"To enrich lives through effective and caring service"

LOS ANGELES COUNTY
Caring for Your Coast
Beaches & Harbors

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

June 8, 2006

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

SUBJECT: **COMMISSION AGENDA – JUNE 14, 2006**

Enclosed is the June 14, 2006 meeting agenda, together with the minutes from your meeting of April 12, 2006. Also enclosed are reports related to agenda items 3a, 3b, 5a, 5b, 6a and 6b.

Please call me if you have any questions or need additional information.

SW:tm
Enclosures

13837 Fiji Way • Marina del Rey • CA 90292 • 310.305.9503 • fax 310.821.6345 • internet: http://beaches.co.la.ca.us

"To enrich lives through effective and caring service"

Los Angeles County Beaches & Harbors — Caring for Your Coast

Stan Wisniewski
Director

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Chief Deputy

SMALL CRAFT HARBOR COMMISSION

AGENDA
JUNE 14, 2006
9:30 a.m.

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

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

2. Approval of Minutes: Meeting of April 12, 2006

3. **REGULAR REPORTS**

   a. Marina Sheriff — (DISCUSS REPORTS)
      - Crime Statistics
      - Enforcement of Seaworthy & Liveaboard Sections of the Harbor Ordinance

   b. Marina del Rey and Beach Special Events

4. **OLD BUSINESS**

   a. None

5. **NEW BUSINESS**

   a. Commission's Authority Relating to Liveaboard Issues in Marina del Rey — (DISCUSS REPORT BY COUNTY COUNSEL

   b. Appoint Commissioner to Act as Liaison to Design Control Board Per the Request of Design Control Board Chairperson Susan Cloke — (ACTION REQUIRED)

6. **STAFF REPORTS** (DISCUSS REPORTS)

a. Ongoing Activities
- Board Actions on Items Relating to Marina del Rey
- Local Coastal Program Periodic Review - Update
- Design Control Board Minutes

b. Public Request for Information at April 12, 2006 Meeting
- Oxford Flood Control Basin - Maintenance
- Admiralty Way - Repaving
- Oakwood Apartments – Driveway Obstruction by Plants

7. **COMMUNICATION FROM THE PUBLIC**

8. **ADJOURNMENT**

PLEASE NOTE:

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

2. The agenda will be posted on the Internet and displayed at the following locations at least 72 hours preceding the meeting date:

Department of Beaches and Harbors' Website Address: http://www.labeaches.info

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

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

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

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

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Small Craft Harbor Commission
April 12, 2006
Minutes

Commissioners Present

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

Department of Beaches & Harbors:	Stan Wisniewski, Director Dusty Crane, Chief, Community & Marketing Services Division Barry Kurtz, Traffic Engineering Consultant
Other County Departments:	Thomas Faughnan, Principal Deputy County Counsel Deputy Paul Carvalho, Sheriff's Department Deputy Mike Carrilles, Sheriff's Department Dominic Osmena, Department of Public Works Ed Dingman, Department of Public Works
Also Present:	Beverly Moore, MdR Convention & Visitors Bureau Jenny Martinez, EDAW Bill Graham, EDAW Gregory Schem, Del Rey Fuel, LLC

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

Chairman Searcy called the meeting of the Los Angeles County Small Craft Harbor Commission to order at 9:35 a.m. in the Burton W. Chace Park Community Room, Marina del Rey.

Chairman Searcy introduced and welcomed new Commission members, Albert Landini, representing the Third Supervisorial District, and Christopher Chuang-I Lin, representing the Fifth Supervisorial District.

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

2. APPROVAL OF MINUTES

Mr. Faughnan advised the Commission that only Chairman Searcy and Commissioner Lesser could vote on the *December 2005 minutes, as former Vice-Chairperson Stevens resigned and Chairman Searcy and Commissioner Lesser are the only remaining members who attended the meeting.

The following action was taken.

Commissioner Lesser moved and Chairman Searcy seconded a motion to approve the December 14, 2005 minutes. The motion passed with Commissioner Lesser and Chairman Searcy voting in favor.

*The January, February and March 2006 meetings were cancelled due to lack of a quorum.

3 REGULAR REPORTS

a. Marina Sheriff

-- Crime Statistics

Lt. Greg Nelson, harbormaster, reported that there hasn't been a significant crime increase. There has, however, been a chronic problem with theft. A dockmasters meeting was recently held to share information and coordinate efforts to combat the problem. The Department identified culprits and took action resulting in the arrests of boat thieves and burglars.

Lt. Nelson further reported on the Del Rey Yacht Club's boat fire, which caused a significant amount of damage to boats. More could have been lost had the fire not been caught early. He commended Deputy Ruiz, who smelled the smoke while patrolling the area, and boat operator Brian White and Deputy Pat Clarke, who found the fire and began working on it immediately, as well as Deputy Beckford who helped to contain the fire.

Commissioner Landini mentioned that when driving eastbound on the Marina Expressway, he noticed on its south side an open space with a tent city (where Jefferson and Culver Blvd. merge). He asked whether it's in the jurisdiction of the L.A. City Police Dept. or L.A. County Sheriff's Dept.

