

SMALL CRAFT HARBOR COMMISSION October 11, 2017 10:00 A.M.

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

Caring for Your Coast

. . **Gary Jones**

Kerry Silverstrom hief Deputy

> John Kelly eputy Directo

Brock Ladewig Deputy Director

Audio

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

2. (1) **APPROVAL OF MINUTES**

Small Craft Harbor Commission Meeting of May 10, 2017 and July 12, 2017.

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. (1) **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**

a.	Marina Sheriff	(DISCUSS REPORTS)
	 Crime Statistics Enforcement of Seaworthy & Liveaboard Sections of the Harbor Ordinance with Liveaboard Permit Percentages 	
b.	Marina del Rey and Beach Special Events	(DISCUSS REPORT)
C.	Marina Boating Section Report	(VERBAL REPORT)
<u>OLD</u>	BUSINESS	
a.	None	

7. **NEW BUSINESS**

- •)) a. Use of Palawan Office by the Parking Lot Management Services (VERBAL REPORT)
- ()) b. Marina Beach Redevelopment Project (PRESENTATION)



6.

Small Craft Harbor Commission Agenda for October 11, 2017 Page 2 of 2

8. (III) STAFF REPORTS

Ongoing Activities

- Board Actions on Items Relating to Marina del Rey

(DISCUSS REPORTS)

- Regional Planning Commission's Calendar
- California Coastal Commission Calendar
- Redevelopment Project Status Report
- Design Control Board Minutes
- Marina del Rey Slip Report
- California Coastal Commission Slip Report
- Fisherman's Village Progress Report
- Illegal Boat Charter Enforcement
- Parcel 43 New Dock Extension into Channel Dock Layout
- Water Quality Ordinances Update

9. ADJOURNMENT

PLEASE NOTE

- 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: <u>http://marinadelrey.lacounty.gov</u>

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

Burton Chace Park Community Room 13650 Mindanao Way Marina del Rey, CA 90292 MdR Visitors & Information Center 4701 Admiralty 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 <u>http://marinadelrey.lacounty.gov</u>

Si necesita asistencia para interpreter esta informacion llame al (424) 526-7752.

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 (424) 526-7752 (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 May 10, 2017

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

Department of Beaches and Harbors (DBH): Brock Ladewig, Deputy Director; Steve Penn, Chief of Asset Management Division; Michael G. Rodriguez, Chief Property Manager; Amir Tadros, Real Property Agent II

County: Amy Caves, Principal Deputy County Counsel; Deputy Sheriff Brett Carlson, Deputy Sheriff Richard Nichols

Item 1- Call to Order and Pledge of Allegiance

Chair Rifkin called the meeting to order at 10:10 a.m. and read the Commission's policy on public comment. The Pledge of Allegiance was led by Michael Bozarth, United States Coast Guard Auxiliary

Item 2- Approval of Minutes

Motion to approve February 8, 2017, Meeting Minutes by Vice Chair Lumian, seconded by Commissioner Delgado, unanimously approved.

Ayes: 3 – Chair Rifkin, Vice Chair Lumian, and Ms. Delgado

Item 3 – Communication from the Public

Captain Alex Bailan requested to change the Ongoing Activities Report so that the items are listed by priority.

Eliot Zimmerman invited the Commissioners for a water tour to observe the traffic in the harbor. He also expressed concern with the limited space on the water ways.

Item 4 – Communication with the Commissioners

Chair Rifkin disclosed his attendance at a Blue Water Sailing School (Blue Water Sailing) tour, guided by Mr. Zimmerman, who pointed out the traffic congestion within the marina.

Item 5a – Marina Sheriff

Sergeant Carlson & Deputy Sheriff Nichols presented the crime statistics and liveaboard report.

Vice Chair Lumian inquired about the number of liveaboards permitted in the marina, and if boat Airbnb operations require a liveaboard permit.

SCHC Minutes May 10, 2017 Page 2 of 6

Deputy Nichols replied that there is no limit to liveaboard permits and stated that the boat owner would need to arrange Airbnb operations with their anchorage or dockmaster. He further explained that the Airbnb issue is a civil matter and the Sheriff handles enforcement issues.

Sergeant Carlson added that they also went on a tour with Blue Water Sailing, and mentioned that they were able to gain a different perspective for law enforcement.

Item 5b – MdR and Beach Special Events

Carol Baker reported the temporary relocation of the farmers market to parking lot 5, the new beachshuttle hours, and announced the pop-up art event, "ARTsea," at Marina Beach.

Item 5c – Marina Boating Section Report

Michael Blenk reported that Anchorage 47 has a 4% vacancy which consists of small-size slips (22ft-24ft); Parcel 77 power boat storage is completely full; and mast-up storage has sixty spaces open, due to the recent boat auction.

Chair Rifkin asked if they have a sense of Uber's operation in the Marina.

Carol Baker replied that they only notice Uber usage when they have events.

Item 5d – Marina del Rey Convention and Visitor's Bureau Report

Janet Zaldua reported that CB Ellis Hotel Consulting will perform an Economic Impact report on tourism in Marina del Rey. She added that from 2012 through 2016 there's been a 73% growth. She also reported the hotel occupancy rate for 2016 was 83.8%, which is a 4.9% increase from 2015. She announced the success of the Free Ride program, which averages 500 rides a week. She further reported that the 2017 Visitor Destination Guide is available for distribution and that they will be conducting visitor profile studies to help improve the visitor's experience.

Item 6a – Venice Dual Force Main Project Update

Tonya Durrell, the City of Los Angeles (City) Public Works Public Information Director, introduced herself and mentioned that she is the community outreach point of contact for the Venice Dual Force Main Project.

Richard Sutherland, with the construction management team for the Bureau of Engineering on the Waste Water Conveyance Construction Division, provided the presentation.

Chair Rifkin asked for the Los Angeles County liaison.

Richard Sutherland stated that they have been working with Josie Gutierrez, and with John Kelly from the Department of Beaches and Harbors (DBH).

Commissioner Delgado asked if the project is solely a City project with DBH only assisting with access.

Richard Sutherland replied affirmatively.

Vice Chair Lumian expressed concern for the residences and businesses along Via Marina. He requested that they facilitate traffic-control to reduce impact for those affected.

Tonya Durrell replied that they are mindful to those concerns and are committed to working in partnership.

Chair Rifkin inquired about the Via Marina Task Force, and how often they meet.

Richard Sutherland replied that they conduct a quarterly meeting with all projects along Via Marina, including AMLI, Marriott Hotel, Wetland County Project and some utility companies.

Chair Rifkin requested renaming the web-address to avoid confusion.

Tonya Durrell replied that they would look into it.

Item 6b – Harbor Master Report on Marina del Rey's Marine Operations

Sergeant Brett Carlson and Deputy Richard Nichol provided the report.

Michael Bozarth, United States Coast Guard Auxiliary, provided a presentation on paddle-craft safety.

Lieutenant Lisa Fanning, Investigating Officer at Sector Los Angeles - Long Beach, and Lieutenant Commander Nathan Menefee, Senior Investigating Officer at Coast Guard Sector Los Angeles - Long Beach, introduced themselves.

Mark Lavine, expressed concern about the issues surrounding the Stand-up Paddle Boards (SUP).

Commissioner Delgado stated that the presentation was great and requested that it be available via DBH website.

Steve Penn replied that it would be provided on the website for public access.

Vice Chair Lumian disclosed his membership with the Canoe Association and mentioned that he's also an SUP and Kayak instructor. He inquired if paddle board deaths occurring on inland waters has been greater than the deaths in coastal areas.

Michael Bozarth replied that based on the data he presented, Mr. Lumian is correct.

Vice Chair Lumian also inquired about the Navigational Rules regarding paddle boarding.

Michael Bozarth replied that there are no SUP rules, because they were designed in the late 70s and have not been updated to handle SUPs.

Vice Chair Lumian inquired about vessel safety checks for SUPs.

Michael Bozarth replied that they perform safety checks for kayaks, canoes, SUPs, and rafts. He added that individuals can request a safety check via the Auxiliary US Coast Guard Website, free of charge.

Vice Chair Lumian asked the Harbor Master about certain cases where they allowed SUPs.

Deputy Nichols stated that it's agreements are between UCLA, LMU, and several SUP rental businesses in the marina; however, navigational rules and education needs to be provided.

Vice chair Lumain inquired about the number of rental companies.

Deputy Nichols redirected the question to DBH staff.

Vice Chair Lumian stated he wants to know how many rental companies are in Marina del Rey and the requirements to become a SUP and kayak rental business.

Steve Penn stated that the permitting process is handled by DBH through the lease agreements currently in place, provided that the particular area allows for such activity, such as Fisherman's Village. He further explained that vendors go to Fisherman's Village to inquire about space availability to conduct their business, and if there is availability, they enter into a sublease agreement. Once the sublease is tentatively reached, they send it to DBH for approval, and the agreements are strictly reviewed from the contractual perspective. Vendors are expected to comply with all Federal and State rules and regulations.

Vice Chair Lumian suggested a fieldtrip to Alamedas Bay, where they can observe a group that provides training to individuals before they go out on kayaks & paddle boards.

Chair Rifkin commented that it's important to make SUPs safe and suggested researching the idea of restricting the areas for SUPs.

Captain Alex Bailan spoke about the growing concerns with crossing SUPs in front of large moving vessels, and how to prevent collisions. He also mentioned the importance of knowing the navigational rules.

Patricia Younis expressed concern about the illegal rental businesses and mentioned that she googled "paddle boarding rentals" in Marina del Rey and was surprised to find thirty-five companies within the marina. She further explained that she has seen them firsthand operating out of their trucks at the launch ramp and at Mother's beach. She mentioned the importance of safety and of "taxing" those individuals running illegal businesses.

Deputy Nichols spoke about the two County ordinances that the Sheriff's department enforces regarding illegal charters. He further explained that Dock 52 and Dock 55 are currently the designated areas for legal charter operations.

Lt. Lisa Fanning stated that she investigates any reportable marine casualty and illegal charter operations. She explained that they're concerned with the safety of crew members, passengers and the environment. She spoke about the importance of their presence and explained their safety boarding process. She further explained that they have issued nine "Captain of the Port Orders" for uninspected vessel operators to cease operation, seven of which were issued in Marina del Rey.

Lt. Commander Nathan Menefee stated that the primary concern for the US Coast Guard is safety. He further explained the US Coast Guard's requirements for legally operating 6-pack charter boats. He also stated that there are more extensive regulations for a charter of more than 6 passengers. He added that they are doing their best to combat this issue, and are actively looking on social media, internet listings to target them and shut them down.

Sergeant Carlson added that the community should report illegal charters to the dock master.

Steve Penn thanked the Sheriff and US Coast Guard for their presentations.

Item 6c – Parcel 141 Lease Amendment (Decennial Rent Adjustment)

Michael Rodriguez presented the staff report.

Chair Rifkin asked if the change from 5 years to 10 years is consistent with the other Board-approved leases.

Michael Rodriguez answered affirmatively.

Motion to approve by Vice Chair Lumian, seconded by Commissioner Delgado, unanimously approved.

Ayes: 3 – Chair Rifkin, Vice Chair Lumian, and Ms. Delgado

Steve Penn asked Michael Rodriguez to provide the commissioners with the illegal charter update report.

Michael Rodriguez explained the enforcement process between DBH and the other agencies such as dock masters, US Coast Guard, and the Los Angeles County Treasurer and Tax Collector.

