daily Load (TMDL) Update

Michael Tripp, presented the staff report, providing an update to the TMDL program and reviewed the ways DBH is mitigating the situation.

Chair Lumian asked about the Biotic Ligand Model and stated that originally it was believed that it would benefit Mdr.

Michael Tripp replied that the Biotic Ligand Model may replace the site specific study at a fraction of the cost. He believes the new model will help increase the target for allowable level of copper originally established by the California Regional Water Quality Control Board.

Commissioner Lesser asked if there is any updated information regarding the use of low-toxic paint as an alternative to copper based paint.

Michael Tripp stated that there is a small number of boaters that support this option, but the boatyards are reporting that the low-copper paints are fairly effective. However, the low-copper paints do not last as long as regular copper paints. He reviewed other measures that are being used to help the situation, including the use of boat lifts.

Item 7b – Lease Amendment for Parcel 140 (Admiralty Apartments) to include Decennial Rent Adjustment.

Michael Rodriguez provided the staff report.

Motion to approve by Commissioner Lesser, seconded by Vice Chair Rifkin, unanimously approved.

Ayes: 4 – Chair Lumian, Vice Chair Rifkin, Mr. Alfieri and Mr. Lesser

Item 7c – Lease Amendment for Parcel 100/101 (The Shores) to revise affordable housing provision.

Don Geisinger provided the staff report.

David Levine expressed his availability to answer questions.

Chair Lumian asked about the number of affordable housing units.

Don Geisinger replied that there are 54 units.

David Levine explained that there are 17 very-low-income units that rent for approximately \$700 per month and 37 moderate-income units that rent for approximately \$1,460 per month. The rent amount is established by the Los Angeles County Community Development Commission. He added that they are consistent with the Mello Act and Coastal Development Permit.

Commissioner Lesser asked what is the full market rent.

David Levine replied that on average it's about \$3,000 per month.

Motion to approve by Commissioner Lesser, seconded by Commissioner Alfieri, unanimously approved.

Ayes: 4 – Chair Lumian, Vice Chair Rifkin, Mr. Alfieri and Mr. Lesser

Item 8 – Staff Reports

Gary Jones spoke about the California Department of Parks and Recreation - Division of Boating and Waterways. The State has been conducting public meetings and surveys to review the organization's structure to make improvements. It is Mr. Jones' understanding that there will be no changes within the Division of Boating and Waterways. If the State makes any changes, Mr. Jones will provide an update to the Commissioners. In the meantime, Mr. Jones will send the Commissioners the link to the Division for their information.

Chair Lumian announced the State Parks Department meeting is scheduled for August 15, 2016, in Sacramento and suggested that a County representative attend the meeting.

Gary Jones stated that a representative from the County's legislative contacts will attend the meeting.

Adjournment

Chair Lumian adjourned the meeting at 11:30 a.m.

SMALL CRAFT HARBOR COMMISSION MINUTES
SPECIAL MEETING
September 21, 2016

Commissioners: David Lumian, Chair; Dennis Alfieri (excused absence), Vice Chair; Russ Lesser; Allyn Rifkin (excused absence); Vanessa Delgado

Department of Beaches and Harbors (DBH): Gary Jones, Director; Steve Penn, Division Chief -Asset Management; Michael G. Rodriguez, Chief Property Manager; Don Geisinger, Lease Specialist; Gloria Perez, Management Fellow

County: Amy Caves, Senior Deputy County Counsel

Item 1- Call to Order and Pledge of Allegiance

Chair Lumian called the meeting to order at 1:44 p.m., followed by the Pledge of Allegiance led by Commissioner Lesser. Chair Lumian read the Commission's policy on public comments.

Item 2a – Parcel 10 Approval of Lease Assignment and Assignments of Options to extend existing lease for Parcel 10 and the lease for Parcel 14 (Neptune Marina)

Don Geisinger presented the staff report.

Commissioner Lesser clarified that the project has already been approved by the Board of Supervisors (BOS) and the Coastal Commission. He further clarified that the configuration and physical attributes of the project are not open for discussion and the Commission is only discussing the assignments of the lease and options.

Dan Gottlieb spoke about the Coastal Improvement Fund and he is concerned that money has not been properly collected for these two parcels. He further added that Parcel 14 was designated as a site for a public park.

Jon Nahhas spoke about his concerns including the need for a public park on Parcel 14, overdeveloping the Marina, and toxicity in the water. He believes all lessees should be responsible for cleaning up toxicity in the water and suggested this requirement be added to all future leases.

Jeannette Vosburg objected to the project because she believes the project is in violation of Public Laws 780 and 389.

Peter Beale commented that people view the Commission as more in favor of increasing revenue for the County rather than protecting recreational boating. He also expressed his concern about the Mariner's Bay redevelopment project eliminating 35 – 40 ft. slips and replacing them with 40-45 ft. slips which will increase the dock fees for 35- 40 ft. boat owners. He also is upset with the low number of slips available throughout the Marina. He suggested that B Basin be completed to accommodate

displaced boaters and that Mariner's Bay redevelopment project be delayed because there are currently too many development projects scheduled for the same time.

Nancy Vernon Marino expressed her opinion that the project is not favorable to the County and she believes the County is not receiving ample funds for this project. She also believes the land can be used for recreational purposes.

Erick Preven spoke against the project and stated that the public's interest has to be protected. He believes the project limits public access to the water. He also asked that in the future, large lease documents be separated from other meeting materials and not packaged as one pdf file. The lease should have been a separate file.

Brian Golden expressed his opinions about the Commissioners' support of the project. He is not in favor of the project.

Commissioner Lesser asked staff to speak about the Coastal Development Fund requirement for this project.

Michael Tripp replied that developers must pay these fees to obtain building permits.

Commissioner Lesser also asked staff about the possibility of using Basin B for displaced boaters and to address the concern with the low number of slips available in the Marina. Commissioner Lesser further commented that he believed the opposite was true and that the Marina was experiencing a large number of vacancies.

Michael Tripp replied that he believed that the gentleman was actually referring to Basin C which has vacant slips; however, Basin C lacks landside resources. There are no restrooms, parking or power currently available in Basin C.

Commissioner Lesser asked about the financial benefits of the project.

Don Geisinger replied that there are social benefits as well as economic benefits including 84 affordable housing units. The Lessee is also constructing a transient dock in front of Parcel 9.

Commissioner Delgado reminded that even if the Commission did not endorse this item, the item would still be presented to the BOS.

Motion to approve by Commissioner Delgado, seconded by Commissioner Lesser, unanimously approved.

Ayes: 3 – Chair Lumian, Commissioner Delgado, and Commissioner Lesser

Item 2b – Parcel 52/GG (Boat Central) Granting of a Lease Option Agreement

Don Geisinger presented the staff report.

Chair Lumian asked when approval was granted for this project.

Don Geisinger replied that approval was originally granted in 2003 but the BOS asked for the reissuance of the RFP and Almar was approved again in 2005. The option agreement was approved in 2007.

Commissioner Lesser asked staff to explain the exception provided for dry stack percentage rent.

Mr. Geisinger replied that the dry stack percentage rent is based on a sliding scale for the first three years and is directly related to the minimum occupancy rate. After three years, the sliding scale will end.

Commissioner Delgado reminded speakers that the SCHC reviews the financial aspects of the project. Questions or concerns regarding the aesthetics of the project will be addressed at a future Design Control Board (DCB) meeting.

Gary Jones further clarified that one of the conditions of the agreement is that the developer must obtain a building permit. To obtain a permit, the plan must be approved by the DCB.

Tim Riley reiterate the Lessees Association's objections to the project, including the fact that there have been many changes in the Marina since the project was first approved. However, the plans for this project have not been updated. He further reminded the Commission that the DCB rejected the design of this project twice.

Andy Bessette expressed her concerns that the County and the Commission do not take public comments into consideration when voting on a project.

Ben Hamilton spoke about recreational boating and the need for another marina.