Lt. Nelson responded that the area is the jurisdiction of the Los Angeles City Police Department.

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

Deputy Carvalho reported that no new Notices to Comply were issued for March. The Department has made steady progress in eliminating vessels that were impounded for being illegally moored. To date, 191 vessels have been removed. There are currently five vessels ready for disposal and eight awaiting lien sale procedures.

Commissioner Landini commented that there appears to be a number of unseaworthy boats at the bottom of the basin in the charter boat area around Ruby's 50s Café. He asked who would pay the cost to destroy the boats that are cited and abandoned.

Deputy Carvalho responded that the County pays the cost. The Sheriff's Department applies for a Dept. of Boating and Waterways grant to reimburse 90% of the cost to the County for the boats' disposal.

Commissioner Landini asked the timeline from the point of citation to destruction of the boat.

Deputy Carvalho explained that a Notice to Comply is issued when a vessel is deemed to be in an unseaworthy condition. The boat owner has 90 days to bring the vessel into compliance with the ordinance. If the vessel isn't brought into compliance at the end of 90 days, a citation is issued. At that point, the Department would go to court and a fine would be assessed.

Mr. Faughnan clarified that Deputy Carvalho described the process for citing an unseaworthy vessel. The seaworthiness ordinance does not have a provision regarding the destruction of a vessel. If a vessel is abandoned or illegally moored in the Marina, there are ordinances that provide for the Sheriff's confiscation of it. There are also procedures, according to State law, to provide for the disposition of the vessel, which, generally speaking, depending on its value, is a lien sale procedure. If, at the end of that procedure, no one has acquired the vessel through the lien procedure, the vessel is destroyed. The procedure's time length varies depending on the vessel's value. There is a low value lien procedure and a high value lien procedure that generally set the parameters of the timing for the notice, a general timeframe for its disposition.

Deputy Carvalho said the additional time required for the sale of a vessel over $1500 depends upon notification from the Department of Motor Vehicles. There's a little longer period in which authorization is needed to conduct the lien sale. Vessels that are impounded for being illegally moored may also be in an unseaworthy condition, but it is not the reason the vessel is impounded.

Commissioner Landini asked the timeframe for the disposal of unseaworthy and abandoned vessels.

Deputy Carvalho responded that the timeframe for illegally moored vessels that are impounded and don't sell in a lien sale and are disposed of is approximately four months. As for unseaworthy vessels that are issued Notices to Comply, it depends when the owner wants to bring the vessel into compliance. The Sheriff's Department will continue to cite the vessel if it isn't brought into compliance, but there isn't a provision to impound the vessel for that reason alone.

Commissioner Landini asked whether legal action is taken if the boat owner ignores the citation.

Mr. Faughnan responded that the owner would be fined repeatedly and the amount of the fines would increase over time.

b. Marina del Rey and Beach Special Events

Mr. Stan Wisniewski informed the Commission that the report includes activities sponsored by the Department, such as the MdR Outdoor Adventures, featuring bird watching and harbor kayaking. Details about these events are included in the report. He encouraged interested persons to register for the programs soon because they fill up quickly.

The report also includes free Fisherman's Village weekend concerts and beach events, including the Manhattan Beach Pier-Pier Walkathon.

c. Marina del Rey Convention and Visitors Bureau (CVB)

Ms. Beverly Moore welcomed the new Commissioners and provided, for their benefit, background about the formation of the Convention and Visitors Bureau (CVB). She informed the Commissioners that the CVB was formed in 2001 as a private/public partnership between the County and local hotels with the goal of stimulating the local tourism economy. Local hotels pledge a percentage of their gross revenues on a contractual basis to devote to this effort and the CVB also receives a stipend from Los Angeles County.

Ms. Moore stated that the CVB's priorities include raising a more positive profile about the Marina as an attractive place to visit, encouraging improvements in the local public infrastructure that are important to sustain the economic goals of the community, and providing new and better public benefits for residents, visitors and boaters. The CVB's marketing efforts are proactive and primarily involve participating in travel industry tradeshows, advertising, website development and very aggressive media relations and public relations efforts.

Ms. Moore stated that on the public relations side, the CVB generates travel stories about the Marina by issuing press releases, soliciting writers on new story ideas about the Marina, hosting writers on Marina tours and tracking editorial calendars in major newspapers and magazines to ensure the Marina is included when there 's a regional story about Los Angeles or the Westside area.

In the last three months, Ms. Moore said that the CVB generated stories on CNN, in *Sunset* magazine and the *New York Daily News*. This coverage was worth over $100,000 in advertising value and reached over 2½ million readers.

Ms. Moore distributed copies of magazine clippings about MdR and informed the Commission that the CVB works closely with the travel media through its website, VisitMarina.com. It has become a comprehensive source of information about the Marina. Media can go to the website and download the latest press releases and download a complete press kit. Starting this month, visitors can search through a comprehensive image library about the Marina and download high and low resolution images instantly. Visits to the website are doubling each year and the site is now number one on most search engines. The boating section is being revamped to efficiently connect visitors to cruise companies, harbor tours, fishing excursions and private charters. Boaters can access tide charts, marine forecasts, download dock gate maps, access dockmaster contact information and identify local emergency radio channel frequencies. Online hotel bookings are up approximately 30% this quarter, which is a good indication of the impact of the CVB's marketing efforts.