Eliot Zimmerman spoke about the importance of the community's participation in reporting illegal charters, SUPs at Marina Beach, and illegal SUP operations.

SCHC Minutes May 10, 2017 Page 6 of 6

Item 8 – Staff Reports

Steve Penn provided the staff reports.

Commissioner Delgado inquired about the merging of the Design Control Board and the Small Craft Harbor Commission.

Steve Penn replied that there has not been a final report issued, nor a strong indication that there will be a merger.

Vice Chair Lumian suggested having a harbor safety meeting with the different entities in the harbor, before the summer season. He requested a presentation on "How to become a legal charter", and a report on Parcel 43 new dock encroachment.

Steve Penn replied that staff will provide the updates at the next meeting.

Captain Alex Bailan spoke about Fisherman's Village and asked if there's a way to pressure the lessee to move forward.

Adjournment

Vice Chair Rifkin adjourned the meeting at 12:26 p.m.

SMALL CRAFT HARBOR COMMISSION MINUTES July 12, 2017

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

Department of Beaches and Harbors (DBH): Brock Ladewig, Deputy Director; Steve Penn, Asset Management Division Chief; Michael G. Rodriguez, Chief Property Manager; Don Geisinger, Lease Specialist; Amir Tadros, Real Property Agent II; Michael Tripp, Planning Division Chief

County: Christina Angeles, County Counsel

Item 1- Call to Order and Pledge of Allegiance

Chair Rifkin called the meeting to order at 10:11 a.m. and read the Commission's policy on public comment. The Pledge of Allegiance was led by Deputy Sheriff Barrios.

Chair Rifkin introduced the newly appointed Commissioner, Richard Montgomery, who was appointed by Supervisor Janice Hahn.

Richard Montgomery introduced himself and gave a brief overview of his career and mentioned that he resides in Manhattan Beach.

Steve Penn asked County Counsel for direction regarding the Commissioners voting on the May 10th meeting minutes.

Christina Angeles replied that the Commissioners could vote on the May 10th meeting minutes.

Chair Rifkin stated that he was uncomfortable voting on the May 10th meeting minutes as he was the only Commissioner present from that meeting. Chair Rifkin requested to postpone the voting until the following meeting.

Item 2- Approval of Minutes

Chair Rifkin requested to continue the approval of May 10, 2017 meeting minutes to the following meeting.

Motion to approve June 14, 2017, Meeting Minutes by Commissioner Alfieri, seconded by Commissioner Rifkin, approved.

Ayes: 2 – Chair Rifkin and Mr. Alfieri Abstained: 1- Mr. Montgomery

Item 3 – Communication from the Public

Captain Alex Bailan expressed concern about vacation rentals and illegal chartering in the Marina.

Elliot Zimmerman spoke about boat chartering and requested that the Commissioners examine the ground leases' language to determine whether or not boat chartering is permissible.

Peter Beale spoke about the Wayfarer development and requested an update on the project's status.

Bob Atkins spoke about the benefits of chartering in the Marina and requested that the requirements of becoming a legal charter be published on DBH's website.

Denise George spoke about her role at Blue Pacific Boating, and expressed concern about the short-term solution at Anchorage 47. She requested assistance in finding a permanent home for her business.

Chair Rifkin asked staff for a status report on the charter boat issues.

Steve Penn replied that the topic of boat chartering has many areas of focus, and that DBH has been working on addressing these concerns. For instance, in the May 2017 meeting, there was a joint presentation by the Sheriff's Department, Coast Guard, and DBH which addressed the enforcement mechanism used by the three agencies, along with their collaboration in tackling illegal charters. In the June 2017 meeting, there was a presentation on "how to legalize illegal charters". He also mentioned that this item has been placed under item 8 "Staff Reports" for regular updates.

Mr. Montgomery inquired about the Wayfarer project construction as it relates to the boat slips.

Steve Penn replied that some of the empty slips may not be available because they are reserved for the relocation of the existing tenants to allow the project to move to the next phase of construction. He added that individuals in need of finding slips are encouraged to ask DBH for assistance.

Chair Rifkin asked staff if they could provide assistance to Denise George.

Steve Penn replied affirmatively.

Mr. Alfieri requested that the County's policies regarding boat chartering be published on the website.

Steve Penn explained that there is a list of legal boat charters under the "Ongoing Activities Report," and added that Michael Rodriguez gave a detailed presentation on steps to becoming a legal boat charter at a previous meeting. He also stated that said information will be published on the Department's website.

Item 4 – Communication with the Commissioners

None

ltem 5a – Marina Sheriff

Deputy Sheriff Barrios presented the crime statistics and liveaboard report.

SCHC Minutes July 12, 2017 Page 3 of 5

Item 5b – MdR and Beach Special Events

Carol Baker reported on the Fourth of July event and the traffic control issues. She mentioned the Farmers' Market was relocated back to its original home, the Summer Concert series began with the Opera at the Shores production, and announced the huge upcoming R&B concert.

Item 5c – Marina Boating Section Report

Michael Blenk reported that Anchorage 47 is currently below 4% vacancy. He also reported that the dry storage at pier 77 is full and has a waitlist, and the mast-up storage has 59 spaces available. He also added that the dinghy storage is completely full.

Item 6a – The Parcel 43 New Dock Extension into Channel Update

Michael Tripp provided the report.

Elliott Zimmerman stated that the diagram displayed at this presentation is not the same diagram displayed at the developer's site and expressed concern about the project.

Peter Beale followed-up on his suggestion at the last meeting about paddle boarding lanes in Basin D.

Bob Atkins inquired about the amount of commercial slips available in the Marina and spoke about the importance for a solution to legalizing boat charters.

Mr. Alfieri inquired about the Parcel 43's diagram display and the County's awareness of the difference between the two.

Michael Tripp replied that he had not been in the office to see their display; however, the display shown on the presentation is what has been approved by the California Coastal Commission and the County's Department of Regional Planning.

Chair Rifkin asked if the Commissioners could revisit the plans in terms of additional policy.

Michael Tripp replied that it's not possible because the permits have been issued and the project is already underway.

Mr. Montgomery asked how many slips are under construction and which are commercial and non-commercial.

Michael Tripp replied that 301 slips are under construction and that staff would have to further research how many of them are commercial.

Steve Penn replied that staff will research the particular leases to see if commercial uses are allowed.

Mr. Alfieri requested a breakdown of the 301 slips into a size category report.

Michael Tripp stated that the report will be included in next month's meeting packet.

Chair Rifkin agreed with the idea of paddle boarding lane designation; however, it seemed too late to amend the construction plan.

Michael Tripp stated that the proposed paddle boarding lane designation is for basin D, not the construction project, which is something that can be further discussed with the U.S. Coast Guard and the Harbor Patrol.

Item 7a – Consent to Assignment of Leasehold Interests for Parcels 133 (Commodore Club) and 134 (Warehouse), and option for assignment of lease for Parcel 131 (Café del Rey) Don Geisinger presented the staff report.

Mr. Montgomery inquired about the transfer fees.

Don Geisinger explained that there are no participation fee clauses in the current terms of the leases.

Chair Rifkin asked about Parcel 40T.

Don Geisinger replied that Parcel 40T is the library.

Motion to approve the endorsement of Consent to Assignment of Leasehold Interests for Parcels 133 (Commodore Club) and 134 (Warehouse), and option for assignment of lease for Parcel 131 (Café del Rey) by Commissioner Alfieri, seconded by Commissioner Rifkin, approved.

Ayes: 3 - Chair Rifkin, Mr. Alfieri and Mr. Montgomery

Item 8 – Staff Reports

Steve Penn provided the staff report and announced that the updated legal boat chartering list has been published on DBH's and the Marina del Rey Convention and Visitors Bureau's website, as requested by the Commission.

Bob Atkins requested an ongoing agenda item regarding boat chartering to cover a wide range of issues and spoke about the importance of allowing boat chartering in the Marina.

Peter Beale stated that the slip vacancy report is inaccurate, spoke about the Wayfarer project and requested that DBH inform the public of any changes, and requested feedback on the issues brought forth by the members of the public.

Elliot Zimmerman suggested having a way for local mariner's to forward information to DBH staff that would help them pursue illegal operators.

SCHC Minutes July 12, 2017 Page 5 of 5

Captain Alex Bailan gave a brief description of how to become a legal boat charter.

Chair Rifkin requested that staff provide a response to the issues brought forth by the members of the public such as the charter issues and traffic issues in the channels.

Adjournment

Chair Rifkin adjourned the meeting at 11:32 a.m.



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT MARINA DEL REY STATION PART I CRIMES JULY 2017



	West	East	Lost	Marina	Upper	County	Lower	Windsor	View		
	Marina	Marina	R.D.	Water	Ladera	Area	Ladera	Hills	Park	Parks	TOTALS
	2760	2761	2762	2763	2764	2765	2766	2767	2768	2791	
Homicide											0
Rape	1										1
Robbery: Weapon	1		1					1			3
Robbery: Strong-Arm		1		1			1				3
Aggravated Assault	2							1	2		5
Burglary: Residence	2						2	2	1		7
Burglary: Other Structure				1			2		1		4
Grand Theft	4			1		1	1	2			9
Grand Theft Auto	4				1			7	1	1	14
Arson									2		2
Boat Theft											0
Vehicle Burglary	2				2	2	8	6	10	1	31
Boat Burglary				3							3
Petty Theft	9	5		1	1		1	4	3		24
REPORTING											
DISTRICTS TOTALS	25	6	1	7	4	3	15	23	20	2	106
TOTALS											

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

Source- LARCIS, **Date Prepared August 03, 2017** CRIME INFORMATION REPORT - OPTION 5A

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART 2 CRIMES - JULY 2017



CALIFORNIA

Community	Upper	Lower
Advisory	Ladera	Ladera
Committee	2764	2766
Homicide		
Rape		
Robbery: Weapon		
Robbery: Strong-Arm		1
Aggravated Assault		
Burglary: Residence		2
Burglary: Other Structure		2
Grand Theft		1
Grand Theft Auto	1	
Arson		
Boat Theft		
Vehicle Burglary	2	8
Boat Burglary		
Petty Theft	1	1
Total	4	15

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

Source- LARCIS, Date Prepared August 03, 2017 CRIME INFORMATION REPORT - OPTION 5A

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART 3 CRIMES- JULY 2017





	MARINA AREA	EAST END
	(RD'S 2760-	(RD'S 2764-
Part I Crimes	2763)	2768)
Homicide		
Rape	1	
Robbery: Weapon	2	1
Robbery: Strong-Arm	2	1
Aggravated Assault	2	3
Burglary: Residence	2	5
Burglary: Other Structure	1	3
Grand Theft	5	4
Grand Theft Auto	4	10
Arson		2
Boat Theft		
Vehicle Burglary	2	29
Boat Burglary	3	
Petty Theft	15	9
Total	39	67

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

Source- LARCIS, Date Prepared – August 03, 2017 CRIME INFORMATION REPORT - OPTION 5A