Dan Gottlieb spoke about the lack of a suitable wind study.

Jeannette Vosburg spoke about the TMDL in the harbor and encouraged the County to resolve the issue. She also questioned the financing of the project and asked what type of guarantee would be offered to protect the public and ensure the project is completed. She also questioned if there would be sufficient demand to make the project financially sound. She believes the project is not following the spirit of the Public Law 780 which requires reasonable rates and equal access to all.

Jon Nahhas spoke against the project and he believes the facility will be cost prohibitive for most boaters in the Marina. He asked for more information on anticipated costs for boat storage.

Eric Preven spoke about his concerns of the functionality of the project and compares it to an existing facility in Florida which cost \$225,000 for ownership. He stated it's like buying a condo for your yacht. He further commented that the public does not express an interest in this project. He believes there are vacancies in the Marina and it is easy to find a vacant slip. He asked Commissioners to refrain from voting on this item.

Nancy Vernon Marino spoke against the project. She believes that boaters and recreational users of MdR are not interested in this project.

Commissioner Delgado inquired if the project must be approved by the DCB before it can move forward.

Gary Jones replied that it does have to be approved by DCB and satisfy other conditions stated in the option agreement.

Commissioner Delgado asked if SCHC could review this item after it has been approved by the DCB.

Gary Jones replied the item could not be delayed because the developer needs the rights to the property to move forward.

Commissioner Lesser stated that the dry stack storage project can be beneficial if it makes boating more affordable. He referenced existing facilities that he saw in Brazil and other countries and said the facilities were cheaper than a standard slip, making boating more affordable. He would like to know if this will be a similar case for MdR. He also asked about the County's protection should the developer abandon the project.

Gary Jones replied that there are clauses in standard County agreements that put restrictions on charging exorbitant prices. However, the agreement does not stand in the way of a business setting prices to recoup its expenses. Mr. Jones commented that there are requirements in place to demonstrate the developer's ability to finish the project. He further reminded the public that the developer has already shown a commitment to this project. After all these years, the developer has not abandon the project.

Chair Lumian expressed his dislike for the project. He asked if a wind study had been conducted and also asked what size boats can be stored.

Gary Jones replied that there was a wind study completed. The facility will have the ability to change compartment sizes to accommodate a range of boats.

Don Geisinger added that he believed the slips can be configured to accommodate boats up to 40 ft.

Commissioner Lesser requested to have the lessee speak about the economics and projections of the project.

Tom Hogan stated that the average boat size will be between 25 to 28 ft. and the maximum length would be about 34 ft. He added that there is a difference between the dry stack storage and a boat in the marina because the dry storage is enclosed and height is a consideration. He further stated the facility will charge a market rental rate and it is projected that rates will be approximately the same as boats slips in the water. He also mentioned that the DCB's objection to the project was not the project but the over-the-water design and the lack of a promenade. The plan did not include a promenade because the developer believes it would create safety issues. Mr. Hogan believes these concerns have been addressed. He further announced that his firm has been selected to build a dry stack storage facility in San Diego.

Commissioner Lesser stated that the goal of this project was to make boating more affordable and it is disappointing to hear that the rates will be close to the water slip rates. He also asked about the Coastal Commission requirement for the preservation of smaller slips.

Gary Jones replied that the Coastal Commission requires certain thresholds of small slips particularly in the 30 ft. and under and 31-35 ft. that need to be maintained regardless of any development in the marina. There is also a Local Coastal Program requirement regarding the availability of dry storage. This project was envisioned to help fulfill this mandate.

Chair Lumian asked what would happen if the construction of the project failed or if the project is completed but is unsuccessful.

Gary Jones replied that the lease would fall into default and the County would gain back control of the site. He further commented that if the project were completed and then abandon, the County would RFP for a management company to run the facility or RFP to lease the property. This would be the same as any other project in the Marina. He added that the financial component also creates an additional layer of protection. Lenders are also concerned with the viability of a project. If the developer abandons the project, the lender may step in and complete the project and offer the facility to a different lessee.

Tom Hogan reminded that the County requires bonds to guarantee the completion of the project. If for some reason they were unable to perform, the County would receive the property, less that equity or the bank would take over the property and make arrangements for operations. If the bank decided to forgo the project, the County would receive the project for free. The lease specifically requires a completion guarantee.

Commissioner Delgado asked the lessee if they were seeking this project because they viewed it as financially viable.

Mr. Hogan replied affirmatively.

Commissioner Lesser asked what are the next steps after SCHC reviews the item.

Gary Jones replied that it will go before the BOS, then the developer will work on meeting the conditions listed to exercise the lease option, including providing the County evidence of satisfactory financing. The project will have to be approved by the DCB, obtain building permits, and receive approval from Building & Safety.

Commissioner Lesser asked about the Coastal Commission's approval.

Gary Jones replied that Coastal Commission already approved the project, within its jurisdiction, in January 2015. A component of this project will be constructed above the water.

Commissioner Lesser stated that he would like to approve the financial aspects of this project and mentioned that he's in favor of the project. He believes the project will increase small boat owners' access to the water.

Motion to approve by Commissioner Lesser, seconded by Commissioner Delgado, motion denied.

Ayes: 2 – Commissioner Delgado and Commissioner Lesser

Nos: 1 –Chair Lumian

Adjournment

Quorum was lost due to Commissioner Delgado departure at 3:17 p.m.



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART I CRIMES AUGUST 2016



	West Marina 2760	East Marina 2761	Lost R.D. 2762	Marina Water 2763	Upper Ladera 2764	County Area 2765	Lower Ladera 2766	Windsor Hills 2767	View Park 2768	Parks 2791	TOTALS
Homicide											0
Rape											0
Robbery: Weapon											0
Robbery: Strong-Arm								1	1	1	3
Aggravated Assault										1	1
Burglary: Residence	1			1	2		1	5	3		13
Burglary: Other Structure		1				1					2
Grand Theft	7	4		1	1		2	1	2	1	19
Grand Theft Auto	3	1					1	1			6
Arson											0
Boat Theft											0
Vehicle Burglary	4				1		1	4		1	11
Boat Burglary	1			1							2
Petty Theft	8	3		2		3	1	2	2		21
REPORTING DISTRICTS TOTALS	24	9	0	5	4	4	6	14	8	4	78

Note- The above numbers may change due to late reports and adjustments to previously reported crimes.

Source- LARCIS, **Date Prepared** September 06, 2016
CRIME INFORMATION REPORT - OPTION 5A

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART 2 CRIMES - AUGUST 2016



Community Advisory Committee	Upper Ladera 2764	Lower Ladera 2766
Homicide		
Rape		
Robbery: Weapon		
Robbery: Strong-Arm		
Aggravated Assault		
Burglary: Residence	2	1
Burglary: Other Structure		
Grand Theft	1	2
Grand Theft Auto		1
Arson		
Boat Theft		
Vehicle Burglary	1	1
Boat Burglary		1
Petty Theft		
Total	4	6

Note- The above numbers may change due to late reports and adjustments to previously reported crimes.

Source- LARCIS, **Date Prepared** September 06, 2016
CRIME INFORMATION REPORT - OPTION 5A

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART 3 CRIMES- AUGUST 2016



	MARINA AREA (RD'S 2760- 2763)	EAST END (RD'S 2764- 2768)
Part I Crimes		
Homicide		
Rape		
Robbery: Weapon		
Robbery: Strong-Arm		3
Aggravated Assault		1
Burglary: Residence	2	11
Burglary: Other Structure	1	1
Grand Theft	12	7
Grand Theft Auto	4	2
Arson		
Boat Theft		
Vehicle Burglary	4	7
Boat Burglary	2	
Petty Theft	13	8
Total	38	40

Note- The above numbers may change due to late reports and adjustments to previously reported crimes.