Commissioner Landini complimented Ms. Moore on the Visitors Information Center staff and commented how helpful a staff member was to him when he recently visited the center.

4. OLD BUSINESS

a. Traffic Mitigation Measures within Marina del Rey Area – Quarterly Report

Mr. Wisniewski introduced Mr. Barry Kurtz, who was formerly employed as a Senior Traffic Engineer with the Los Angeles County Department of Public Works. He retired from the County and was retained by the Department of Beaches and Harbors on a 120-day a year contract. Mr. Kurtz is the lead person on traffic mitigation in coordination with the Department of Public Works.

Mr. Kurtz informed the Commission that he wouldn't discuss every item on the lists of projects under construction, proposed and completed, but would discuss those that most affect the Marina and are of most interest to the Commission. He referenced the project lists and discussed the following projects:

- **Transportation Improvements Under Construction**

Lincoln Blvd/Mindanao Way Intersection Improvement--This project caused Caltrans to put the k-rail up on Lincoln Blvd. and reduce the lanes. People became irritated and Mr. Kurtz contacted Caltrans to ask when it could begin the project. He was told there were problems moving the streetlights, problems with Edison Co. Mr. Kurtz suggested that Caltrans remove the k-rail and put it back when Edison is ready to move the streetlights. Caltrans was nice enough to do that and traffic is back to normal, with three lanes, until Edison removes the streetlights along Lincoln Blvd.

SR90/Culver Blvd. Interchange--This is a Caltrans project with an expected completion date of Spring 2007.

- **Proposed Transportation Improvements**

Marina Expressway (SR90) Project--The target year is listed as 2007. Mr. Kurtz corrected that date to 2011-2015. The project is more likely to happen in 2015 rather than 2011 because the next MTA Call-for-Projects was cancelled and that is the means by which the County receives money filtered from the federal to the State and to the County. Without a Call-for-Projects this project will be delayed unless another source of funds can be found.

Admiralty Way Improvement Project--Will consider two alternatives for Admiralty Way: the five-lane alternative and the five/six-lane alternative. The five-lane alternative takes no right of way, no park space, no property, but merely relocates the raised median to create another traffic lane. The five/six lane alternative takes right of way and has more of an environmental impact than the five-lane alternative. The target year is actually 2011-2015 rather than the listed date of 2007.

Mr. Kurtz said that the Admiralty Way Improvement Project and Admiralty Way/Via Marina Intersection Realignment Project are funded through development fees for Marina projects. (There is a program to collect money for every trip that developers in the Marina generate by their new developments.)

Chairman Searcy asked whether it is safe to say that because of the timeline's extension, the amount of money collected from developer trips is insufficient to pay the total costs.

Mr. Kurtz responded that Chairman Searcy is correct. Mr. Kurtz said that Mr. Wisniewski brought this point to Mr. Kurtz' attention. Mr. Kurtz then brought it to Public Works' attention. Public Works has to consider alternatives, such as raising fees, downscaling the projects or finding the means to pay the cost. It's in Public Works court. Mr. Kurtz has requested Public Works to write a letter recommending a fee increase.

Chairman Searcy requested that Mr. Wisniewski keep the Commission updated on the matter.

Admiralty Way/Via Marina Intersection Realignment Project--The Department of Public Works is reissuing the Notice of Preparation to clarify that this project can be evaluated as a stand-alone project. This means that the reconfiguration of Admiralty Way and Via Marina, which is in the Local Coastal Plan (LCP) as a Category 3 improvement, can go forward as a separate project if it's approved even if the Admiralty Way project fails or the SR90 project fails to move.

Chairman Searcy asked whether funds would be available for the project, as it can now be evaluated as a stand-alone.

Mr. Kurtz responded that funds were collected for developer fees that can be used for that purpose and there probably is enough money to handle it as a separate project. In fact, it probably can be handled as a separate project given it is simply an intersection improvement.

Commissioner Lesser asked whether the target date is 2011 or earlier.

Mr. Kurtz responded that it could be an earlier date; however, if both Admiralty Way components proceed, it would be better to handle it as one project rather than do it piece-meal for expediency, construction interference (with the normal way of driving in the Marina) and costs, which are cheaper when two projects can proceed under one contract.

Admiralty Way/Palawan Way Intersection Improvement--This project adds an additional left turn lane for southbound Palawan onto Admiralty Way and also re-stripes the north approach to provide a separate right turn lane.

Palawan Way/Washington Blvd. Intersection Improvement--This improvement is mitigation for some of the projects that have been approved in the Marina. Currently, only a right turn can be made when driving northbound on Palawan onto Washington. There's an island and only a right-turn is allowed. This improvement would remove the island, install double left turn lanes onto Washington Blvd. as well as a traffic signal at the location.

Chairman Searcy noted that the project's target date is listed as 2011. He asked, given the improvement project is in direct response to some of the increased trip traffic of the developments that are already under way, whether there's a reason the project has to wait until 2011.