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT MARINA DEL REY STATION PART I CRIMES AUGUST 2017



	West	East	Lost	Marina	Upper	County	Lower	Windsor	View		
	Marina	Marina	R.D.	Water	Ladera	Area	Ladera	Hills	Park	Parks	TOTALS
	2760	2761	2762	2763	2764	2765	2766	2767	2768	2791	
Homicide											0
Rape											0
Robbery: Weapon	1					1	1				3
Robbery: Strong-Arm											0
Aggravated Assault	1							2	2		5
Burglary: Residence	1	1					1	1	1		5
Burglary: Other Structure									3		3
Grand Theft	7					1			1		9
Grand Theft Auto	3				1	1			5		10
Arson											0
Boat Theft											0
Vehicle Burglary	1	3			1	1	1		3	2	12
Boat Burglary											0
Petty Theft	8			1	1	2	1	3	3		19
REPORTING			_		_	_	_				
DISTRICTS	22	4	0	1	3	6	4	6	18	2	66
TOTALS											

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

Source- LARCIS, **Date Prepared September 05, 2017** CRIME INFORMATION REPORT - OPTION 5A

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART 2 CRIMES - AUGUST 2017



CALIFORNIA

Community	Upper	Lower
Advisory	Ladera	Ladera
Committee	2764	2766
Homicide		
Rape		
Robbery: Weapon		1
Robbery: Strong-Arm		
Aggravated Assault		
Burglary: Residence		1
Burglary: Other Structure		
Grand Theft		
Grand Theft Auto	1	
Arson		
Boat Theft		
Vehicle Burglary	1	1
Boat Burglary		
Petty Theft	1	1
Total	3	4

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

Source- LARCIS, Date Prepared September 05, 2017 CRIME INFORMATION REPORT - OPTION 5A

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART 3 CRIMES- AUGUST 2017





	MARINA AREA	EAST END
	(RD'S 2760-	(RD'S 2764-
Part I Crimes	2763)	2768)
	I	
Homicide		
Rape		
Robbery: Weapon	1	2
Robbery: Strong-Arm		
Aggravated Assault	1	4
Burglary: Residence	2	3
Burglary: Other Structure		3
Grand Theft	7	2
Grand Theft Auto	3	7
Arson		
Boat Theft		
Vehicle Burglary	4	8
Boat Burglary		
Petty Theft	9	10
Total	27	39

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

Source- LARCIS, Date Prepared – September 05, 2017 CRIME INFORMATION REPORT - OPTION 5A



MARINA DEL REY HARBOR LIVEABOARD COMPLIANCE REPORT 2017



Liveaboard Permits Issued				
	August	September		
New permits Issued:	3	4		
Renewal Issued:	13	14		
Total:	16	18		
Notices to Comply Issued:	16	9		

Totals:	August	September
Liveaboard:	297	300
Current Permits:	250	250
Expired Permits:	38	41
No Permits:	9	9
Current Permits: Expired Permits:	250 38	250 41

Total reported vessels in Marina del Rey	3829	
Percentage of vessels that are registered	7.83%	
Number of currently impounded vessel:	11	



Caring for Your Coast

Gary Jones

October 11, 2017

Kerry Silverstrom Chief Deputy

John Kelly Deputy Director

Brock Ladewig Deputy Director

TO:

Small Craft Harbor Commission

FROM: Gany Jones, Director

SUBJECT: ITEM 5b - MARINA DEL REY SPECIAL EVENTS

THE FREE RIDE

Daily service 12:00 p.m. – 9:00 p.m.

Catch free on-demand transportation aboard a five-passenger electric shuttle. The service provides transportation to attractions within Marina del Rey, including Fisherman's Village, Burton Chace Park, Waterside Shopping Center, and many restaurants. Select shuttles also travel to the Venice Pier and to Abbot Kinney Blvd. in Venice.

Wave down a Free Ride car and hop in, or text your pick-up location and passenger count to (323) 435-5000. Please allow 10 – 15 minutes for pick-up. Kids must be big enough to use a regular seatbelt; child-safety seats are not provided. Dogs are welcome.

For more information: Call the Marina del Rey Visitors Center at (424) 526-7900

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 (424) 526-7910.

For more information: Call (424) 526-7910

BEACH SHUTTLE

Fridays and Saturdays from 10:00 a.m. – 10:00 p.m. Sundays and Holidays from 10:00 a.m. – 8:00 p.m.

Catch a free ride on the Beach Shuttle to and from Playa Vista, Marina del Rey and the Venice Beach Pier, and enjoy the surf, sand and surroundings of Marina del Rey in a hassle-free and relaxing way. Now with extended service, the Beach Shuttle will operate year round on weekends and holidays.

For more information: Call the Marina del Rey Visitors Center (424) 526-7900

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 the Marina del Rey Visitors Center at (424) 526-7900

FISHERMAN'S VILLAGE WEEKEND CONCERT SERIES

13755 Fiji Way ♦ Marina del Rey Sponsored by Pacific Ocean Management, LLC Saturdays & Sundays 1:00 p.m. – 4:00 p.m.

> <u>Saturday, October 14th</u> JB & The BC Riders (Country Rock)

Sunday, October 15th Susie Hansen Latin Band (Salsa/Mambo)

> Saturday, October 21st Friends (R&B)

Sunday, October 22nd 2Azz1 (Jazz Funk)

<u>Saturday, October 28th</u> Brasil Brazil (Samba/Bossa Nova)

Sunday, October 29th Upstream (Reggae/Ska)

For more information: Call Pacific Ocean Management at (310) 306-0400

"MARINA SPOOKTACULAR"

Burton Chace Park 13650 Mindanao Way Marina del Rey Saturday, October 28th from 11:00 a.m. – 9:00 p.m. Sunday, October 29th from 10:00 a.m. – 8:00 p.m.; Aztec Dance at 1:00 p.m.

Halloween comes to Marina del Rey! Join us at Burton Chace Park 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, evening activities are recommended for ages 13 and older. Admission is free. Food and beverages available for purchase. Don't miss the JAM Session experience at Marina Spooktacular! Enjoy the splendor of the Aztec people with San Fernando's Danza Mexica Cuauhtemoc. Explore the music, choreography and poetry of this ancient Mesoamerican culture.

For more information: Call the Marina del Rey Visitors Center (424) 526-7900

SNOW WONDER

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, gourmet food trucks, and more!

For more information: Call the Marina del Rey Visitors Center (424) 526-7900

55TH ANNUAL MARINA DEL REY HOLIDAY BOAT PARADE

Saturday, December 9, 2017 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. This year's Grand Marshal is a Carol Costello, award winning journalist and host of HLN's Across America.

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

W.A.T.E.R PROGRAM WINTER SAILING

Burton Chace Park ◆ 13640 Mindanao Way ◆ Marina del Rey Beginning Sailing: December 18 - 22; December 26 - 29 Intermediate Sailing: January 2 - 5 10:00 a.m. - 4:00 p.m.

Los Angeles County Lifeguards will instruct sailing courses teaching students basic sailing knowledge and terms, boat maintenance and rigging, knot tying, tacking, docking and instruction to ocean sailing. Students will learn to sail on 14-foot Capri sailboats (with main sail and jib). In the final days of the session, students will get experience on 24-foot MacGregor sailboats.

Financial aid is available for qualified families. Please call for details.

Ages: 11 - 17 years old Class Size: 6 - 12 students with 3 Lifeguard instructors Fee: \$250 per 5-day session Fee: \$200 per 4-day session

*NOTE: Applicants must successfully complete a 100-yard swim test in 2 minutes and 20 seconds to be eligible for Beginning Sailing.

For more information: Call (424) 526-7889

NEW YEAR'S EVE CELEBRATION

Burton Chace Park ◆ 13650 Mindanao Way ◆ Marina del Rey December 31, 2017 – January 1, 2018 7:00 p.m. – 1:00 a.m.

Celebrate the New Year in Marina del Rey. Guests are invited to Burton Chace Park at 7:00 p.m. for a Glow Party featuring live DJs, hula hoop dancers, face painting, free giveaways, photo booth, food trucks and live broadcasts of the New Year's Eve countdown in New York and Los Angeles. Each countdown is followed by a ten-minute fireworks show

at 8:59:30 p.m. (New York) and 11:59:30 p.m. (Los Angeles) shot from the Marina's south jetty.

For more information call: Marina del Rey Visitors Center at (424) 526-7900

GJ:CB:mw



Caring for Your Coast

Gary Jones Director

Kerry Silverstrom Chief Deputy

> John Kelly Deputy Director

Brock Ladewig Deputy Director

October 11, 2017

TO:

FROM:

Small Craft Harbor Commission Gary Jones, Director

SUBJECT: ITEM 7a – USE OF PALAWAN OFFICE BY PARKING LOT MANAGEMENT SERVICES

Item 7a on your agenda pertains the Department's parking lot management services contract with Modern Parking, Inc. (MPI), which began on August 1, 2017, for a three-year period with two one-year optional renewals, and an additional six one-month extension options.

In past parking lot management services contracts, the Department provided for the contractor's use of the County's building located at 14110 Palawan Way in Marina del Rey as a centralized office for cash counting and deposit preparation for pick-up by the County's armored car service, as well as for assisting customers with needed parking permits and other parking arrangements. Given the Department's intention to convert the Palawan building for recreational use, the current contract requires MPI to provide their own office.

MPI indicates that they are actively working to establish a mobile parking office that will be located at 200 North Venice Boulevard in Los Angeles. Due to the time required to obtain the various needed approvals and permits, MPI requested to remain in the Palawan building through December 31, 2017. The Department has agreed to this arrangement to ensure both continued service to our walk-in customers and the adequate safeguarding of parking cash collections. MPI is paying a 25% rental premium for use of the parking office and has agreed in writing that under no circumstances will they remain in the Palawan building past December 31, 2017.

MPI management will attend the October 11, 2017, Small Craft Harbor Commission Meeting to discuss the progress of their new office and to answer any questions that your Commission have.

GJ:BL:SP:yw





Caring for Your Coast

Gary Jones

Kerry Silverstrom Chief Deputy

> John Kelly Deputy Director

Brock Ladewig Deputy Director

October 11, 2017

TO: Small Craft Harbor Commission FROM: Gary Jones, Director

SUBJECT: ITEM 7b - MARINA BEACH REDEVELOPEMENT PROJECT

Item 7b on your agenda is a presentation by Mie Joness, Planning Specialist, Planning Division, Department of Beaches and Harbors. The presentation covers the Marina Beach Improvements Project, which provides rehabilitation of the existing public restroom building, demolition and replacement of the exisiting picnic pavillion structures, and replacement of landscaping and 1,600 feet of the public promenade. Construction started on September 5, 2017, and is scheduled to be completed by Summer 2018.

GJ:BL:SP:yw



(424) 526-7777 • 13837 Fiji Way, Marina del Rey, CA 90292 • beaches.lacounty.gov

October 11, 2017

Caring for Your Coast

Gary Jones

Kerry Silverstrom Chief Deputy

> John Kelly Deputy Director

Brock Ladewig Deputy Director

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 September 26, 2017, the Board of Supervisors (BOS) award a contract to Ednet Career Institute, doing business as "Hamilton Private Security," to provide armed security guard services at Isidore B. Dockweiler Recreational Vehicle Park, Burton Chace Park, Dockweiler Youth Center and White Point/Royal Palms Beach for three years with two one-year optional renewals and an additional year of month-to-month extension options at an annual cost not to exceed \$511,227 or \$3,067,362 over the potential total term of six years.

On August 8, 2017, the BOS approved the revised project budget of \$7,307,000 for the Marina del Rey Boathouse Refurbishment project.