Source- LARCIS, **Date Prepared –** September 06, 2016
CRIME INFORMATION REPORT - OPTION 5A



MARINA DEL REY HARBOR LIVEABOARD COMPLIANCE REPORT 2016



Liveaboard Permits Issued

	August	September
New permits Issued:	0	5
Renewal Issued:	17	22
<hr/>		
Total:	17	27
Notices to Comply Issued:	21	7

Totals:	August	September
<hr/>		
Liveaboard:	308	306
Current Permits:	242	247
Expired Permits:	57	52
No Permits:	9	7

Total reported vessels in Marina del Rey Harbor:

4025

Percentage of vessels that are registered liveaboards

7.60%

Number of currently impounded vessel:

10



Caring for Your Coast

Gary Jones
Director

Kerry Silverstrom
Chief Deputy

John Kelly
Deputy Director

Brock Ladewig
Deputy Director

October 12, 2016

TO: Small Craft Harbor Commission
FROM:  Gary Jones, Director
SUBJECT: **AGENDA ITEM 5b –MARINA DEL REY SPECIAL EVENTS**

BURTON CHACE PARK WALKING CLUB

Burton Chace Park ♦ Lobby ♦ 13650 Mindanao Way ♦ Marina del Rey
Tuesdays & Thursdays
10:30 a.m. – 11:30 a.m.

The Department of Beaches and Harbors (Department) is sponsoring a FREE one-hour walking club. Get your exercise while taking in the beautiful view of the Marina del Rey harbor. Please RSVP by calling (310) 305-9595.

For more information: Call (310) 305-9595

MARINA DEL REY FARMERS' MARKET

Parking Lot #11 ♦ 14101 Panay Way ♦ Marina del Rey
Saturdays
9:00 a.m. – 2:00 p.m.

The Department, in collaboration with Southland Farmers' Markets Association, is offering the Marina del Rey Farmers' Market on Saturdays. The Marina del Rey Farmers' Market offers fresh, locally-grown organic and conventionally grown fruits and veggies. Also available are prepared and packaged foods, hand-crafted products and much more! Paid parking is available for 25 cents for every 10 minutes.

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

FISHERMAN'S VILLAGE WEEKEND CONCERT SERIES

13755 Fiji Way ♦ Marina del Rey
Sponsored by Pacific Ocean Management, LLC



All concerts are from 1:00 p.m. – 4:00 p.m.

Saturday, October 8th
Friends, playing R&B

Sunday, October 9th
Shades, playing R&B

Saturday, October 15th
Jimi Nelson & The Drifting Cowboys, playing Country/Rock

Sunday, October 16th
Chazzy Green "The Funky Sax Man", playing Jazz Funk

Saturday, October 22nd
Blue Breeze, playing R&B

Sunday, October 23rd
2Azz1, playing Jazz Funk

Saturday, October 29th
Upstream, playing Reggae

Sunday, October 30th
Floyd & The Flyboys, playing R&B/Funk

For more information: Call Pacific Ocean Management at (310) 822-6866

DISCOVER MARINA DEL REY 2016

Burton Chace Park ♦ 13650 Mindanao Way ♦ Marina del Rey
Sunday, October 9, 2016
11:00 a.m. – 4:00 p.m.

Discover Marina del Rey Day 2016 is sponsored by the Department and is a community event that can be enjoyed free of charge. The event features booths from various organizations on health, safety and the environment, plus harbor kayaking, games, music, arts & crafts and children's marionette shows. Visitors who wish to access the popular inflatable games must pay \$5.00 for a wristband. Food and beverages are also available for purchase on one of several gourmet food trucks.

Event parking is available for \$8 in County Lots #77 and #4 located at 13560 and 13500 Mindanao Way respectively.

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

HARVEST DAYS & HAUNTED NIGHTS

Burton Chace Park ♦ 13650 Mindanao Way ♦ Marina del Rey
Friday, October 28th from 5:00 p.m. – 9:00 p.m.
Saturday, October 29th from 10:00 a.m. – 9:00 p.m.
Sunday, October 30th from 10:00 a.m. – 8:00 p.m.

Experience a transformation in Marina del Rey like no other. Join us for a family-friendly harvest celebration during the day and spine-tingling thrills at night. Enjoy haunted pirate ships, games, rides, crafts, pirates, and much more! All ages welcome; however, Haunted Nights is recommended for ages 13 and older. Admission is free. Food and beverages available for purchase.

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

SNOW WONDER

Burton Chace Park ♦ 13650 Mindanao Way ♦ Marina del Rey
Saturday, December 10, 2016
12:00 p.m. – 6:00 p.m.

Join in the spirit of winter at Marina del Rey's Snow Wonder event! Children can enjoy real snow, sledding, arts & crafts, face painting, a DJ, and gourmet food trucks.

54TH ANNUAL MARINA DEL REY HOLIDAY BOAT PARADE

Saturday, December 10, 2016
5:55 p.m. – 8:00 p.m.

After Snow Wonder, stay in the park to view the fireworks that will be shot off the south jetty at 5:55 p.m. to kick off the start of the parade. Beautifully lit and decorated boats will participate in the event, which is free to the public. Boat owners will compete for numerous prize packages. Best spots for viewing the boat parade are Burton Chace Park, located at 13650 Mindanao Way, and Fisherman's Village, located at 13755 Fiji Way.

For more information: Visit the event website at www.mdrboatparade.org.

NEW YEAR'S FIREWORKS CELEBRATION

Burton Chace Park ♦ 13650 Mindanao Way ♦ Marina del Rey

December 31, 2016 – January 1, 2017
7:00 p.m. – 1:00 a.m.

Bring in the New Year with a bang! Guests are invited to Burton Chace Park at 7 p.m. to watch a live broadcast on a jumbo screen of *New Year's Eve Live 2017* with Anderson Cooper from Times Square. View the Times Square ball drop and enjoy two ten-minute fireworks show at 8:59:30 p.m. and 11:59:30 p.m., both shot from the Marina's south jetty.

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

GJ:CB:cml



Caring for Your Coast

Gary Jones
Director

Kerry Silverstrom
Chief Deputy

John Kelly
Deputy Director

Brock Ladewig
Deputy Director

October 12, 2016

TO: Small Craft Harbor Commission

FROM: 
Gary Jones, Director

SUBJECT: **ITEM 7a – APPROVAL OF AMENDMENT NO. 3 TO AMENDED AND
RESTATED LEASE NO. 26695 MARINA DEL REY MARRIOTT (PARCEL 141V
AT 4100 Admiralty Way) MARINA DEL REY**

Item 7a pertains to Amended and Restated Lease No. 26695 of Parcel 141V (Marina del Rey Marriott) and the adjustment of percentage rents and minimum rent on March 1, 2013. Lessee has agreed to amend the County percentage rental rates for the following percentages of gross receipts: 10% for occupancy of structures and other facilities including hotel rooms and meeting rooms, 3.5% for Restaurants, and 5% for sales of miscellaneous good and services. All other percentage rental rates will be maintained at the current levels. Minimum rent is being increased. The adjustment is projected to yield an additional rent of \$257,350 over the ten-year period beginning March 1, 2013. Insurance provisions will be updated.

Your Commission's endorsement of the recommendations in the draft Board letter attached is requested. Staff will inform your Commission should there be any material change made to this draft prior to submitting it to the Board of Supervisors for approval.

The recommended action will keep County percentage rents at Parcel 141V comparable to other Marina del Rey leaseholds and update insurance provisions, in fulfillment of the County Strategic Plan Goal No. 1, "Operational Effectiveness/Fiscal Sustainability."