Mr. Kurtz responded "no," but added that the intersection is part Los Angeles City and part Los Angeles County so it takes jurisdictional improvements. He said that he would check with the Department of Public Works to find out whether there could be a better target date.

Mr. Wisniewski commented that this is a particular traffic mitigation that he requested Mr. Kurtz to look into because Mr. Wisniewski doesn't see any reason that it can't be done within the next two years. There would be an immediate payoff resulting in the reduction of traffic on Admiralty Way and Via Marina. He said that staff would keep the Commission updated on this project.

Mr. Kurtz added that the project would provide a relief valve to the intersection of Via Marina and Admiralty Way. There's a lot of bike path traffic passing through the Marina and now the bicyclists are using Via Marina. If they could make a left turn onto Washington, it would balance the two intersections making both operate much better.

Admiralty Way/Mindanao Way Intersection Improvement--Adds an exclusive northbound right-turn lane. This measure is in the Local Coastal Plan. If the demand materializes, the Department wants to have it as an option because if the SR90 project goes, there would be much less demand on Admiralty and Mindanao. The traffic would be shifted to the new intersection at the connector road for SR90. The project is basically a fall back position to help this intersection if the SR90 connector road doesn't go.

Fiji Way Gap Closure of the South Bay Bicycle Trail--The intent is to relocate the bikes off of Fiji Way. The bike trail through the Marina is basically a Class 1 bike path, meaning it is an exclusive right of way for bikes. The bike path on Fiji Way is the only place where there is on-road and not a bike path. The goal is to move bikes off of that road onto Area A of Playa Vista, south of Fiji Way. The project was submitted for the MTA Call-for-Projects, but MTA has not had a call and the project has remained dormant. MTA has not expressed any interest or excitement about the project.

Playa Vista's Internal Shuttle System--This is a mitigation measure of Playa Vista Phase 2. Mr. Kurtz explained that the listed "PV II 2010" represents a commitment of Playa Vista to expand its shuttle system (currently operated within Playa Vista) to Fox Hills, LMU, The Bridge and Marina del Rey. The system might begin as a demand response system and be expanded to a fixed route system if the demand materializes.

Commissioner Landini asked whether there could be a tie-in with the L.A. city Department of Transportation's Dash bus.

Mr. Kurtz responded that he would like it to. He's meeting with Playa Vista, LA DOT, Culver City bus lines, MTA, Santa Monica Big Blue Bus and L.A. County to discuss how the system can be expanded and made into a fixed route system that serves the whole area. There must be consideration of how to pay for it. Currently, Playa Vista homeowners pay the costs but don't want to fund all the additional locations into perpetuity and would want to obtain funding from other transit agencies.

Commissioner Landini commented that it would be good if some of the L.A. City beach shuttle money could be used. He asked whether preliminary route maps have been drawn.

Mr. Kurtz responded that Playa Vista has a preliminary route showing the expanded system, which he will provide.

- ***State Route 90 (SR90) Realignment Project and Admiralty Way Improvements Project***

Mr. Kurtz introduced Mr. Dominic Osmena, Los Angeles County Department of Public Works' Project Manager for the State Route 90 Realignment Project and Admiralty Way Improvements Project.

Mr. Osmena introduced members of his project team: Mr. Ed Dingman, Environmental Manager, who oversees the environmental document on the EIR/EIS, and EDAW consultants, Ms. Martinez and Mr. Graham. Mr. Osmena informed the Commission that Mr. Graham would provide an overview of the environmental process.

While showing slides of the project, Mr. Graham informed the Commission that staff from both EDAW's Los Angeles and San Diego offices are working on the project. EDAW is undertaking an environmental review for the SR90 realignment and the Admiralty Way improvements as well as the proposed improvements to the Via Marina and Admiralty Way interchange. The project is subject to environmental review under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). In this case because there is a desire to access federal funds, there is a need to review roadway improvements under both State and federal environmental law.

The slides included the Via Marina/Admiralty Way interchange, showing the length of Admiralty Way where there would be two different alternatives for improvements and three alternative routes for extending SR90 to Admiralty Way. Mr. Graham showed a series of multimodal transportation improvements that are outlined by the Local Coastal Plan.

Mr. Graham discussed the following projects:

Purpose and Need--SR90 Project--The SR90 connector road is one of the elements of the overall improvement project. The issues of purpose and need are key when beginning a federal environmental document. The purpose and need for the project must be explained as well as how the federal funds would be spent. Mr. Graham said that the purpose and need for the SR90 project is first and foremost to provide a direct entrance into Marina del Rey. It would improve air quality, which may at first seem kind of counterintuitive due to the fact that in the future there will be higher traffic volumes; however, the biggest generator of smog precursors are autos when they're sitting for long periods of time idling at intersections. When there are better traffic operations despite higher volumes there will be improved air quality. The other purpose of the project would be to provide circulation improvements or increased traffic circulation at those various intersections.

Purpose and Need--Admiralty Way Project--The purpose and need for the Admiralty Way project is to allow additional development as called for by the MdR Land Use Plan. The project is a required component for the additional development and would improve water quality by virtue of the stronger storm water regulations that are in effect now as opposed to what was in effect back at the time the roadway was originally built. There would be a requirement to detain and treat urban runoff. It would accommodate future traffic generation, improve bike and pedestrian access and circulation, and provide opportunities for additional aesthetic improvements along Admiralty Way.