On August 1, 2017, the BOS consented to the proposed assignment of Lease Agreement No. 12450 for Parcel 133S and Lease Agreement No. 25740 for Parcel 134R, and an option to assign and future assignment of Lease Agreement No.17567 for Parcel 131S, in Marina del Rey from THE COMMODORE CLUB INC., a California corporation and the current lessee for all three parcels, to CAH ACQUISITION CO., LLC, a California limited liability company and its permitted successors and assigns, under the respective leasehold purchase and sale agreements between those two parties.

No items relating to Marina del Rey were on the July 2017 Board of Supervisors agendas.

REGIONAL PLANNING COMMISSION'S CALENDAR

No items relating to Marina del Rey were on the July 2017 Regional Planning Commission agendas.

CALIFORNIA COASTAL COMMISSION CALENDAR

No items relating to Marina del Rey were on the July 2017 California Coastal Commission agendas.

REDEVELOPMENT PROJECT STATUS REPORT

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



DESIGN CONTROL BOARD MINUTES

The February, March, April, May, June, and July 2017 Design Control Board (DCB) meetings were cancelled due to lack of new business and lack of a quorum. On April 26, 2017, the DCB held a Special Meeting. The January 2017, April 2017, and August 2017 meeting minutes are attached.

MARINA DEL REY SLIP REPORT

In July 2017, the overall vacancy rate across all anchorages in Marina del Rey stood at 4.1%. Adjusted to remove out-of-service slips and 50% of available double slips, the vacancy rate within Marina del Rey stood at 3.5%.

In August 2017, the overall vacancy rate across all anchorages in Marina del Rey stood at 2.8%. Adjusted to remove out-of-service slips and 50% of available double slips, the vacancy rate within Marina del Rey stood at 2.1%. The vacancy data by anchorage and slip length are attached.

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. A report of the percentage of each size category as a percentage of all available slips in the Marina is attached.

FISHERMAN'S VILLAGE PROGRESS REPORT

Lessee has not responded to staff's requests for an update.

ILLEGAL BOAT CHARTER ENFORCEMENT

A letter from the Small Craft Harbor Commission to the Board of Supervisors, the Sheriff's Department, and the Treasurer and Tax Collector soliciting their support of the Department's efforts to restrain illegal boat chartering in Marina del Rey was mailed August 9, 2017. A copy of the letter is attached.

PARCEL 43 NEW DOCK EXTENSION INTO CHANNEL DOCK LAYOUT

The Parcel 43 dock layout is attached.

WATER QUALITY ORDINANCES UPDATE

Staff has a follow-up to the June presentation regarding a proposed ordinance to minimize and prevent the discharge of chemical and bacterial pollutants into receiving waters of Marina del Rey Harbor (MdRH) from three sources: vessel hull cleaning and maintenance, vessel waste disposal devices, and birds. The updated drafts of the Water Quality Ordinances are attached.

GJ:BW:SP:yw Attachments (9)

Parcel No. Project Name	Representative	Redevelopment Proposed	Massing and Parking	Status
9 Proposed Hotel on northern portion of Parcel 9U, wetland park on southern portion.	Sam Hardage	 * Proposed dual building hotel, 6-story, 72'-high Marriott Residence Inn, and, 5-story, 61'-high Courtyard Marriott. *New promenade improvements, restaurants and amenities. * Wetland public park project (1.46 acres). 	Massing Revised project will be resubmitted at a later date. Parking plan will be resubmitted at a later date.	 Proprietary Option was approved by BOS on 10/6/15. 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. On April 26, 2017, the DCB approved the final design of the hotel project. Construction of the hotel began on August 11, 2017.
10/14 (FF) Neptune Marina/ Legacy Partners	Tim O'Brien	 * Demolish existing facilities and build 526 apartments. * 161-slip marina + 7 end-ties. * 28 foot-wide waterfront promenade. 	Massing Four 55' tall clustered 4-story residential buildings over Parking with view corridor. Parking 1,012 project required parking spaces to be provided (103 public Parking spaces to be replaced off site) * Replacement of public parking both on and off site.	 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. Parcel 10 and 14 Lease as executed on 12/9/16. Construction commenced on December 14, 2016, and anticipated completion date is October 30, 2019. Regulatory On January 21, 2015, the final project design was approved by the Design Control Board. On December 12, 2016, work began on the project.

Parcel No. Project Name	Representative	Redevelopment Proposed	Massing and Parking	Status
43 Marina del Rey Hotel Anchorage	Jeff Pence	* Demolition of a 349-slip marina and construction of a 277-slip marina.	Massing Parking163 spaces for boaters	 Proprietary BOS approved bifurcation of Parcels 42 and 43 into separate leaseholds Lessee exercised its option to expand the lease term. Lease was executed on 12/22/15, and project is under construction. Regulatory Dock replacement will be phased during a 5-year period beginning in 2015. Reconstruction of the docks commenced in November 2016. Regulatory Matter: Parking Permit for reduced
44 - Pier 44/Pacific Marina Venture	Michael Pashaie/ David Taban	 * Build 5 new visitor serving commercial and dry storage buildings * 82,652 s.f. visitor serving commercial space 	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.	Parking. 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. The Grant of Option was approved by the BOS in October 2016. Construction began on September 11, 2017.
		* 141 slips + 5 end ties and 57 dry storage spaces	Parking 381 at grade Parking spaces will be provided with shared Parking agreement (402 Parking spaces are required).	Regulatory February 9, 2016, the BOS approved the project, which was appealed to the CCC. CCC denied the appeal on June 9, 2016. Regulatory Matter: Shared Parking Agreement. No Variance proposed

Parcel No. Project Name	Representative	Redevelopment Proposed	Massing and Parking	Status
52 Boat Central/Pacific Marina Development	Jeff Pence	* 345-vessel dry stack storage facility* 30-vessel mast up storage space* 5,300 s.f. County Boatwright facility	 Massing 81.5' high boat storage building partially over water. Parking with view corridor parking. All parking required of the project to be located on site. 	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. On October 25, 2016, Supervisor Knabe referred the project back to DBH. 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.
53 The Boatyard	Greg Schem	 * New 921 s.f. ADA Restroom * New 3,916 s.f. carport with 14 garage spaces and boater storage. * Leasehold refurbishment, including new landscaping, hardscape, and waterside walkway. 	Massing One 38' tall commercial warehouse building and 15' tall office buildings. New carport storage and office buildings will be 15' tall. Parking Parking proposed is 147 spaces. The code requires 134 spaces for this use.	 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. Option was exercised and lease executed on 4/29/16. Project is under construction and anticipated completion date is December 2017. Regulatory The DCB approved the final design of the project on December 16, 2015. Construction has begun, and the scheduled completion date for landside and docks is December 2017 Regulatory Matter: Variance for reduced setbacks and Architectural Guidelines requiring that structures beat least 15 ft. from bulkhead.

Parcel No. Project Name	Representative	Redevelopment Proposed	Massing and Parking	Status
55/56/W Fisherman's Village/Gold Coast	Michael Pashaie/ David Taban	 * 132-room hotel * 65,700 square foot restaurant/retail space * 30-slip new marina * 28 foot-wide waterfront promenade 	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. Parking On-site Parking includes all project required Parking, Parking for Parcel 61 lessee (Whiskey Reds).	 Proprietary The lessee provided the SCHC with project updates at the March and May 2015 meetings. Regulatory A plan was last submitted to the Department of Regional Planning in July of 2008. No recent activity has occurred. Regulatory Matter: Shared Parking Agreement. Variance for reduced setbacks (side and waterfront).
113 Mariner's Village	Michael Sondermann	 * 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 		Proprietary – Item opened on 9/23/2013 Regulatory An EIR scoping meeting was held on 09/16/14 in Chace Park.
13 Villa del Mar	David Canzoneri	 * 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. 	 Massing Four existing buildings up to 3 stories high. Parking Existing open air Parking and Parking structure will be renovated. Total Parking provided on site is 572 spaces. 	 Proprietary Construction commenced on December 8, 2014. Completion of construction is currently anticipated in October 2017. Regulatory On 6/18/14, the DCB approved the final design of the renovation project.

Parcel No. Project Name	Representative	Redevelopment Proposed	Massing and Parking	Status
15 AMLI Residential	Jason Armison	 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 	 Massing Six buildings up to 5 stories and 70' high Parking All Parking to be provided on site within new 1,271-space Parking garage 	 Proprietary The lease was executed on 1/30/14. Construction commenced on July 1, 2014, and anticipated completion date is May 2018. Regulatory June 30, 2014, demolition of the site commenced. October 2016 –Construction of project is underway.
28 Mariners Bay	Tim O'Brien	 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 	Massing Seven buildings up to 3 stories high Parking Existing subterranean Parking structure contains 947 Parking spaces.	 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. Project is under construction and anticipated completion date is January 2018. In July 2017, the CCC granted permission to begin the dock reconstruction project. Regulatory On July 15, 2015, the DCB approved the final design of the project. Construction commenced in December 2015.

DESIGN CONTROL BOARD MINUTES January 18, 2017

Members Present: Peter Phinney, AIA, Chair (Fourth District); Helena Jubany FAIA, Vice Chair (First District); Jerome Stanley, Member (Second District); Tony Wong, P.E, Member (Fifth District)

Members Absent: Simon Pastucha, Member (Third District)

Department Staff Present: Brock Ladewig, Deputy Director; Michael Tripp, Division Chief; Maral Tashjian, Department Facilities Planner, Troy Evangelho, Planner; Yeni Maddox, Secretary

County Staff Present: Kevin Finkel, Department of Regional Planning; Amy Caves, County Counsel

Guests Testifying: Henrik Gharajeh, M. Fredric; Scott Tiekan, Sweetgreen; Jane Hargreaves, Sweetgreen

1. Call to Order and Pledge of Allegiance

Chair Phinney called the meeting to order at 1:33 p.m.

On a motion of Mr. Wong, seconded by Vice Chair Jubany, the absence of Mr. Pastucha was excused.

Chair Phinney announced that Mr. Stanley was on his way and should arrive shortly.

Ayes: 3 – Chair Phinney, Vice Chair Jubany, and Mr. Wong

Chair Phinney led the Pledge of Allegiance.

2. Approval of May 18, 2016, August 23, 2016, and October 20, 2016 Minutes

On a motion of Mr. Wong, seconded by Vice Chair Jubany this item was approved. Ayes: 3 – Chair Phinney, Vice Chair Jubany, and Mr. Wong

3. <u>Public Comment</u> None

- 4. <u>Consent Agenda</u> No Items
- 5. <u>Old Business</u> None

Marina del Rey Design Control Board January 18, 2017 Page 2

6. New Business

A. 2017 Design Control Board Meeting Schedule

Chair Phinney announced that he would be available to attend the meetings more often.

Mr. Stanley arrived at the meeting at 1:36pm

On a motion of Mr. Wong, seconded by Vice Chair Jubany this item was approved. Ayes: 4 – Chair Phinney, Vice Chair Jubany, Mr. Stanley and Mr. Wong

B. Election of Officers

Vice Chair Jubany nominated Chair Phinney to be re-elected as Chair of the Design Control Board.

On a motion of Vice Chair Jubany, seconded by Mr. Stanley this item was approved. Ayes: 4 – Chair Phinney, Vice Chair Jubany, Mr. Stanley and Mr. Wong

Chair Phinney nominated Vice Chair Jubany to be re-elected as Vice Chair of the Design Control Board.