GJ:BL:SP:mr

Attachments

_____, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF BEACHES AND HARBORS: APPROVAL OF AMENDMENT NO.
3 TO LEASE NO. 26695
MARINA DEL REY MARRIOTT (PARCEL 141V) – MARINA DEL REY
(FOURTH DISTRICT) (4 VOTES)**

SUBJECT

This Board letter requests approval of a lease amendment for Marina del Rey Parcel 141V (Marina del Rey Marriott) that modifies the provisions regarding the security deposit, square foot rental, and general rent renegotiation and arbitration; readjust certain percentage rental rates; and updates the insurance provisions.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the proposed lease Amendment No. 3 to Lease No. 26695 is categorically exempt under the California Environmental Quality Act pursuant to class 1(r) of the Environmental Document Reporting Procedures and Guidelines adopted by your Board, per Section 15301 of the State of California Environmental Quality Act Guidelines (Existing Facilities).
2. Approve and authorize the Chair to sign the attached Amendment No. 3 to Lease No. 26695, pertaining to the readjustment of rents and insurance for a ten-year period ending February 28, 2023.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Marina del Rey ground leases generally provide for the periodic review of leasehold rents and liability insurance coverage to ensure that the rental rates payable to the County are maintained at current fair market levels and that the amount of general liability insurance is adequate to protect the County's interests (collectively, the "Adjustments"). Rents are typically computed as the greater of either a fixed minimum rent or the total of varying percentages of the lessee's gross receipts from uses of the leasehold.

Marina del Rey Lease No. 26695 for Parcel 141V (Lease) requires that the Adjustments occur on March 1, 2013 (2013 Rental Adjustment Date) and every fifth anniversary thereafter. Typically, Marina del Rey ground leases require that such adjustments occur every ten years. Therefore, effective on the 2013 Rental Adjustment Date, in order to increase efficiently and standardize the adjustments across Marina del Rey ground leases, Amendment No. 3 provides that the Adjustments to the Lease shall occur every ten years.

Effective on the 2013 Rental Adjustment Date, proposed Amendment No. 3 also provides the following:

- A. Changes to the percentage rental rates: (1) Occupancy of Structures from 7.5% to 10.0%; (2) Restaurants from 3.0% to 3.5%; and (3) Sales from 1.0% to 5.0%. All other percentage rental rates remain unchanged;
- B. Amends the Lease's Square Foot Rental section to include a provision that all subsequent minimum rent adjustments shall either increase the annual minimum rent or maintain it at the then-current level;
- C. Amends the Lease's Rental Security Deposit section to include a provision requiring the Lessee to maintain the full amount of the Rental Security Deposit at all times; and
- D. Provides for a reconciliation of the rent effective back to the 2013 Rental Adjustment Date and requires payment of any additional rent owed to the County as a result of the rent adjustment.

Finally, as of the Effective Date, Amendment No. 3 incorporates changes to the indemnity clause, insurance requirements, and miscellaneous insurance provisions to conform to the Chief Executive Office's Risk Management Branch's current requirements.

Implementation of Strategic Plan Goals

The recommended action will keep County percentage rent categories at Parcel 141V comparable to other Marina del Rey parcels and will incorporate new insurance provisions, in fulfillment of Strategic Plan Goal No. 1, "Operational Effectiveness," Strategy 1, "Fiscal Sustainability."

FISCAL IMPACT/FINANCING

Proposed Amendment No. 3 would result in an increase in the minimum rent from \$67,759 to \$103,037, an increase of \$35,278. However, as the percentage rents for this leasehold routinely exceed the new minimum rent, this change in the minimum rent likely will not affect the overall increase in rent.

An overall increase in rent received by the County is anticipated in connection with the above described changes in the percentage rent rates.

Additionally, Amendment No. 3 contains a provision for payment of retroactive rent, to be remitted by the HMM Marina LLC within ten days of your Board's approval of Amendment No. 3. The approximate amount of retroactive rent is \$210,586, which, when added to the projected annual percentage rent increase of \$42,716, will yield an additional \$253,302 to the County in Fiscal Year 2016-17.

Operating Budget Impact

The recommended action will increase Marina del Rey revenue by an estimated \$42,716 in percentage rent and approximately \$210,586 in one-time retroactive rent. The annual increase received from Fiscal Year 2016-17 is budgeted in the Department's Fiscal Year 2016-17 Recommended Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Commonly known as the Maria del Rey Marriott, Parcel 141V occupies a total land area of 156,758 square feet in Marina del Rey. Parcel 141V is improved with a nine-story hotel building with approximately 240,000 square feet of building area which contains 370 hotel rooms, an indoor/outdoor restaurant having a seating capacity of 225 persons, and additional banquet and meeting rooms. Other improvements include a pool and spa area, and a two-story (three-level) parking structure having approximately 600 parking spaces. The original Lease commenced October 1, 1962, having a 60-year term (Lease No. 6125), however, a new lease was entered into on August 26, 1975 (Lease No. 26695) which incorporated, by reference, certain terms of the original Lease. Amendment No. 2 to the Lease, dated March 1, 1983, extended the term for 60 years from the effective date of the amendment.

Amendment No. 3 has been approved as to form by County Counsel. At its meeting of October 12th, 2016, the Small Craft Harbor Commission _____ the Director's recommendation that your Board approve and execute the Amendment.

ENVIRONMENTAL DOCUMENTATION

Proposed Amendment No. 3 is categorically exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to class 1(r) of the County's Environmental Document Reporting Procedures and Guidelines and Section 15301 of the State CEQA Guidelines (Existing Facilities).

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact on current services from your Board's approval of Amendment No. 3.

The Honorable Board of Supervisors
_____, 2016
Page 4

CONCLUSION

Please have the Chair sign all three copies of Amendment No. 3 and have the Executive Officer of the Board return two executed copies, as well as a copy of the adopted Board letter, to the Department of Beaches and Harbors.

Respectfully submitted,

Gary Jones
Director

Attachments (1)

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors

GJ:KS:BL:SP:MR:skn

AMENDMENT NO. 3 TO LEASE NO. 26695

PARCEL NO. 141V – MARINA DEL REY SMALL CRAFT HARBOR

THIS AMENDMENT TO LEASE is made and entered into this _____ day of _____
2016 (the "Effective Date")

BY AND BETWEEN

**COUNTY OF LOS ANGELES,
hereinafter referred to as "County",**

AND

**HMH MARINA LLC, a Delaware limited
liability company hereinafter referred to as
"Lessee."**

RECITALS:

WHEREAS, County and Interstate Marina Development Co. entered into Lease No. 26695 under the terms of which County leased to Interstate Marina Development Co. that certain real property located in the Marina del Rey Small Craft Harbor, County of Los Angeles, State of California, now commonly known as Parcel 141V, which leasehold premises (the "Premises") are more particularly and legally described in Exhibit A attached to and incorporated in said Lease, and amended (the Lease and all amendments are collectively hereafter referred to as the "Lease"); and

WHEREAS, Interstate Marina Development Co. assigned the Lease to Marina Hotels, Inc. by Document 84-15412 recorded in the official records of the Los Angeles County Registrar-Recorder's Office; and

WHEREAS, HMH Marina, Inc. acquired the Lease at a foreclosure sale on November 3, 1995; and

WHEREAS, HMH Marina, Inc. assigned the Lease to HMH Marina LLC on December 14, 1998; and

WHEREAS, Section 15 of said Lease provides that as of March 1, 2013, and every fifth (5th) year thereafter, the square foot rental and percentage rentals and the amount of casualty insurance (collectively, the "Adjusted Rentals") shall be readjusted by Lessee and County in accordance with the standards established in said Section 15; and

WHEREAS, the parties hereto have reached agreement with respect to the required adjustments and wish to amend the Lease as set forth herein, effective as of March 1, 2013 ("2013 Rental Adjustment Date").

NOW, THEREFORE, in consideration of the foregoing recitals, which are hereby deemed a contractual part hereof, and the mutual agreements, covenants and restrictions contained herein, the parties agree as follows:

1. **RENTAL SECURITY DEPOSIT.** Commencing as of the 2013 Rental Adjustment Date, Section 7 of the Lease is deleted in its entirety and the following substituted therefor:

Lessee shall at all times maintain a security deposit in an amount equal to three (3) monthly installments of the then-in effect annual square foot rental. The security deposit shall be retained by County to cover delinquent rents and any other financial obligations of the Lessee under this Lease, and shall be so applied at the discretion of County.