Extending SR90--Northern Alternative--The Northern Alternative is one of three alternatives for extending SR90 into the Marina. Caltrans examined it in some detail and this alternative stays closest to the existing alignment. It curves to the south slightly to come at a more or less perpendicular 4-way intersection at Lincoln Blvd., extends through the Beverly Hills car rental and connects with Admiralty Way around the parking lot on the eastside of the existing library.

Extending SR90--Basin F Alternative--Constructs a connector road to intersect Admiralty Way approximately opposite Basin F.

Extending SR90--Bali Way Alternative--Would realign SR90 further south to connect with Bali Way.

Admiralty Way Improvement Project--5 Lane Restriping Alternative--This alternative, as envisioned by the current Local Coastal Plan would relocate the existing median and re-stripe Admiralty Way so that there would be three lanes in the northbound to westbound direction and two lanes in the other direction. All improvements would take place between the existing curbs. There would not be any property acquisition and the existing substandard medians and sidewalks would remain in place.

Admiralty Way Improvement Project--5/6 Lane Alternative--Requires some minor right-of-way acquisitions averaging a few feet in width. There would be no requirements to relocate structures or acquire structures but there would be some right-of-way that would be needed. It would provide three travel lanes in the northbound to westbound direction and two lanes for most of the eastbound direction. When the roadway turns into a southerly direction at Basin F, it would go to three lanes in the southbound direction.

Admiralty Way Improvement Project--Triple Left Turn at Via Marina/Admiralty Way Intersection Alternative--This alternative would create a triple left turn lane from Admiralty Way onto Via Marina.

Admiralty Way Improvement Project--Continuous Flow at Via Marina/Admiralty Way Alternative--Would constitute a regional circulation improvement under the Local Coastal Plan and reconfigure the existing T-intersection to make Admiralty Way a continuous loop around the Marina. Another feature is that it would allow direct access from Via Marina into Parcel IR. It provides better overall circulation around the Marina. The one potential drawback to this alternative is that it would require relocation of the existing small park and monument. There would be opportunities for relocation and replacement based on the large islands that would be created but there would be a need to relocate the existing park.

Mr. Graham said that because of the EIS component, there is a requirement to review additional issues beyond those that would be typically reviewed in an EIR. Issues such as impact on the human environment, physical environment and biological environment will be reviewed and technical studies will be produced for many of these issues. The results of the studies will be summarized in the EIR and EIS.

Mr. Graham informed the Commission that a Notice of Preparation (NOP) was distributed indicating that the environmental review process has begun. Additionally, a Notice of Intent to prepare an EIR was published in the federal register and two public scoping meetings were held. When staff realized they wanted to distinguish the fact that the Via Marina/Admiralty Way intersection could be approved as a stand-alone project, they prepared to redistribute the NOP and conduct an additional scoping meeting, which will be held on May 9, 2006 from 7:00 p.m. – 9:00 p.m. in the Burton Chace Park Community Room. Notification of this meeting will be included in the Notice of Intent and distributed to many people within the project vicinity.

Mr. Graham commented that there are many ways beyond the scoping meeting in which people can participate, such as providing oral and written comments at the meeting, submitting comments electronically to the project website, **www.sr90admiraltyway.org**, and mailing comments to the Department of Public Works, attn: Ed Dingman. All comments must be received by May 31, 2006 in order to be included in the official scoping process.

Chairman Searcy requested Mr. Graham to provide a copy of the notification to Mr. Wisniewski's office so that it can be posted.

Mr. Wisniewski encouraged the Argonaut to publish notification of the scoping meeting.

Commissioner Landini asked how much right of way would be removed from Admiralty Park for the project.

Mr. Graham responded that they don't have detailed engineering drawings at this time, but the estimate is approximately 3-4 feet. The bike path and walkway would not be damaged. The sidewalk will be relocated and reconfigured to make it meet current standards.

Commissioner Landini asked Mr. Kurtz to provide more detail about the 5/6 Lane Alternative, which would widen Admiralty Way to five lanes from Via Marina to Bali Way and to six lanes from Bali Way to Fiji Way.

Mr. Kurtz responded that the intersections of Mindanao Way and Admiralty Way and Bali Way and Admiralty Way are two of the most congested intersections in the Marina. The freeway extension will eliminate some of the congestion but there will still be a lot of bypass traffic that comes through the Marina and impacts the intersection of Mindanao Way and Bali Way. The actual number of lanes will be determined by the traffic engineering study, which will begin soon and include a model to let staff know what is needed in the future.

Commissioner Landini mentioned that he wrote as a private citizen to Mr. Dingman and his action should not be confused as an official action on the part of the Commission.

Commissioner Searcy opened the floor to public comment

Mr. Donald Klein, president, Coalition to Save the Marina, informed the Commission that several weeks ago on a weekday while coming from Culver City down Jefferson Blvd. toward Lincoln Blvd. there was a tremendous amount of traffic. An emergency vehicle was driving northbound on Lincoln Blvd. to the Marina Hospital and was stopped dead in traffic. Finally it was able to get through. He said that an in depth review of the traffic should be conducted.