On a motion of Chair Phinney, seconded by Mr. Wong this item was approved. Ayes: 4 – Chair Phinney, Vice Chair Jubany, Mr. Stanley and Mr. Wong

C. Parcel 50 – Caruso Affiliated/ M. Fredric – DCB# 16-006 – Consideration of new signage

Troy Evangelho presented the staff report.

Henrik Gharajeh introduced himself as the sign contractor for M. Fredric and stated that the sign would use low voltage LED halo lighting.

Public Comment

None

On a motion of Mr. Wong, seconded by Vice Chair Jubany this item was approved. Ayes: 4 – Chair Phinney, Vice Chair Jubany, Mr. Stanley and Mr. Wong

D. Parcel 50 – Caruso Affiliated/ Sweetgreen – DCB# 16-007 – Consideration of new signage and façade modification

Troy Evangelho presented the staff report.

Scott Tiekan (architect) announced that the rear service entry sign would be lowered and resized, so that it would be in line with the other service entry signs. Jane Hargreaves stated the purpose for changing the building storefront into a covered dining area is to maximize the use and allow people to engage more as a community.

Public Comment

None

Marina del Rey Design Control Board January 18, 2017 Page 3

Board Comment

Chair Phinney complimented the covered dining area design and pointed out that the Chipotle restaurant was the first to start that idea for this shopping center. He also mentioned that he was the designer for Chipotle, before he was a member of the DCB.

On a motion of Mr. Wong, seconded by Vice Chair Jubany this item was approved. Ayes: 4 – Chair Phinney, Vice Chair Jubany, Mr. Stanley and Mr. Wong

7. Staff Report

Mr. Wong asked for clarification on the 2015-2016 Assessment of County Commissions report.

Michael Tripp stated that the Local Coastal Program (LCP) outlines the type of items the Design Control Board (DCB) is supposed to review and that any changes to the DCB process would require a revision to the LCP.

Mr. Wong stated that according to the study, there are a lot of items that do not need the DCB's review due to their routine nature.

Michael Tripp stated that he believed the report was referring to items such as the ongoing activities report, Board of Supervisors action items, etc.

Mr. Wong explained that the staff reports were added to the meeting due to a request.

Chair Phinney stated that the staff reports are helpful to keep him informed as to what's going on in the Marina.

Public Comment

None

8. Adjournment

Chair Phinney adjourned the meeting at 1:53 p.m.

Respectfully Submitted,

Yeni S. Maddox Secretary for the Design Control Board

DESIGN CONTROL BOARD MINUTES *SPECIAL MEETING* April 26, 2017

Members Present: Helena Jubany FAIA, Vice Chair (First District); Jerome Stanley, Member (Second District); Tony Wong, P.E., Member (Fifth District)

Members Absent: Simon Pastucha, Member (Third District)

Department Staff Present: Brock Ladewig, Deputy Director; Michael Tripp, Division Chief; Troy Evangelho, Planner; Yeni Maddox, Secretary

County Staff Present: Kevin Finkel, Department of Regional Planning; Amy Caves, County Counsel

Guests Testifying: Aaron Clark, Armbruster, Goldsmith, and Delvac; Scot McGill, ACRM Architects; Kevin Berry, Associated Sign

1. Call to Order and Pledge of Allegiance

Vice Chair Jubany called the meeting to order at 1:03 p.m.

On a motion of Mr. Wong, seconded by Mr. Stanley, the absence of Mr. Pastucha was excused.

Ayes: 3 – Vice Chair Jubany, Mr. Wong, Mr. Stanley

Mr. Wong led the Pledge of Allegiance.

2. Public Comment

Barbara Walker expressed concerns about environmental neglect, loss of open spaces, traffic, view obstruction and a strain to the current water supply as a result of the many residential and hotel developments in the Marina.

Marcia Hanscom expressed concerns over the city's planned removal of five large, mature Coral trees at the end of Via Marina in conjunction with the Venice Dual Force Main. Ms. Hanscom recommended putting together a tree task force to protect the mature trees and to articulate the importance of the trees to the wildlife and Marina community.

3. Consent Agenda

No Items

4. Old Business

A. <u>Parcel 9 – Marriott Courtyard and Residence Inn – Consideration of final design – DCB# 04-015-E</u>

Troy Evangelho presented the staff report.

Mr. Wong expressed a concern in regard to the return of the promenade design at a later date and proposed that a condition be placed which states that no drainage device can occupy any service area of the promenade.

Aaron Clark discussed the move of the pool wing over the exterior parking area, which wouldl extend the ceiling height of the hotel lobby and open up the views to the water from Via Marina. A noise study was completed to determine if pool activities would affect residents across the street, and it predicted no impact. He also addressed Mr. Wong's concerns, stating that there would be no drainage devices included in the promenade design.

Scot McGill (architect) further detailed the updated pool wing design, stating that the design would enhance the architecture by raising the ceiling height, improving visibility to the promenade, and completing the auto court below.

Public Comment

Patricia Younis stated that the project was previously vetted and approved by the LAX Coastal Chamber of Commerce and even with the recent revisions, they remain in full support of the project.

Yelena Zeltser (Unite Here Local 11 Labor Union) stated that the union, which represents 23,000 hotel and food service workers in the Southern California area, stands in support of the approval of the final project design. The developer has worked with the union to ensure that permanent high-quality service sector jobs will be created for workers at the hotels.

Board Comment

Vice Chair Jubany disclosed that she met with the applicant and DBH staff in her office to go over the design prior to the DCB meeting, and presented comments that were incorporated in the applicant's final design.

Mr. Stanley stated that he appreciated staff's work and the delineation between what the Commission should and should not consider as part of their scope of responsibility. He also stated that he would like staff to know that he will always consider the totality of a project as he has done in the past and with this project. He also expressed concerns about the impact of potential traffic; however, after careful review he did not feel it would be an issue.

On a motion of Mr. Wong, seconded by Mr. Stanley this item was approved with the condition that no LID drainage devices occupy any service area of the promenade.

Ayes: 3 – Vice Chair Jubany, Mr. Stanley and Mr. Wong

Nays: 0

Marina del Rey Design Control Board April 26, 2017 Page 3

5. <u>New Business</u>

A. Parcel 27 – Pacifica Hotel Co. / Beachside Restaurant and Bar – DCB #17-002 – Consideration of sign modification

Troy Evangelho presented the staff report.

Kevin Barry introduced himself as the Sign Design Consultant for Pacifica Hotels. Mr. Barry stated that he previously designed the original sign and that the updated sign includes the company's new logo, which is easier to read and a lot more tasteful than the current signage.

Public Comment

None

Board Comment

On a motion of Mr. Wong, seconded by Mr. Stanley this item was approved as submitted.

Ayes: 3 – Vice Chair Jubany, Mr. Stanley and Mr. Wong

Nays: 0

6. Staff Reports

The reports were received and filed with the exception of the Marina del Rey Sign and Gateways Master Plan.

Troy Evangelho presented the Sign and Gateways Master Plan, a project to update all wayfinding, informational and regulatory signage and gateway entries throughout the Marina.

Vice Chair Jubany stated that she spoke with Director Gary Jones about recognizing Commissioner Phinney for his 10 years of service, and his efforts and dedication to the community as Chair of this commission. Staff stated that they would identify a date for that event.

Public Comment

None

7. Adjournment

Vice Chair Jubany adjourned the meeting at 1:47 p.m.

Respectfully Submitted,

Kandyce Newton Secretary for the Design Control Board

DESIGN CONTROL BOARD MINUTES August 16, 2017

Members Present: Helena Jubany FAIA, Vice Chair (First District); Jerome Stanley, Member (Second District); Tony Wong, P.E, Member (Fifth District)

Members Absent: Simon Pastucha, Member (Third District)

Department Staff Present: Brock Ladewig, Deputy Director; Michael Tripp, Division Chief; Troy Evangelho, Planner; Marie Waite, Planner; Kandyce Newton, Secretary

County Staff Present: Kevin Finkel, Department of Regional Planning; Amy Caves, County Counsel

Guests Testifying: Adam Berry and Colin Cramer, Essex Property Trust, Inc; Aaron Clark, Armbruster, Goldsmith, and Delvac; Tim O'Brien, Legacy Partners; Andrew Tran, i2i Design & Marketing; Greg Diaz, Paradise Signs, Inc.; Ethan Joseph, Sweetgreen

1. Call to Order and Pledge of Allegiance

Vice Chair Jubany called the meeting to order at 1:44 p.m.

On a motion of Mr. Wong, seconded by Mr. Stanley, the absence of Mr. Pastucha was excused.

Ayes: 3 – Vice Chair Jubany, Mr. Wong and Mr. Stanley

Mr. Stanley led the Pledge of Allegiance.

2. Approval of the January 18, 2017 and April 26, 2017 Minutes

On a motion of Mr. Stanley, seconded by Mr. Wong the January 18, 2017 and April 26, 2017 minutes were approved.

Ayes: 3 – Vice Chair Jubany, Mr. Wong and Mr. Stanley

3. <u>Public Comment</u> None

None

4. <u>Consent Agenda</u> No Items

5. Old Business

A. Parcel 125 – Essex Property Trust/Marina City Club – DCB #10-016-F – Consideration of alterations to approved promenade design

Troy Evangelho presented the staff report.

Mr. Wong asked whether these were proposed changes or changes that had already been made. Mr. Evangelho confirmed that these were proposed changes.

Mr. Stanley asked what the concern was with the installed Astroturf in the bioswale. Mr. Evangelho stated that the concern was that the bioswale itself was never approved by the Design Control Board. Mr. Evangelho further explained that the originally-approved design showed a full-length walkable promenade.

Vice Chair Jubany asked who would be responsible for landscape maintenance if landscape was installed at the promenade site. Mr. Evangelho stated that the applicant would be responsible for the maintenance.

Adam Berry and Colin Cramer of Essex Property Trust, Inc., introduced themselves and provided samples of the acid-washed, colored concrete to the Board Members for review.

Vice Chair Jubany asked the applicants what the purpose of the acid washed coloring was. Adam Berry stated that the purpose was to modify and mute the coloring.

Public Comment

None

Board Comment

Vice Chair Jubany stated that she walked the site and observed that the original blue colored concrete appeared to already look old and faded.

Vice Chair Jubany asked the applicants what the longevity of the new concrete stain would be. Adam Berry replied that the concrete stain would be applied along with a sealer and the maintenance of the sealer would extend the longevity of the color.

Vice Chair Jubany stated that she preferred the darker gray stain rather than the blue because based on the condition of the current blue concrete, the color blue proved to be unsustainable. She also preferred that the color be extended the full width of the promenade and that landscaping be added to the bioswale.

Mr. Wong preferred permeable pavement instead of landscaping for the bioswale because it will create greater walking space along the promenade.

Mr. Stanley had no design preference.

On a motion of Mr. Wong, seconded by Mr. Stanley this item was approved as submitted with conditions.

Ayes: 3 – Vice Chair Jubany, Mr. Stanley and Mr. Wong

B. Parcel 28 – Mariners Bay, LLC / Wayfarer Apartments and Marina – DCB #13-013-C – Consideration of alterations to approved site design

Troy Evangelho presented the staff report.