In the event all or any part of the security deposit is applied against any rent or other financial obligations of Lessee due and unpaid, the Lessee shall immediately reimburse the County an amount equal to that portion of the security deposit applied by County so that, at all times during the life of this Lease, said full security deposit shall be maintained with County. Failure to maintain the full amount of security deposit shall constitute an event of default pursuant to Section 21. Upon forfeiture or termination of this Lease, any portion of said security deposit due the Lessee shall be returned.

2. **SQUARE FOOT RENTAL.** Commencing as of the 2013 Rental Adjustment Date, Section 12 (SQUARE FOOT RENTAL) of the Lease, sometimes elsewhere in the Lease referred to as "minimum rents," is amended by the adding the following:

The annual square foot rental shall be readjusted on the 2013 Rental Adjustment Date and on March 1 every third year thereafter (each, a "Square Foot Rental Adjustment Date"). On the Square Foot Rental Adjustment Date, the annual square foot rental shall be readjusted to an amount equal to seventy-five percent (75%) of the annual average of all rents payable by Lessee for the preceding three-year period that ends three (3) months prior to the Square Foot Rental Adjustment Date; provided, however, that in no event shall the annual square foot rental be readjusted to an amount that is less than the then-in effect annual square foot rental.

3. **PERCENTAGE RENTALS.** Effective as of the 2013 Rental Adjustment Date, subsections (c), (j) and (s) of Section 13 (PERCENTAGE RENTALS) are deleted and the following subsections (c), (j) and (s) are correspondingly substituted therefor:

(c) TEN Percent (10%) of gross receipts or other fees charged for the occupancy of structures and other facilities including but not limited to: (i) parking fees or charges except where such parking fees or charges are collected in conjunction with an activity, the gross receipts from which are required to be reported in a percentage category greater than TEN Percent (10%), and (ii) offices utilized for banking, financial or investment activities, internal clerical or administrative activities or business enterprises, real estate and insurance brokerage, legal, medical, engineering, travel agencies, or similar professional services; provided however that this category shall not include stores, shops or other commercial

establishments, the gross receipts pertaining to which are subject to percentage rentals and specifically required to be reported under other subsections of this Section 13.

(j) THREE AND ONE-HALF Percent (3.5%) of gross receipts from the operation of restaurants, restaurant/cocktail lounge combination, coffee shops, beaches and theater food facilities, except that gross receipts from facilities established and operated as a take-out food operation shall be reported under subsection (s).

(s) FIVE Percent (5%) of gross receipts from the sale of miscellaneous goods and services not specifically provided for elsewhere in this subsection.

4. **RETROACTIVE RENT.** Lessee shall pay to County, within ten (10) days following the Effective Date, for the period between the 2013 Rental Adjustment Date and the actual date of payment (the "Retroactive Period"), the difference between (i) the actual rents paid by Lessee under the rental rates in effect prior to the effectiveness of this Amendment from the 2013 Rental Adjustment Date to the Effective Date, and (ii) the rents that should have been paid for the same period in accordance with the new rental rates as determined hereby ("Retroactive Payment").

5. **GENERAL RENT RENEGOTIATION AND ARBITRATION.** Effective as of the 2013 Rental Adjustment Date, the last sentence of the first paragraph of Section 15 (GENERAL RENT RENEGOTIATION AND ARBITRATION) is hereby deleted and the following substituted therefor:

At the end of said period, and at the end of every ten (10) year period thereafter (each such date is hereafter referred to as a "Decennial Rental Adjustment Date"), said rentals shall be readjusted as provided hereinafter.

6. **PROPERTY INSURANCE.** Commencing as of the 2013 Rental Adjustment Date, Section 25 of Lease (Property Insurance) is deleted in its entirety.

7. **WORKMAN'S COMPENSATION INSURANCE.** Commencing as of the 2013 Rental Adjustment Date, Section 27 of Lease (Workman's Compensation Insurance) is deleted in its entirety.

8. **FAILURE TO PROCURE INSURANCE.** Commencing as of the 2013 Rental Adjustment Date, Section 28 of Lease (Failure to Procure Insurance) is deleted in its entirety.

9. **INDEMNIFICATION AND INSURANCE REQUIREMENTS.** Commencing as of the 2013 Rental Adjustment Date, Section 26 of Lease (Indemnification and Insurance Requirements) is deleted in its entirety and the following substituted therefor:

INDEMNIFICATION AND INSURANCE REQUIREMENTS: During the term of

this Lease, the following indemnification and insurance requirements shall be in effect.

I. INDEMNIFICATION AND INSURANCE REQUIREMENTS

The Lessee shall indemnify, defend and hold harmless the Lessor, from and against any and all liability, loss, injury or damage including (but not limited to) demands, claims, actions, fees, costs and expenses (including attorney and expert witness fees), arising from or connected with the Lessee's repair, maintenance and other acts and omissions arising from and/or relating to the Lessee's use of the Premises, except for such loss or damage that arises from the sole negligence or willful misconduct of the lessor.

II. GENERAL INSURANCE PROVISIONS - LESSEE REQUIREMENTS

Without limiting the Lessee's indemnification of Lessor and during the term of this Lease, and until all of its obligations pursuant to this Lease have been met, Lessee shall provide and maintain at its own expense insurance coverage satisfying the requirements specified in this Lease. These minimum insurance coverage terms, types and limits (the "Required Insurance") also are in addition to and separate from any other contractual obligation imposed upon Lessee pursuant to this Lease. The Lessor in no way warrants that the Required Insurance is sufficient to protect the Lessee for liabilities which may arise from or relate to this Lease.

A. Evidence of Coverage and Notice to Lessor

- Certificate(s) of insurance coverage (Certificate) satisfactory to Lessor, and a copy of an Additional Insured endorsement confirming Lessor and its Agents (defined below) has been given additional Insured status under the Lessee's General Liability policy, shall be delivered to Lessor at the address shown below and provided prior to the start day of this Lease.
- Renewal Certificates shall be provided to Lessor prior to Lessee's policy expiration dates.
- Certificates shall identify all Required Insurance coverage types and limits specified herein, reference this Lease by name or number, and be signed by an authorized representative of the insurer(s). The Insured party named on the Certificate shall match the name of the Lessee identified in this Lease. Certificates shall provide the full name of each insurer providing coverage and list any Lessor required endorsement forms.
- Neither the Lessor's failure to obtain, nor the Lessor's receipt of, or failure to object to a non-complying insurance certificate or endorsement, or any other insurance documentation or information

provided by the Lessee, its insurance broker(s) and/or insurer(s), shall be construed as a waiver of any of the Required Insurance provisions.

- Certificates and copies of any required endorsements, and notices of cancellation shall be delivered to:

County of Los Angeles
Department of Beaches and Harbors
Attention: Asset Management Division
13837 Fiji Way
Marina del Rey, CA 90292

- Lessee also shall promptly notify Lessor of any third party claim or suit filed against Lessee which arises from or relates to this Lease, and could result in the filing of a claim or lawsuit against Lessee and/or Lessor.

B. Additional Insured Status and Scope of Coverage

The Lessor, which is the County of Los Angeles, its Special Districts, Elected Officials, Officers, Agents, Employees and Volunteers (collectively Lessor and its Agents), shall be provided additional insured status under Lessee's General Liability policy with respect to liability arising from or connected with the Lessee's acts, errors, and omissions arising from and/or relating to the Lessee's operations on and/or its use of the premises. Lessor's additional insured status shall apply with respect to liability and defense of suits arising out of the Lessee's acts or omissions. Use of an automatic additional insured endorsement form is acceptable providing it satisfies the Required Insurance provisions herein.