Mr. Klein asked what would happen if the traffic improvement plans don't work. Everyone would be stuck with the outcome whether or not the plans work. He is very concerned and wants more certainty that the plans will work.

Mr. Klein asked why there is a need for the Marina Expressway (SR90) to connect to the Marina. He also wanted to know whether the intent is to complete the SR90 project before proceeding with the various development projects in the Marina or work on the SR90 project simultaneously with the Marina's development projects.

Ms. Carla Andrus said, relative to plans for the intersection at Via Marina and Admiralty Way, there is an effort to look for ways to mitigate traffic when the Marriott Hotel is constructed. The plans were approved at the last Design Control Board (DCB) meeting and will move their way through the regulatory process.

Ms. Andrus informed the Commission that Ms. Regina Robino, a professional designer, has an alternative plan. Ms. Andrus invited the Commissioners to attend the DCB's April 27 evening meeting, where Ms. Robino hopes to present her alternative plan.

Ms. Andrus said that Ms. Robino requested a place on the agenda from DCB Chairperson Susan Cloke. If Ms. Robino's plan isn't agendized, Ms. Andrus is hopeful that Ms. Robino would still be able to present her full plan to the DCB (if speakers are allowed to donate the 3 minutes they're given to address the Board).

Ms. Andrus agreed that something interesting could be done at the Via Marina/Admiralty Way intersection and Ms. Robino's plan is the only alternative Ms. Andrus perceives as having value. Rather than the Marriott Hotel, Ms. Andrus would like to see a hub of activity in the area, including a shuttle bus, trolley and bike routes. The area is under-managed as a beach for the public and more can be done.

Relative to federal funds, Ms. Andrus said the Department should show that its plans are consistent with the public's objectives. The Department's tearing up of the Land Use Plan, which it will have to do to construct the development projects, is not consistent with the Land Use Plan objectives. When looking at the Marina Beach Catalytic Project, people will see that Mr. Czuker must have a Land Use Plan amendment for his additional residential units, office and retail space. The Marriott Resident Inn, Admiralty Apartments, Neptune Apartments, etc., will be constructed in the area and will require Land Use Plan amendments. The lessee won't be able to mitigate for parking, so parking will be placed in the only open space on a Panay Way parcel.

Ms. Andrus commented that she's glad the Commission has a new member who understands zoning and will look into such matters.

Mr. Kurtz explained that the Local Coastal Plan (LCP) reads that unless there is a Category 3 or regional transportation improvement required by the California Coastal Commission, the Marina is only allowed to build 50% percent of the total amount that was programmed in the LCP, which allowed for 2750 peak hour trips. Unless there's a regional transportation improvement, such as the SR90 project, which is only one of many projects that can be so classified, only half of them could be built.

Mr. Wisniewski said that it's just over 50% with all of the Requests for Proposals and planned development projects. Unless there is a Category 3 improvement, one or more of the last projects cannot proceed. As each project works it way through, a traffic study will be done. It will be pretty much on a first-come first-serve basis, but it will also depend on what the traffic study shows.

Chairman Searcy asked whether the development would stop at 50%, perhaps, preventing 1-3 projects from proceeding, unless there is a Category 3 improvement.

Mr. Wisniewski responded that as it stands now, one project might be affected. Certainly the projects that the public is aware of can proceed.

Mr. Kurtz explained there's a host of items in the LCP that are wish list items for regional transportation improvements for Category 3, including a shuttle system, improved transit, people movers, remote parking lots, the SR90 project and an expanded version of the Admiralty Way project, the 5/6 Lane Alternative that goes beyond the existing right-of-way. It's believed that this alternative can be categorized as a Category 3 improvement. Also, the intersection at Via Marina and Admiralty Way is categorized as a Category 3 improvement.

In response to Mr. Klein's question about why the SR90 connection is needed in the Marina, Mr. Kurtz said that the California Coastal Commission was very concerned about the congestion on Lincoln Blvd, particularly the intersection of Washington Blvd. and Lincoln Blvd. When Costco was built, it wasn't able to mitigate the intersection, so Culver City wrote a letter of overriding considerations to get the project approved. It didn't mitigate the intersection. Later on, Culver City decided it wanted to help the County mitigate the intersection by the SR90 project, which removes some of the traffic at the Lincoln Blvd. and Washington Blvd. intersection and goes a long way toward mitigating that intersection as well as Mindanao Way, which is heavily congested between the SR90 Expressway and Lincoln Blvd.

Mr. Kurtz said that the SR90 project would remove a tremendous amount of traffic from Mindanao Way, Lincoln Blvd, from Washington to Fiji Way, and Washington Blvd., from Lincoln to Ocean Avenue or Via Marina. It does place more traffic on Admiralty Way, but the Admiralty Way widening project would mitigate the additional traffic.

Chairman Searcy encouraged members of the public to pick up copies of the traffic-related material from the public information table. He reminded them that they could impact the process by submitting their written comments and concerns to the Department of Public Works.