Mr. Wong asked if the proposed sidewalk on the west side of the property was not built, was there a place for pedestrian drop-off. Mr. Evangelho replied that the area in question would not be suitable for a pedestrian drop-off, but noted there was a sidewalk on the other side of the street adjacent to the area.

Aaron Clark, representing Legacy Partners Residential, gave a brief presentation on the project changes.

Tim O'Brien, also with Legacy Partners Residential, went into further detail as to why the project changes were made. Mr. O'Brien stated that the changes were all a direct result of recommendations made by the Department of Building & Safety and the Third District Board of Supervisors Office.

Public Comment

None

Board Comment

Mr. Wong asked when the applicants discovered that the code required a ventilation exhaust system for the parking garage. Mr. O'Brien stated that they were informed of the requirement at building permit issuance in October 2015. Mr. Wong asked why the applicants did not return to the Board for design modifications once they were aware of the new requirement. Mr. O'Brien answered that he was unaware that it was necessary to return to the Board.

Mr. Stanley asked the applicants, of the two items that staff has recommended for denial, the redesign of the ventilation system and the addition of the sidewalk on the west end of the property, which item would be the most costly if denied by the Board. Mr. O'Brien replied that the redesign of the ventilation system would be the most costly.

Vice Chair Jubany stated that she is in agreement with the removal of the east and west sidewalks as proposed because the applicant has explained that the sidewalks would not lead to any viable points of access for tenants or prospective lessees, and the removal would preserve the large eucalyptus tree near the leasing office, as well as other mature trees on the east side of the property.

Vice Chair Jubany also indicated that she believes that the applicants can screen the installed vent in a way that will be more aesthetically pleasing and that if the proposed design is to be approved, the Board would need to give the applicants clearer direction with regard to the design.

Mr. O'Brien offered that the best option for screening the vent would be landscaping that would include the installation of mature trees. Mr. Clark agreed and proposed that they present a design concept back to the Board which includes the installation of the mature trees for vent screening purposes.

Mr. Wong requested that the applicants provide factual evidence showing that the proposed sidewalk on the west side of the property is not needed for pedestrian access in the area.

Mr. Clark replied that the sidewalk is unnecessary because it would not lead to any active spaces.

Michael Tripp reiterated that while there currently is not a sidewalk in the proposed area, there is a sidewalk on the opposite side of the street and also added that the applicant will be expanding that sidewalk and creating additional points of access to it.

On a motion of Mr. Wong, seconded by Mr. Stanley, this item was partially approved as submitted with conditions. The revised design to remove the proposed sidewalk on the east side of the property was approved. The applicant was directed to return to the Board with further evidence regarding why the sidewalk on the west portion of the property was not needed, and with a plan to screen the ventilation duct with mature landscaping.

Ayes: 3 – Vice Chair Jubany, Mr. Stanley and Mr. Wong

6. New Business

A. Parcel 97 – Gold Coast Shopping Center, LLC / NailTec Spa – DCB #17-003 – Consideration of new signage, extension for temporary signage

Marie Waite presented the staff report.

Andrew Tran introduced himself as the sign contractor for NailTec Spa and reaffirmed that the new signage would replace existing signage.

Public Comment

None

Board Comment

None

On a motion of Mr. Stanley, seconded by Mr. Wong this item was approved.

Ayes: 3 – Vice Chair Jubany, Mr. Wong and Mr. Stanley

B. Parcel 50 – Caruso Affiliated / Beauty Collection – DCB #17-004 – Consideration of new signage

Marina del Rey Design Control Board August 16, 2017 Page 5

Marie Waite presented the staff report.

Greg Diaz, representing Paradise Signs, for Beauty Collection, stated that the blade sign is being added to the location for greater visibility.

Public Comment

None

Board Comment

None

On a motion of Mr. Stanley, seconded by Mr. Wong this item was approved.

Ayes: 3 – Vice Chair Jubany, Mr. Wong and Mr. Stanley

C. Parcel 50 – Caruso Affiliated/ Sweetgreen – DCB# 17-005 – Consideration of temporary construction signage

Troy Evangelho presented the staff report.

Mr. Stanley asked staff the reason they were unable to approve the larger signage and how long the signage would be displayed.

Mr. Evangelho stated that while staff was able to administratively approve the smaller signage, temporary signage regulations is limited by size to 3' by 6' and the proposed signage would measure roughly 7' wide by 3' tall.

Mr. Evangelho deferred the question regarding the specific length of time the signage would be up to the applicant, but stated that a condition was added which states that the signage must be removed when construction is completed, or by October 31, 2017, whichever comes first.

Mr. Wong asked how many signs the applicant is requesting approval for. Mr. Evangelho stated that the applicant is requesting approval for three temporary construction signs in addition to the temporary construction signage that has already been approved by staff.

Ethan Joseph with Sweetgreen introduced himself and addressed Mr. Stanley's question, stating that the barricade would be down by the proposed timeline which is generally twelve weeks. Construction began two weeks ago and is scheduled to be completed 10 weeks from now.

Public Comment

None

Board Comment

Mr. Stanley expressed concern with the advertising content of the proposed signage and asked staff if there was a policy in place to regulate advertising on construction sites.

Mr. Evangelho answered that the Department does not have a current policy; however, Staff is working on a policy memo to help distinguish between informational construction signage and advertising.

Mr. Stanley stated he was uncomfortable with approving the proposed signage without a current policy in place.

Vice Chair Jubany asked staff if the size of the signage were the primary reason the proposal is before the Board Members.

Mr. Evangelho replied that the proposal was brought to the Board because of staff's approval restrictions on size and because the Department's signage regulations do not address temporary construction signs.

Mr. Joseph stated that the construction signage is the only way that the company spreads the word about their concept when entering a new market. Additionally, the proposed signage would be used to bring attention to employment opportunities, which is good for the community and speaks about the brand, but it is not a direct advertisement about products offered.

Mr. Stanley made a motion to deny the project, which was seconded by Mr. Wong. The motion did not pass, because three votes were required. The proposed project was not approved by the Design Control Board.

> Ayes: 2 – Mr. Wong and Mr. Stanley Nays: 1 – Vice Chair Jubany

7. Staff Reports

Troy Evangelho provided an update on the Marina Del Rey Signage and Gateways Master Plan. Staff is working with a consultant to develop a Marina-wide signage and wayfinding plan that would replace all of the signage in the Marina as outlined in the Design Guidelines. We have currently done public outreach, hosted a stakeholder meeting, and circulated preliminary designs to the stakeholder group composed of lessees, boaters, and different groups within the Marina. We are hoping to have a draft tentatively available by this fall.

Public Comment

None

8. Adjournment

Vice Chair Jubany adjourned the meeting at 3:19 p.m.

Respectfully Submitted,

Kandyce Newton Secretary for the Design Control Board

Jul-17		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	TOTAL VACANT	TOTAL AVAILABLE	%VAC	TTL OFF- LINE	TTL including OFF-LINE									
P1																				5	0.0%		5	0.0%		
P7		8	0.0%		80	0.0%		44	0.0%	1	42	2.4%		12	0.0%		7	0.0%		21	0.0%	1	214	0.5%		
P8		15	0.0%	1	48	2.1%	2	82	2.4%	2	38	5.3%		16	0.0%		7	0.0%		1	0.0%	5	207	2.4%		
P10																									180	
P12							5		16.7%	3	53	5.7%	3	58	5.2%		44	0.0%	1	31	3.2%	12	216	5.6%		
P13					3	0.0%		33	0.0%	2	70	2.9%	1	36	2.8%		36	0.0%		8	0.0%	3	186	1.6%		
P15																									236	
P18	1	198	0.5%		68			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	27	121	22.3%		51	0.0%					10	0.0%										27	182	14.8%		
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%	2	70		2	-	3.9%		33	0.0%		26	0.0%		52	0.0%	1	55	1.8%	5	295	1.7%		
P41	2	90	2.2%	1	24	4.2%	2	34	5.9%													5	148	3.4%		
P43	12	53	22.6%	1	95	1.1%	2	71	2.8%	3	41	7.3%				7	17	41.2%		1	0.0%	25	278	9.0%	60	
P44																									232	
A47	2	96	2.1%		77	0.0%		28	0.0%	2	28	7.1%		9	0.0%		1	0.0%	1	3	33.3%	5	242	2.1%		
P53																									103	
P54					3	0.0%				1	24	4.2%		6	0.0%		7	0.0%	1	14	7.1%	2	54	3.7%		
P111		20	0.0%		27	0.0%		2	0.0%		15	0.0%					8	0.0%	3	39	7.7%	3	111	2.7%		
P112	4	100	4.0%					11	0.0%		24	0.0%								40	0.0%	4	175	2.3%		
P125I		24	0.0%	2	49	4.1%		93	0.0%		50	0.0%		27	0.0%	1	17	5.9%		18	0.0%	3	278	1.1%		
P132		29	0.0%		3	0.0%		68	0.0%	1	58	1.7%	1	45	2.2%		39	0.0%		20	0.0%	2	262	0.8%		
Total	48	804	6.0%	34	839	4.1%	18	709	2.5%	31	616	5.0%	5	269	1.9%	11	262	4.2%	7	292	2.4%	154	3791	4.1%	811	4602

Summation

Vacancy in 17'-25'	6.0%
Vacancy in 26'-30'	4.1%
Vacancy in 31'-35'	2.5%
Vacancy in 36'-40'	5.0%
Vacancy in 41'-45'	1.9%
Vacancy in 46' to 50'	4.2%
Vacancy in 51' and over	2.4%

Overall Vacancy	4.1%
Vacancy w/o DOUBLES, OUT OF SERVICE slips	3.5%
N1 1	

Note:

Parcel 10 dock reconstruction commencement August 2016. Estimated completion date: August 2018

Parcel 15 dock reconstruction commencement September 2014. Estimated completion date: July 2018

Parcel 43 dock reconstruction commencement September 2016. Estimated completion date of final stage: January 2020

Parcel 44 dock reconstruction commencement August 2017 (estimated). Estimated completion date: November 2018

Parcel 53 dock reconstruction commencement February 2017. Estimated completion date: November 2017

Aug-17		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%		80			44	0.0%	1	42	2.4%		12	0.0%		7	0.0%		21	0.0%	1	214	0.5%		
P8		15	0.0%	1	48	2.1%	2	82	2.4%	2	38	5.3%		16	0.0%		7	0.0%		1	0.0%	5	207	2.4%		
P10																									180	
P12							5	30	16.7%	3	53	5.7%	3	58	5.2%		44	0.0%	1	31	3.2%	12	216	5.6%		
P13					3	0.0%		33	0.0%	2	70	2.9%	1	36	2.8%		36	0.0%		8	0.0%	3	186	1.6%		
P15																									236	
P18	1	198	0.5%		68			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	27	121	22.3%		51	0.0%					10	0.0%										27	182	14.8%		
P28					141	0.0%		87	0.0%		81	0.0%					9	0.0%					318	0.0%	57	
P30		8	0.0%	2	70	2.9%	2		3.9%		33	0.0%		26	0.0%		52	0.0%	1	55	1.8%	5	295	1.7%		
P41	2	90	2.2%	1	24	4.2%	2	34	5.9%													5	148	3.4%		
P43	12	53	22.6%	1	95	1.1%	2	71	2.8%	3	41	7.3%				7	17	41.2%		1	0.0%	25	278	9.0%	60	
P44																									232	
A47	2	96	2.1%		77	0.0%		28	0.0%	2	28	7.1%		9	0.0%		1	0.0%	1	3	33.3%	5	242	2.1%		
P53								3	0.0%		8	0.0%											11		92	
P54					3					1	24	4.2%		6	0.0%		7	0.0%	1	14	7.1%	2	54	3.7%		
P111		20	0.0%	1	27	3.7%		2	0.0%		15	0.0%					8	0.0%	3	39	7.7%	4	111	3.6%		
P112	4	100	4.0%					11	0.0%		24	0.0%								40	0.0%	4	175	2.3%		
P125I		24	0.0%	2	49	4.1%		93	0.0%		50	0.0%		27	0.0%	1	17	5.9%		18	0.0%	3	278	1.1%		
P132		29	0.0%		3	0.0%		68	0.0%	1	58	1.7%	1	45	2.2%		39	0.0%		20	0.0%	2	262	0.8%		
Total	48	804	6.0%	8	798	1.0%	13	699	1.9%	15	623	2.4%	5	269	1.9%	8	262	3.1%	7	290	2.4%	104	3745	2.8%	857	4602