C. Cancellation of or Changes in Insurance

Lessee shall provide County with, or Lessee's insurance policies shall contain a provision that County shall receive, written notice of cancellation or any change in Required Insurance, including insurer, limits of coverage, term of coverage or policy period. The written notice shall be provided to County at least ten (10) days in advance of cancellation for non-payment of premium and thirty (30) days in advance for any other cancellation or policy change. Failure to provide written notice of cancellation or any change in Required Insurance may constitute a material breach of the Lease, in the sole discretion of the County, upon which the County may suspend or terminate this Lease.

Lessee shall notify Lessor if at any time Lessee's insurance no longer meets the requirements of this Lease.

D. Failure to Maintain Insurance

Lessee's failure to maintain or to provide acceptable evidence that it maintains the Required Insurance shall constitute a material breach of the Lease, upon which County immediately may suspend or terminate this

Lease. County, at its sole discretion, may obtain damages from Contractor resulting from said Lease.

E. Insurer Financial Ratings

Insurance is to be provided by an insurance company legally able to provide insurance in California and acceptable to the Lessor, with an A.M. Best rating of not less than A:VII, unless otherwise approved by the Lessor. However Lessor will allow the use of insurers with a rating of A-VII as long as such insurers represent no more than 10% of Lessee's limits.

F. Lessee's Insurance Shall Be Primary

Lessee's insurance policies, with respect to any claims related to this Lease, shall be primary with respect to all other sources of coverage available to Lessor, except where the claim arises out of the negligence or intentional acts of Lessor. Any Lessor maintained insurance or self-insurance coverage shall be in excess of and not contribute to any Lessee coverage.

G. Waiver of Subrogation

To the fullest extent permitted by law, the Lessee hereby waives its and its insurer(s) rights of recovery against Lessor under all required insurance policies for any loss arising from or related to this Lease. The Lessee shall require its insurers to execute any waiver of subrogation endorsements which may be necessary to affect such waiver.

H. Deductibles and Self-Insured Retentions (SIRs)

Lessee's policies shall not obligate the Lessor to pay any portion of any Lessee deductible or SIR.

I. Claims Made Coverage

If any part of the Required Insurance is written on claims made basis, any policy retroactive date shall precede the start date of this Lease. Lessee understands and agrees it shall maintain such coverage for a period of not less than three (3) years following Lease expiration, termination or cancellation.

J. Application of Excess Liability Coverage

Lessee may use a combination of primary and excess insurance policies which provide coverage as broad as ("follow form" over) the underlying primary policies, to satisfy the Required Insurance provisions.

K. Separation of Insureds

All liability policies shall provide cross-liability coverage as would be afforded by the standard ISO (Insurance Services Office, Inc.) separation of insureds provision with no insured versus insured exclusions or limitations.

L. Lessor Review and Approval of Insurance Requirements

The Lessor reserves the right to review and adjust the Required Insurance provisions, conditioned upon Lessor's determination of changes in risk exposures.

III. INSURANCE COVERAGE TYPES AND LIMITS

At a minimum, all Parcel Leases that have a single commercial building for general office use, with multiple floors and tenants, and parking should include Section III provisions A through E below.

A. Commercial General Liability Insurance providing scope of coverage equivalent to ISO policy form CG 00 01, naming Lessor and its Agents as an additional insured, with limits of not less than:

General Aggregate:	\$ 10 million
Products/Completed Operations Aggregate:	\$ 10 million
Personal and Advertising Injury:	\$ 5 million
Each Occurrence:	\$ 5 million

B. Automobile Liability Insurance (providing scope of coverage equivalent to ISO policy form CA 00 01) with limits of not less than \$1 million for bodily injury and property damage, in combined or equivalent split limits, for each single accident. Insurance shall cover liability arising out of Lessee's use of autos pursuant to this Lease, including owned, leased, hired, and/or non-owned autos, as each may be applicable.

C. Workers Compensation and Employers' Liability insurance or qualified self-insurance satisfying statutory requirements, which includes Employers' Liability coverage with limits of not less than \$1 million per accident. If applicable to Lessee's operations, coverage also shall be arranged to satisfy the requirements of any federal workers or workmen's compensation law or any federal occupational disease law.

D. Commercial Property Insurance. Such coverage shall:

- Provide coverage for Lessee's property, and any improvements and betterments; This coverage shall be at least as broad as that provided by the Causes-of-Loss Special Form (ISO form CP 10 30), including earthquake (if Lessee deems it reasonable), Ordinance or Law Coverage, flood, and Business Interruption equal to two (2) years annual rent;
- Be written for the full replacement cost of the property, with a deductible no greater than \$250,000 or 5% of the property value whichever is less, except for earthquake, where the deductible shall be equal to 5% of replacement cost including business interruption.

The coverage limit for earthquake may be determined by a probable maximum loss study, and the limit may apply jointly for the benefit of other assets owned by Lessee or its parents or affiliates. Insurance proceeds shall be payable to the Lessee and Lessor as their interests may appear and be utilized for repair and restoration of the Premises. Failure to use such insurance proceeds to timely repair and restore the Premises shall constitute a material breach of the Lease.

- E. **Liquor Liability** insurance (written on ISO policy form CG 00 33 or 34 or their equivalent) shall be provided and maintained by the Lessee if and then the manufacturing, distribution or service of alcoholic beverages occurs in the Premises, with limits of not less than \$5 million per occurrence and \$10 million aggregate. If written on a "claims made" form, the coverage shall also provide an extended two (2) year reporting period commencing upon the expiration or earlier termination of this Agreement, or replacement coverage shall be maintained until such time.

IN WITNESS WHEREOF, as of the Effective Date, County has, by order of its Board of Supervisors, caused this Amendment No. 3 to Lease No. 26695 to be subscribed by the Chair of said Board and attested by the Executive Officer thereof, and the Lessee or its duly authorized representative, has executed the same.

LESSEE:

HMH MARINA LLC,
A Delaware Limited Liability

By: Jeffrey S. Clark
Name: Jeffrey S. Clark
Title: Vice President

ATTEST:

COUNTY OF LOS ANGELES

LORI GLASGOW
Executive Office-Clerk
of the Board of Supervisors

By: _____
Deputy

By: _____
Hilda L. Solis, Chair
Board of Supervisors

APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By: _____
Senior Deputy



Caring for Your Coast

Gary Jones
Director

Kerry Silverstrom
Chief Deputy

John Kelly
Deputy Director

Brock Ladewig
Deputy Director

October 12, 2016

TO: Small Craft Harbor Commission

FROM: 
Gary Jones, Director

SUBJECT: **ITEM 8 - ONGOING ACTIVITIES REPORT**

BOARD ACTIONS ON ITEMS RELATING TO MARINA DEL REY

On August 9, 2016, the Board of Supervisors approved and authorized the Chair to sign an amendment to a lease agreement with Legado Marina, LLC for Parcel 33R in Marina del Rey, maintaining all existing percentage rental rates, adding a provision to safeguard minimum rent against future downward adjustments, adjusting the security deposit and updating the insurance provisions for the ten-year period ending April 1, 2026.

On August 9, 2016, the Board of Supervisors also approved and instructed the Chair to sign an amendment to a lease agreement with Panay Way Marina, L.P. for Parcel 20 in Marina del Rey to readjust Percentage Rents, Annual Minimum Rent and General Liability insurance for a ten-year period ending May 10, 2025.

REGIONAL PLANNING COMMISSION'S CALENDAR

No items relating to Marina del Rey were on the August 2016 and September 2016 Regional Planning Commission agendas.

CALIFORNIA COASTAL COMMISSION CALENDAR

No items relating to Marina del Rey were on the August 2016 and September 2016 California Coastal Commission agendas.

VENICE DUAL FORCE MAIN PROJECT UPDATE

No further updates on the Venice Dual Force Main Project since the April 2016 report.

REDEVELOPMENT PROJECT STATUS REPORT

The updated "Marina del Rey Redevelopment Projects Report" is attached.