Mr. John Rizzo, president, Marina Tenants Association and community business owner, informed the Commission that he has attended the meetings for 30 years. He said that today's discussion reminds him of the one that was held regarding the Iraq War and the politicians promise that the war would last 6 weeks maximum. He said that nothing would mitigate the Lincoln Blvd. traffic except running a freeway all the way down Lincoln Blvd. and removing the businesses along that street. For 15-20 years, the public has only heard suggestions, such as synchronizing the lights to mitigate traffic or writing their public officials.

5. NEW BUSINESS

a. Election of Commission Officers

Commissioner Lesser moved that the Commission retain Chairman Searcy in the office of Chair for the year 2006. Before proceeding with the motion, Chairman Searcy wished to know whether he could again serve as Chair given the Commission's rule that members can't be elected to the same office for more than two consecutive terms.

Mr. Faughnan responded that the Commission could waive the term limit rule and then re-elect Chairman Searcy.

Commissioner Lesser's original motion was dropped and the following motions were made.

Commissioner Lesser moved and Commissioner Landini seconded a motion to waive the Commission's two-term limit rule. The motion passed with Commissioners Lesser, Landini and Lin voting in favor. Chairman Searcy abstained.

Commissioner Lesser moved and Commissioner Landini seconded a motion nominating Chairman Searcy to serve another term for the year 2006. The motion passed with Commissioners Lesser, Landini and Lin voting in favor. Chairman Searcy abstained.

Chairman Searcy moved and Commissioner Landini seconded a motion nominating Commissioner Lesser to serve as Vice-Chairman of the Commission for the year 2006. The motion passed with Chairman Searcy and Commissioners Landini and Lin voting in favor. Commissioner Lesser abstained.

Chairman Searcy mentioned that a future agenda would have an item concerning the appointment of a member and alternate to the Marina del Rey Convention and Visitors Bureau Board of Directors for 2006. Former Vice-Chairperson Carole Stevens served on the board and did a wonderful job. He asked whether Mr. Wisniewski has information regarding the health of former Commissioner Carole Stevens.

Mr. Wisniewski responded that Ms. Beverly Moore informed him that she visited Commissioner Stevens in Florida and took her to lunch. Commissioner Stevens is doing well.

The Commissioners expressed appreciation to Ms. Moore for her consideration and they commented how pleased they were to hear that former Commissioner Stevens is doing well.

b. Consent to Assignment of Leasehold Interest and Amendment to Lease—Parcels 42/43 – Marina del Rey Hotel and Consent to Assignment of Leasehold Interest and Amendment to Lease – Parcel 145R – Marina International

Mr. Wisniewski informed the Commission that the Marina del Rey Hotel, which is on Bali Way and the Marina International Hotel, on Admiralty Way, are two of the remaining leaseholds held by Prince Abdul Azziz. The prince formerly held more leaseholds, but now just has two hotels. The current company that controls the Jamaica Bay Inn negotiated the purchase of both hotels, which

can be effectuated by a lease assignment from the prince's company to the parent company that owns Jamaica Bay Inn.

Mr. Wisniewski stated that there are two amendments to the lease defining when County approval will be required for an assignment when an LLC is involved. The transaction before the Commission today amends the leases to clarify when a change in an LLC becomes subject to the County's approval in a lease assignment process. Secondly, the Department recommends approval of the assignment from the current lessee to the lessee that controls Jamaica Bay Inn. This lessee is also the prospective lessee of the new Marriott, which will be adjacent to the Jamaica Bay Inn. The Board letter explains the County's process to ensure that the assignee is financially capable of taking on the requirements of the leases, that the lessee has the proper operating experience and that the hotel price is reasonable, etc.

Mr. Wisniewski commented that the Department is excited and has had preliminary discussions with the prospective lessee, who is interested in very substantial renovation projects for both hotels. The MdR Hotel is at a prime location in the Marina and the Department is excited about the prospect of having a lessee that will make a difference.

Commissioner Landini asked whether granting the lease assignment extends the life of the underlying lease and whether it grants any additional development to the subject properties.

Mr. Wisniewski responded "no" to both questions and thanked Commissioner Landini for asking them because it gives Mr. Wisniewski the opportunity to clarify matters. He explained that people often confuse assignments as being new projects. Any new development project that occurs on the two leaseholds will be brought back to the Commission in a public meeting and be facilitated by an extension of the lease term pursuant to what will ultimately be a 2-3 month negotiation of terms under which the County will recommend an extension of the lease.

Chairman Searcy asked whether the lessee would be given additional rights and whether any additional requirements are imposed.

Mr. Wisniewski responded that the lessee would not be given additional rights; however, there will be additional requirements in relation to the LLC. He explained that when the leases were first developed in the 1960s, LLCs didn't exist and the Department didn't quite know how to handle them. Whenever the Department has the opportunity, as it currently does, it amends the lease to clarify when the County needs to get involved on a change.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Rizzo provided background on the Commission's formation, explaining that it was formed in the 1960's because of allegations that former Supervisor Burton Chace granted leases to his friends. The Board of Supervisors decided to create a group of people with expertise in certain fields to monitor the Department of Beaches and Harbors and Supervisor Chace's activities with the Department. He said that Supervisor Chace's successors in the district, such as Supervisor Don Knabe, run the Department. Mr. Wisniewski actually runs the Department, but Supervisor Knabe is his boss. Since that time, there has only been one period when there was relief from the corruption and the illegal operations in the Marina and this was when Governor Brown appointed Supervisor Yvonne Brathwaite Burke. Supervisor Burke sued the lessees for overcharging boat slip tenants. She ran for office and served for approximately one year before big money people got together, ran a racist campaign and threw her out.