Summation

Vacancy in 17'-25'	6.0%
Vacancy in 26'-30'	1.0%
Vacancy in 31'-35'	1.9%
Vacancy in 36'-40'	2.4%
Vacancy in 41'-45'	1.9%
Vacancy in 46' to 50'	3.1%
Vacancy in 51' and over	2.4%

Overall Vacancy	2.8%
Vacancy w/o DOUBLES, OUT OF SERVICE slips	2.1%

Note:

Parcel 10 dock reconstruction commencement August 2016. Estimated completion date: August 2018 Parcel 15 dock reconstruction commencement September 2014. Estimated completion date: July 2018 Parcel 28 dock reconstruction commencement September 2017. Estimated completion date: May 2019 Parcel 43 dock reconstruction commencement September 2016. Estimated completion date of final stage: January 2020 Parcel 44 dock reconstruction commencement October 2017 (estimated). Estimated completion date: January 2019 Parcel 53 dock reconstruction commencement February 2017. Estimated completion date: November 2017

Jul-17	Under	one meins	aliable TOTAL	Not ale of	OTAL CORM	A THRESHOLD
25' & Less						-
Number of Slips	325	804	3791	21%	16%	
26'-30'	Т					-
Number of Slips	234	839	3791	22%	19%	Ī
	-					-
30'-35'						
Number of Slips	309	1382	3791	36%	18%	Ī

Aug-17	Under	onemeter Net Ave	Jiable TOTAL	and ale of	OTAL CORNIL	ATHRESHOLD
25' & Less						-
Number of Slips	325	804	3745	21%	16%	Ι
26'-30'	Ţ					
Number of Slips	275	798	3745	21%	19%	Ι
30'-35'	7					_
Number of Slips	352	1339	3745	36%	18%	I



County of Los Angeles Small Craft Harbor Commission

13837 Fiji Way, Marina del Rey, CA 90292 Web Page: <u>http://beaches.lacounty.gov</u>



Allyn Rifkin Chair

David Lumian Vice-Chair

Dennis Alfieri Vanessa Delgado Richard Montgomery

August 7, 2017

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

Jim McDonnell, Sheriff County of Los Angeles Hall of Justice 211 W. Temple Street Los Angeles, CA 90012

Joseph Kelly Treasurer & Tax Collector 500 West Temple Street, #437 Los Angeles, CA 90012

Re: Illegal Boat-Charter Operations in Marina del Rey

Dear Supervisors, Sheriff McDonnell, and Mr. Kelly:

I am writing to you on behalf of the Small Craft Harbor Commission to solicit your support and whatever assistance you can provide in dealing with current illegal boat charter operations in Marina del Rey.

Marina del Rey is facing a growing number of illegal boat-charter operators. For the most part, these illegal operators are recreational slip tenants chartering their boats out of non-commercial anchorages. From public testimony at our recent Commission meetings it appears that they do not have proper permits, licenses, or subleases. Such activity presents a safety hazard and a nuisance to neighboring residents and boat owners.

SCHC - Illegal Chartering Letter August 7, 2017 Page 2

The Marina del Rey Small Craft Harbor Commission has asked the Department of Beaches and Harbors (Department) to address the illegal chartering problem in the Marina. The Department is currently reviewing internet advertising sites and notifying dockmasters of their tenants who are illegally chartering, and has opened up a dock for commercial chartering. In addition, the Department has met with staff from the Sheriff/Harbor Master and Treasurer & Tax Collector, Business License Unit, to collaborate on ways to address this serious issue.

While the Department is making headway in combating this problem, backing from the Board Offices and your respective Departments will go a long way toward correcting the situation. Therefore, we respectfully ask for your support and assistance, when asked, in dealing with illegal boat chartering in Marina del Rey.

Thank you.

Sincerely,

1 0

Allva Rifkin Chair, Small Craft Harbor Commission

Cc: Small Craft Harbor Commission Gary Jones, Director, Department of Beaches and Harbors





ORDINANCE NO._

An Ordinance amending Title 19 (Airports and Harbors) of the Los Angeles County Code.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 19.12.100 is hereby amended to read as follows:

19.12.100 - Violation—Penalty.

- A. It is unlawful to violate any provision of this chapter, the conditions of any permit or license issued pursuant thereto, or any rule, regulation, or policy relating to the harbors, waterways, maritime facilities, or beaches, as the case may be, duly adopted by the Board of Supervisors, the Director, Fire Chief, or Sheriff when properly adopted under his/her delegated authority, and any person committing such violation is guilty of an infraction, punishable by a fine in accordance with California Government Code section 25132.
- B. Notwithstanding the above, violation of Sections 19.12.690, 19.12.810, 19.12.1040, 19.12.1100, 19.12.1140, 19.12.1150, 19.12.1160, 19.12.1170, 19.12.1250, 19.12.1280, 19.12.1380, 19.12.1420(B), and 19.12.1420(E) of this chapter is a misdemeanor, punishable by a fine not exceeding \$1,000.00 or imprisonment in the County Jail for a period not exceeding six months, or both.
- C. The first and second violation of Section 19.12.1145 within a 12-month period by a Responsible Person, as defined in Section 1.25.020.F (excluding subsections 4 and 5 thereof) and including without limitation the owner of the subject vessel, shall be an infraction. The third and each additional violation of Section 19.12.1145 within a twelve-month period by such a Responsible Person shall be a misdemeanor. Each such Responsible Person shall be jointly and severally liable for each violation of this section.
- <u>D. Each person with actual or constructive knowledge of a violation of sections</u> 19.12.700, 19.12.1140, 19.12.1145, and 19.12.1146 shall report said violation to the Director or harbor master as soon as practically possible. Failure to report such a violation shall be an infraction.

<u>E</u>C. A repetition or continuation of any violation of any provision of this chapter, or of any order or direction of the Director, Fire Chief, Sheriff, and/or code enforcement officer on successive <u>multiple</u> days, constitutes a separate offense for each day during any portion of which such violation is committed, continued, or permitted.

SECTION 2. The following definitions are added to Chapter 19.12, Part 2 - Definitions:



1	<u>19.12</u>
2	
3	
4	
5	
6	
7	<u>19.12</u>
8	
9	
10	
11	
12	
13	
14	<u>19.12</u>
15	
16	
17	<u>19.12</u>
18	<u>19.12</u>
19	13.14
20	
21	
22	
23	8F.0
24	SEC
25	19.12 servi
	1

19.12.371 - In-Water Hull Cleaning.

"In-Water Hull Cleaning" means the cleaning, by hand or mechanical means, of a recreational or commercial vessel hull up to the waterline while the vessel is in the water. In-Water Hull Cleaning does not include cleaning, by hand or mechanical means, of a recreational or commercial vessel painted with a Non-Biocide Hull Paint, or other in-water maintenance activities such as the servicing of zinc anodes or the maintenance and repair of through-hull drive-shaft components, and similar mechanical or structural maintenance activities.

19.12.372 - In-Water Hull Cleaning Best Management Practices.

"In-Water Hull Cleaning Best Management Practices" or "Hull Cleaning BMPs" means In-Water Hull Cleaning practices generally accepted by the hull cleaning industry to be effective while having as little negative effect on the environment as practicable, including without limitation tools, schedules of activities, housekeeping practices, pollution-prevention practices, training and educational practices, maintenance practices, and other practices and procedures used to prevent or minimize the discharge of pollutants into receiving waters. Hull Cleaning BMPs may include any and all pollution prevention and pollution control measures designed to maintain and improve water quality.

19.12.451 - Non-Biocide Hull Paint.

"Non-Biocide Hull Paint" means a hull paint that does not contain any chemical agents capable of killing living organisms.

19.12.451 19.12.452 - Ocean Lifeguard.

<u> 19.12.575. - Vessel Service or Repair Person.</u>

"Vessel Service or Repair Person" means any person who boards, dives near, or works on any privately owned vessel, while the same is berthed, moored, or stored within any County harbor or maritime facility, for the purpose of conducting thereon any maintenance, In-Water Hull Cleaning, service, or repairs for compensation.

SECTION 3. Section 19.12.700 is hereby amended to read as follows:

19.12.700 - Safekeeping of vessels—Evidence of authorization to perform certain services required.



- A. The lessee of any premises within a e<u>C</u>ounty-owned harbor or maritime facility at which privately owned vessels are regularly or occasionally berthed, moored, or stored shall take or cause to be taken all reasonable precautions to assure ensure the safekeeping of such vessels at all times.
 - B. It is unlawful for any person to board, dive near, or work on any privately owned vessel, while the same is berthed, moored or stored within any e<u>C</u>ounty harbor or maritime facility, for the purpose of conducting thereon any maintenance, service, or repairs for compensation, or In-Water Hull Cleaning, whether for compensation or not, unless such person shall have first complied with all registration and identification procedures as may from time to time be established by the harbor master. The harbor master may require written or other satisfactory evidence that such person, if not the owner, has been authorized by the owner of said vessel to conduct such maintenance, service, or repairs.
 - C. The harbor master shall issue written identification to any person who satisfactorily complies with such the harbor master's registration and identification procedures, which written identification shall be carried at all times by such person while rendering such services on or about any privately-owned vessel within any County-owned harbor or maritime facility.
 - D. In-Water Hull Cleaning Certification Required.

The harbor master shall issue written proof of certified or re-certified completion of one or more education and training programs in In-Water Hull Cleaning BMPs to any person who, whether for compensation or not, boards, dives near, or works on any privately-owned vessel, while the same is berthed, moored, or stored within any County harbor or maritime facility, for the purpose of conducting thereon any In-Water Hull Cleaning.

1. As a requirement of registration, any person who performs In-Water Hull Cleaning shall provide proof of certified or re-certified completion of one or more education and training programs in In-Water Hull Cleaning BMPs, to the satisfaction of the harbor master.

Acceptable education and training programs must cover each of the following topics to the satisfaction of the harbor master: In-Water Hull Cleaning BMPs, regulatory perspective and the Federal Water Pollution Control Act (Clean Water Act), boating pollution economics and impacts, hull coatings, fouling growth and progression, and invasive species.