DESIGN CONTROL BOARD MINUTES

The June and July 2016 DCB meetings were canceled due to the lack of new business and the lack of a quorum. The May and August meeting minutes are pending approval.

MARINA DEL REY SLIP REPORT

In July 2016, the overall vacancy rate across all anchorages in Marina del Rey stood at 8.4%. Adjusted to remove out-of-service slips and 50% of available double slips, the vacancy rate within Marina del Rey stood at 6.2%. In August 2016, the overall vacancy rate across all anchorages in Marina del Rey stood at 8.3%. Adjusted to remove out-of-service slips and 50% of available double slips, the vacancy rate within Marina del Rey stood at 6.0%. The vacancy data by anchorage and slip length are provided in the attached document.

CALIFORNIA COASTAL COMMISSION SLIP REPORT

Pursuant to certain conditions of the Coastal Development Permit (5-11-131) issued by the California Coastal Commission, the County is required to maintain certain minimum thresholds of slip sizes as a percentage of the entire Marina. The attached document outlines the percentage of each size category as a percentage of all available slips in the Marina.

FISHERMAN'S VILLAGE PROGRESS REPORT

No further updates.

GJ:BW:SP

ym

Attachments (6)

**Marina del Rey Redevelopment Projects Report
As of October 3, 2016**

Map Key	Parcel No. Project Name	Representative	Redevelopment Proposed	Massing and Parking	Status
2	9 -- Proposed Hotel on northern portion of Parcel 9U, wetland park on southern portion.	Sam Hardage	<p>* Proposed dual building hotel, 6-story, 72'-high Marriott Residence Inn, and, 5-story, 61'-high Courtyard Marriott.</p> <p>*New promenade improvements, restaurants and amenities.</p> <p>* Wetland public park project (1.46 acres).</p>	<p>Massing -- Revised project will be resubmitted at a later date.</p> <p>Parking -- plan will be resubmitted at a later date.</p>	<p>Proprietary -- Option was approved by BOS on 10/6/15. October 2016 –status unchanged</p> <p>Regulatory -- January 6, 2016, the BOS' approval of the hotel project was appealed to the CCC. On May 13, 2016, the CCC granted a time extension, until December 12, 2016, for the wetland park CDP. On July 11, 2016, work began on the wetland park.</p>
3	10/14 (FF) -- Neptune Marina/ Legacy Partners	Tim O'Brien	<p>* Demolish existing facilities and build 526 apartments.</p> <p>* 161-slip marina + 7 end-ties.</p> <p>* 28 foot-wide waterfront promenade.</p>	<p>Massing -- Four 55' tall clustered 4-story residential buildings over Parking with view corridor.</p> <p>Parking -- 1,012 project required parking spaces to be provided (103 public Parking spaces to be replaced off site)</p> <p>* Replacement of public parking both on and off site.</p>	<p>Proprietary -- December 1, 2015, the BOS agreed to extend the term of the option for up to one year. Lessee submitted Lease Assignments and Assignments of Options to extend existing lease for Parcel 10 and the lease for Parcel 14. The SCHC endorsed the assignments on September 21, 2016 and the BOS approved on October 4, 2016.</p> <p>Regulatory -- On January 21, 2015, the final project design was approved by the Design Control Board. October 2016 –status unchanged.</p>
9	43 -- Marina del Rey Hotel Anchorage	Jeff Pence	* Demolition of a 349-slip marina and construction of a 277-slip marina.	<p>Massing --</p> <p>Parking--163 spaces for boaters</p>	<p>Proprietary -- BOS approved bifurcation of Parcels 42 and 43 into separate leaseholds. Parcel 43 lessee has extended the option agreement for six months to have enough time to procure building permits from DPW. Lessee exercised its option to expand the lease term. October 2016 –status unchanged</p> <p>Regulatory -- Dock replacement will be phased during a 5-year period beginning in 2015. October 2016 –status unchanged.</p> <p>Regulatory Matter: No Variance proposed. Parking Permit for reduced Parking.</p>

Marina del Rey Redevelopment Projects Report As of October 3, 2016

10	44 - Pier 44/Pacific Marina Venture	Michael Pashaie/ David Taban	<p>* Build 5 new visitor serving commercial and dry storage buildings</p> <p>* 82,652 s.f. visitor serving commercial space</p> <p>* 141 slips + 5 end ties and 57 dry storage spaces</p>	<p>Massing -- Four new visitor-serving commercial buildings, maximum 36' tall and one dry stack storage building, 65' tall. 771.5 lineal feet view corridor proposed.</p> <p>Parking -- 381 at grade Parking spaces will be provided with shared Parking agreement (402 Parking spaces are required).</p>	<p>Proprietary -- The lessee initialed a revised Term Sheet on July 9, 2015. On January 13, 2016, SCHC endorsed DBH's recommendation to grant lessee an option to extend the lease term for 39 years. DBH anticipates the Grant of Option to go before the BOS in October 2016.</p> <p>Regulatory -- February 9, 2016, the BOS approved the project, which was appealed to the CCC. CCC denied the appeal on June 9, 2016.</p> <p>Regulatory Matter: Shared Parking Agreement. No Variance proposed</p>
11	52 -- Boat Central/Pacific Marina Development	Jeff Pence	<p>* 345-vessel dry stack storage facility* 30-vessel mast up storage space* 5,300 s.f. County Boatwright facility</p>	<p>Massing -- 81.5' high boat storage building partially over water.</p> <p>Parking with view corridor parking. All parking required of the project to be located on site.</p>	<p>Proprietary -- An extension to the Option was approved at the 11/12/13 BOS meeting. September 21, 2016, the SCHC voted 2 to 1 in favor of endorsing the recommendations to approve the Option and the new Lease for Parcel 52. Since three votes were needed to endorse the recommendation, there was no endorsement by the SCHC.</p> <p>Regulatory -- The waterside portion of the project was approved by the Coastal Commission on January 9, 2015. On August 23, 2016, the USACOE approved the 404 permit.</p>
12	53 -- The Boatyard	Greg Schem	<p>* New 921 s.f. ADA Restroom</p> <p>* New 3,916 s.f. carport with 14 garage spaces and boater storage.</p> <p>* Leasehold refurbishment, including new landscaping, hardscape, and waterside walkway.</p>	<p>Massing -- One 38' tall commercial warehouse building and 15' tall office buildings. New carport storage and office buildings will be 15' tall.</p> <p>Parking -- Parking proposed is 147 spaces. The code requires 134 spaces for this use.</p>	<p>Proprietary -- On 11/6/ 2012 the Lessee initialed a term sheet for an extension of the leasehold. On January 13, 2016, SCHC endorsed DBH's recommendation to extend the lease for 39 years. The grant of option was approved by the BOS at its March 15, 2016 meeting October 2016 –status unchanged</p> <p>Regulatory -- The DCB approved the final design of the project on December 16, 2015.</p> <p>Regulatory Matter: Variance for reduced setbacks and Architectural Guidelines requiring that structures beat least 15 ft. from bulkhead.</p>