 Written proof of certification may only be issued to applicants who are not the subject of any open or unresolved violation of County Code Section 19.12.1145.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



<u>F</u> D. The provisions of subsection B of this section, <u>except those provisions relating</u> <u>In-Water Hull Cleaning</u> , shall not be deemed to apply to the owner of any vesse to members of his immediate family, to regular employees of the facility or premises on which such vessel is located, or to any person boarding or performing work on any privately owned vessel for the purpose of performing maintenance, service or repairs thereon or thereto without compensation.
<u>G</u> E. Appropriate notices of the provisions of this section shall be posted pursuant to the provisions of Section 19.12.760 of this chapter.
SECTION 4. Section 19.12.1140 is hereby revised:
Part 7 – SANITATION
19.12.1140 - Discharge of petroleum, coal, or paint products.
A. A person shall not discharge or deposit or permit to pass into the waters of a e <u>C</u> ounty harbor, waterway, or maritime facility any coal, tar, oil, gasoline, sludge or residuary products of coal, petroleum, asphalt, bitumen, or other refined oil products, n or any varnish, lacquer, or paint products.
B. Any such discharge, deposit, or spill of said products shall be immediately reported to the harbor master and any other <u>competent governmental or</u> <u>regulatory authority</u> local or personal agency having concurrent jurisdiction, and shall be a violation of Part 7 of this chapter to fail to do so.
SECTION 5. Section 19.12.1400 is hereby revised and moved to Part 8:
Part 8 – SAFETY AND MAINTENANCE
19.12.1145 - Vessel servicing and repair prohibited.
No person shall conduct, perform, or cause to be performed any repairs, alteration maintenance, In-Water Hull Cleaning, or other work upon or to any vessel on or in Marina del Rey, including the harbor waters, the beach and any land area, or on or in the Pacific Ocean, which in any manner causes, or may cause without intervention, any material or substance, including without limitation paint, oil or othe petroleum products, dirt, paint sandings or chips, paint plume, wood sandings, or other residue or debris, to enter the waters of the harbor or the Pacific Ocean.
DRAFT MdR In-Water Hull Cleaning Ordinance 9-27-17 4

E. The lessee, agent, manager, or other person responsible for the operation of a

water area under lease from the County shall only permit Vessel Service or

Repair Persons on the premises under his/her charge who possess a valid

Written Identification per subsections B, C, and D of this section.



1 19.12.1146 - In-Water Hull Cleaning – Certification Required.

No In-Water Hull Cleaning shall be performed in the Marina del Rey Harbor without first obtaining written proof of certification from the harbor master, in accordance with section 19.12.700.D.

Section 6. Section 19.12.1400 is hereby deleted from Part 9.

Part 9 – MARINA DEL REY

19.12.1400 - Vessel servicing and repair prohibited.

No person shall conduct, perform, or cause to be performed any repairs, alterations, maintenance, or other work upon or to any vessel on or in any public area of Marina del Rey, including the beach or any public parking lot, or in the Pacific Ocean, which in any manner may cause or tend to cause any materials or substance, including but not limited to, paint, oil or other petroleum products, dirt, paint sandings or chips, wood sandings, or other residue or debris, to be deposited upon any vessel, dock, structure, or private or County property, or to enter the waters of the harbor, or the Pacific Ocean.



ORDINANCE NO._

An Ordinance amending Title 19 (Airports and Harbors) of the Los Angeles County Code.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 19.12, Part 7 is hereby revised:

Part 7 – SANITATION

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

19.12.1090 - Sanitation—Responsibility of lessee or agent—Correction by <u>C</u>eounty authorized when—Costs.

The lessee, agent, manager, or person in charge of a facility or water area under lease from the <u>C</u>eounty, or owned in fee in any <u>C</u>eounty harbor, waterway, or maritime facility, shall at all times maintain the premises under his/<u>her</u> charge in a clean, sanitary condition, free from malodorous materials and accumulations of garbage, refuse, debris, and other waste materials. Should the <u>D</u>elirector find that any facility or water area under lease is not so maintained, he/<u>she</u> shall <u>notify</u> in writing notify said lessee <u>and the</u> agent, manager, or other person in charge of said facility or area to immediately commence and diligently prosecute to completion the necessary correction of the unsanitary condition, to the satisfaction of the <u>D</u>director. Failure to do so with reasonable dispatch as soon as practically possible shall be a violation of Part 7 of this chapter, and the <u>D</u>director may then cause the condition to be corrected as he/<u>she</u> deems necessary, and the costs of such correction to be charged to said lessee, <u>agent, manager or person in charge</u>.

19.12.1100 - Toilet fixtures—Use prohibited.

<u>A.</u> Vessel's Toilet Fixtures Not to be Used. No person shall operate the toilet fixtures of a vessel, floating home, houseboat or other floating facility within a <u>C</u>eounty harbor, waterway, or maritime facility at any time so as to cause or permit to pass or to be discharged into the waters of such harbor, waterway, or maritime facility any excrement, <u>treated or untreated</u> sewage, or other waste matter or contaminant of any kind.

- B. Toilet fixtures of any vessel, floating home, houseboat, or other floating facility must employ either a self-contained portable toilet or a federally-approved marine sanitation device which has been demonstrated to the satisfaction of the harbor master to prohibit the overboard discharge of excrement, treated or untreated sewage, or other waste matter or contaminant of any kind while within the Marina del Rey Small Craft Harbor.
- C. If a vessel, floating home, houseboat, or other floating facility has a sanitation device which allows direct overboard discharge of excrement, treated or untreated sewage, or other waste matter or contaminant of any kind, it must be secured while moored in or using the waters of the harbor, waterway, or maritime

DRAF	T
facility, so that overboard discharge is prevented. Acceptable methods of securing such device include:	
 <u>Closing the seacock and removing the handle;</u> <u>Padlocking the seacock in the closed position;</u> <u>Using a non-releasable wire-tie to hold the seacock in the closed position;</u> <u>Or</u> <u>Locking the door to the space enclosing the toilet(s) with a padlock of door handle key lock.</u> 	
D. Toilet fixtures of any vessel, floating home, houseboat or other floating facility may be sealed by the harbor master unless such fixtures can be operated in compliance with Section 19.12.1100 A, B, and C of this code at all times whe the vessel, floating home, houseboat or other floating facility remains in the harbor.	<u>1</u>
E. The owner of any vessel, floating home, houseboat, or other floating facility equipped with approved and acceptable devices for the neutralization or sto of contaminants shall post notices that the toilet facilities aboard shall not be used while the vessel, floating home, houseboat, or other floating facility is moored in or using the waters of the harbor, waterway, or maritime facility.	rage
 19.12.1110 - Use of vessel as place of abode—Restrictions. A. No person shall, within a <u>C</u>eounty harbor, waterway, or maritime facility, use vessel, floating home, houseboat, or any other floating facility as an abode in excess of three (3) days within any one-week period unless such person sha first have authorization by the lessee, agent, manager, or person in charge or such facility for a liveaboard status, and secondly, have obtained a liveaboar permit from the harbor master. The liveaboard permit shall establish compliately such vessel, floating home, houseboat, or other floating facility with the following: 	n all of rd
 Compliance with the requirements for seaworthiness as described in Section 19.12.1060 of this code, unless otherwise exempted or temporarily excused by the provisions of that section; and the requirements for toilet fixtures as described in Section 19.12.1100. 	1
2. Installation of a federally approved marine sanitation device or self- contained portable toilet which has been demonstrated to the satisfa of the harbor master to prohibit the overboard discharge of treated o untreated excrement, sewage, or other waste matter or contaminant any kind while within the Marina del Rey Small Craft Harbor.	f
If it is determined by the harbor master that the criteria for issuance of a liveaboard permit have been satisfactorily met, the harbor master shall issue liveaboard decal which shall be prominently placed, as directed by the harbor	



master, on the vessel, floating home, houseboat, or any-other floating facility. Liveaboard permits shall be valid for a period of one (1) year commencing with the first day of the month following the month of issuance and shall be renewed on each successive annual anniversary of the previous term's commencement date. Any renewal of a liveaboard permit shall be issued by the harbor master upon the same terms as required for the initial permit. In the case of a floating home, no annual renewal of a liveaboard permit shall be issued following the tenth anniversary of the effective date of the ordinance adding this subsection [ordinance effective date] unless the owner provides the harbor master with his or her statement, made under penalty of perjury, that no transfer of ownership, as defined by Section 19.12.1060 B2, has occurred with respect to that floating home since the tenth anniversary of the effective date of the ordinance adding this subsection [ordinance effective date]. Failure to have obtained such a liveaboard permit shall be a violation of Part 7 of this chapter.

B. For vessels, floating homes, houseboats or other floating facilities which had obtained authorization for use for a liveaboard status by the respective lessee, agent, manager or person in charge of the facility prior to the effective date of the ordinance adding this section to the code, a liveaboard permit shall be obtained within 120 days of the effective date of the ordinance adding this subsection to the code unless a longer time period is provided in order to demonstrate seaworthiness pursuant to the operation of Section 19.12.1060C or D.

- C. For all other vessels, floating homes, houseboats or other floating facilities not covered by subsection B of this section, a liveaboard permit shall be obtained prior to the commencement of the use of the vessel, floating home, houseboat or other floating facility as an abode in excess of three days within any one-week period.
 - D. Regardless of the length of occupancy: 1

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

- 1. A<u>a</u> person living aboard any vessel, floating home, houseboat or other floating facility using the harbor, waterway or maritime facilities shall not use the toilet fixtures of any vessel, floating home, houseboat or other floating facility unless such use will not violate the provisions of Section 19.12.1100 of this code;
- Toilet fixtures of any vessel, floating home, houseboat or other floating facility which is used as an abode may be sealed by the harbor master unless such fixtures can be operated in compliance with Section 19.12.1100 of this code so long as the vessel, floating home, houseboat or other floating facility remains in the harbor;
- 3. The owner of any vessel, floating home, houseboat or other floating facility not equipped with approved and acceptable devices for the neutralization or storage of contaminants shall post notices that the toilet



facilities aboard shall not be used while the vessel, floating home, houseboat or other floating facility is moored in or using the waters of the harbor, waterway or maritime facility.

EB. The <u>D</u>director and/or harbor master may promulgate such additional regulations in connection with vessels used as abodes as may be necessary to insure ensure the maintenance of sanitary and sightly conditions, as determined by the Director and/or the harbor master, and the preservation and protection of the public health, safety, peace, welfare, and convenience in the use of any <u>C</u>eounty harbor, waterway, or maritime facility, or portion thereof. A violation of any part of such regulations shall be cause for revocation for use of <u>any</u> vessel, floating home, houseboat, or <u>other</u> floating facility as an abode, and it shall be unlawful for any person to live aboard such vessel, floating home, houseboat, or <u>other</u> floating facility until such violation has been corrected to the satisfaction of the <u>D</u>director <u>and/or the harbor master</u>.

SECTION 2. Section 19.12.1380 is hereby amended to read as follows:

Part 9 - MARINA DEL REY

19.12.1380 - Wild animals and birds—Molesting and feeding prohibited.

- A. Anywhere within the harbor, a person shall not hunt, injure, molest, frighten, trap, chase, tease, shoot, or throw missles missiles at any animal, bird, or fowl, nor shall a person remove or have in his possession the young of any wild animal or the eggs, nest, or young of any bird or fowl.
- B. Feeding. <u>Anywhere within or about the harbor, a A person shall not give, or offer, or attempt to give, or provide in any way to any animal, bird, or fowl any tobacco, alcohol, or other known noxious or toxic consumable substances, regardless of whether such substance is toxic or nontoxic.</u>