Marina del Rey Redevelopment Projects Report As of October 3, 2016

13	55/56/W -- Fisherman's Village/Gold Coast	Michael Pashaie/ David Taban	<ul style="list-style-type: none"> * 132-room hotel * 65,700 square foot restaurant/retail space * 30-slip new marina * 28 foot-wide waterfront promenade 	<p>Massing -- Nine mixed use hotel/visitor-serving commercial/retail structures (8 1- and 2-story and 1 60'-tall hotel over ground floor retail/ restaurant), parking structure with view corridor.</p> <p>Parking -- On-site Parking includes all project required Parking, Parking for Parcel 61 lessee (Whiskey Reds).</p>	<p>Proprietary The lessee provided the SCHC with project updates at the March and May 2015 meetings. October 2016 –status unchanged</p> <p>Regulatory -- The Department of Regional Planning had considered a design concept, which would relocate the launch ramp to Fisherman's Village. In June 2014, Supervisor Knabe announced that moving the launch ramp would no longer be part of the visioning process.</p> <p>Regulatory Matter: Shared Parking Agreement. Variance for reduced setbacks (side and waterfront).</p>
1	113 -- Mariner's Village	Michael Sondermann	<ul style="list-style-type: none"> * Complete leasehold refurbishment of 981 apartments * Retail space increase from 2,070 s.f. to 9,000 s.f. * New 92-slip anchorage will be constructed * New 28 foot-wide pedestrian promenade and public amenities 		<p>Proprietary – Item opened on 9/23/2013. October 2016 – status unchanged.</p> <p>Regulatory -- A new EIR scoping meeting was held on 09/16/14 in Chace Park. October 2016 – status unchanged.</p>
Construction in Process					
4	13 -- Villa del Mar	David Canzoneri	<ul style="list-style-type: none"> * Complete leasehold refurbishment of 198 apartments * Existing 209-slip anchorage will be renovated commencing no later than 2029 * Improved pedestrian promenade and public amenities will be renovated. 	<p>Massing -- Four existing buildings up to 3 stories high.</p> <p>Parking -- Existing open air Parking and Parking structure will be renovated. Total Parking provided on site is 572 spaces.</p>	<p>Proprietary -- Construction commenced on December 8, 2014. Completion of construction is currently anticipated in December 2016. October 2016 – status unchanged.</p> <p>Regulatory -- On 6/18/14, the DCB approved the final design of the renovation project. October 2016 – status unchanged.</p>

**Marina del Rey Redevelopment Projects Report
As of October 3, 2016**

5	15 -- AMLI Residential	Jason Armison	<ul style="list-style-type: none"> * Demolish existing facilities and build 585 apartments * New 8,000 s.f. commercial space * New 241 boat slip marina * New 1,271-Parking space garage 	<p>Massing -- Six buildings up to 5 stories and 70' high</p> <p>Parking -- All Parking to be provided on site within new 1,271-space Parking garage</p>	<p>Proprietary -- Construction commenced on July 1, 2014, and anticipated completion date is July 1, 2018. October 2016 –status unchanged</p> <p>Regulatory -- June 30, 2014, demolition of the site commenced. October 2016 –Construction of project is underway.</p>
7	28 -- Mariners Bay	Tim O'Brien	<ul style="list-style-type: none"> * Complete leasehold refurbishment of 379 apartments * New bicycle depot for public use * Improvements to existing promenade and dock gates and public amenities * Replacement of existing docks within 6 months of completed of landside renovation 	<p>Massing -- Seven buildings up to 3 stories high</p> <p>Parking -- Existing subterranean Parking structure contains 947 Parking spaces.</p>	<p>Proprietary -- The MND for the project was adopted by the BOS at the March 24, 2015 meeting. Board also approved a future assignment to Legacy. Option was exercised and lease executed on 9/25/15.</p> <p>Regulatory -- On July 15, 2015, the DCB approved the final design of the project. October 2016 –status unchanged</p>



Project Status Report Map



Marina del Rey Slip Vacancy Report

Jul-16	17-25			26-30			31-35			36-40			41-45			46-50			51+							
Marina	VAC	AVAIL	%VAC	VAC	AVAIL	%VAC	VAC	AVAIL	%VAC	VAC	AVAIL	%VAC	VAC	AVAIL	%VAC	VAC	AVAIL	%VAC	VAC	AVAIL	%VAC	TOTAL VACANT	TOTAL AVAILABLE	%VAC	TTL OFF-LINE	TTL including OFF-LINE
P1																				5	0.0%		5	0.0%		
P7		8	0.0%	5	80	6.3%	1	44	2.3%	3	42	7.1%	2	12	16.7%		7	0.0%		21	0.0%	11	214	5.1%		
P8	1	15	6.7%		48	0.0%	1	82	1.2%	2	38	5.3%	1	16	6.3%		7	0.0%		1	0.0%	5	207	2.4%		
P10		5	0.0%	1	49	2.0%		8	0.0%		8	0.0%										1	70	1.4%	110	
P12							3	30	10.0%		53	0.0%	2	58	3.4%		44	0.0%		31	0.0%	5	216	2.3%		
P13					3	0.0%		33	0.0%		70	0.0%		36	0.0%	4	36	11.1%		8	0.0%	4	186	2.2%		
P15																							0		236	
P18	1	198	0.5%		68	0.0%		41	0.0%		39	0.0%		26	0.0%		18	0.0%		34	0.0%	1	424	0.2%		
P20		42	0.0%		59	0.0%		21	0.0%		9	0.0%		8	0.0%								139	0.0%		
P21	19	121	15.7%	1	51	2.0%					10	0.0%										20	182	11.0%		
P28				27	182	14.8%	5	100	5.0%	16	82	19.5%				3	9	33.3%		2	0.0%	51	375	13.6%		
P30		8	0.0%	1	70	1.4%	2	51	3.9%		33	0.0%		26	0.0%		52	0.0%		55	0.0%	3	295	1.0%		
P41	3	90	3.3%	1	24	4.2%	3	34	8.8%													7	148	4.7%		
P43	39	109	35.8%	37	120	30.8%		70	0.0%		36	0.0%					10	0.0%		4	0.0%	76	349	21.8%		
P44	38	145	26.2%	11	28	39.3%	9	59	15.3%													58	232	25.0%		
A47	48	97	49.5%	10	79	12.7%	6	28	21.4%	18	28	64.3%	5	7	71.4%		1	0.0%	2	3	66.7%	89	243	36.6%		
P53	2	34	5.9%		23	0.0%		37	0.0%		9	0.0%										2	103	1.9%		
P54					3	0.0%				1	24	4.2%		6	0.0%		7	0.0%		14	0.0%	1	54	1.9%		
P111	1	20	5.0%		27	0.0%		2	0.0%		15	0.0%					8	0.0%	8	39	20.5%	9	111	8.1%		
P112	5	100	5.0%					11	0.0%	1	24	4.2%							3	40	7.5%	9	175	5.1%		
P125I		24	0.0%		49	0.0%	1	93	1.1%	1	50	2.0%		27	0.0%		17	0.0%		18	0.0%	2	278	0.7%		
P132		29	0.0%		3	0.0%		68	0.0%	3	58	5.2%	1	45	2.2%	1	39	2.6%	1	20	5.0%	6	262	2.3%		
Total	157	1045	15.0%	94	966	9.7%	31	812	3.8%	45	628	7.2%	11	267	4.1%	8	255	3.1%	14	295	4.7%	360	4268	8.4%	346	4614

Summation

Vacancy in 17'-25'	15.0%
Vacancy in 26'-30'	9.7%
Vacancy in 31'-35'	3.8%
Vacancy in 36'-40'	7.2%
Vacancy in 41'-45'	4.1%
Vacancy in 46' to 50'	3.1%
Vacancy in 51' and over	4.7%

Total Vacancy 8.4%

Vacancy w/o DOUBLES, OUT OF SERVICE slips 6.2%

Note:

Parcel 10 dock reconstruction commencement August 2016

Parcel 15 dock reconstruction commencement September 2014

Jul-16

	Under Construction	Net Available	TOTAL MdR	% of TOTAL	CDP MIN THRESHOLD
25' & Less					
Number of Slips	113	1045	4614	23%	16%

26'-30'					
Number of Slips	109	966	4614	21%	19%

30'-35'					
Number of Slips	117	1575	4614	34%	18%

Marina del Rey Slip Vacancy Report

Aug-16	17-25			26-30			31-35			36-40			41-45			46-50			51+			TOTAL VACANT	TOTAL AVAILABLE	%VAC	TTL OFF-LINE	TTL including OFF-LINE
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Total	146	1041	14.0%	96	922	10.4%	42	804	5.2%	40	621	6.4%	7	267	2.6%	4	255	1.6%	16	295	5.4%	351	4205	8.3%	409	4614

Summation

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