Mr. Rizzo said the most egregious thing is not only that the Marina is run at market value, but also the amount of money that's given away in the prices and lease transfers. In the present case, the lessee not only got a fair return, but also deferred maintenance. The lessee is now saying he's going to pay it back. Mr. Rizzo questioned how the lessee would pay it back. Mr. Rizzo believes it would be paid back with illegal profit from the transfer. There is nothing in the lease that says the lessee could get a transfer. What the lessee is selling is public land that it doesn't own. The

only thing the lessee owns is the improvements, the cost of construction, plus improvements. The lessee already received a fair return and in this case he did deferred maintenance, so he is receiving an additional return.

Mr. Rizzo said that transfers allow lessees to sell public land, which has increased in value and for which the County does not receive enough profit. The lessee is allowed to keep millions of dollars. Abe Laurie sold his projects, financed them for a hundred million dollars and went bankrupt. This is the most egregious thing that's going on in the Marina, transferring the properties and allowing the sale of public land.

Ms. Andrus commented that the subject properties appear to be the first that the County can get back for public use. She suggested that the lease run its course and revert back to the County. There could then be a public bidding process. She and other members of the public would like to see implementation of the alternative plan at the site, which includes an enclosed facility with an Olympic size pool, children's swimming pool, slides and solar roofing. The public would like the property to return to priority use, which is recreational. Hotel use is not priority use.

Ms. Andrus said that a real overview of the Marina Beach area is needed and she would like to see an overview with the project status report. Mostly, she'd like to ensure that the public is part of the negotiation and that there's open bidding and priority uses.

Commissioner Landini asked how much time remains on the lease.

Mr. Wisniewski responded that he didn't know, but guessed the remaining time is in the 20-year range.

Commissioner Landini asked whether the life of the lease would be extended.

Mr. Wisniewski responded "no." He said that the lease has an existing provision that allows the current lessee to assign his interest and the County is held to a commercially reasonable standard.

Vice-Chairman Lesser moved and Commissioner Landini seconded a motion to recommend Board approval of the Consent to Assignment of Leasehold Interest and Amendment to Lease – Parcels 42/43 – Marina del Rey Hotel and Consent to Assignment of Leasehold Interest and Amendment to Lease – Parcel 145R – Marina International Hotel. The motion passed unanimously.

b. Approval of New Lease on Parcel 1S – Marina del Rey to Enable Redevelopment of Fuel Dock Facilities

Mr. Wisniewski informed the Commission that Parcel 1S is the sole fuel dock within Marina del Rey. The lease expires May 9, 2006. The Department went through an extensive Request for Proposal process, identified a number of proposers and went to the Board of Supervisors to obtain authority to negotiate with the winning proposer, Harbor Real Estate, LP, which is composed of the current Parcel 53 (The Boatyard) lessee and Westrec Marina Mgmt. The Department negotiated a five-year lease for the parcel during which time the lessee will pursue the entitlements and make improvements. During the five-year period, the lessee has an option to obtain a new lease for 55 years, making the lease a total of 60 years.

Mr. Wisniewski said the Board letter identifies all of the provisions that were negotiated, many of which are standard. He referred the Commissioners to page 3 of the Board letter for the provisions specific to the site. The lease term commences on May 10, 2006. The prospective lessee agreed to keep the fuel dock operating in a seamless manner so that it will remain in operation during the transition from the former to the new lessee.

Mr. Wisniewski mentioned Mr. Greg Schem's, Parcel 53 lessee, attendance and said that he was available to respond to the Commission's questions.

Chairman Searcy asked whether the plan is still to have no interruption in services to the boating community and no gap of time between shutting down the old facilities and opening the new facilities for business.

Mr. Wisniewski responded that the initial five-year term was proposed in order to give Mr. Schem time to get his feet on the ground and get used to the current operation. Mr. Schem will have time to plan the redevelopment and stage it so that he can keep fuel services provided on a seamless basis.

Mr. Schem informed the Commission that there would be two transitions. The first would be the takeover on May 10 for which he is prepared. A lot of the personnel who would be on site have been interviewed and a lot of operational decisions have been made that will enable an immediate takeover. He plans to attend the June Design Control Board meeting and then proceed with 18-months of entitlement work before the lease option can be exercised. Once the option is exercised, there will be a lot more work to do because there will only be a limited period to construct the facilities and have them operational.

Mr. Schem said that one of his key concerns involves building a new facility without any downtime. The way he's handling it is twofold, one of which is constructing the new docks and having them ready to go. The only thing that won't happen is the pressure test for the line from the tanks that goes to the fuel pump. There might be a downtime of 2-3 days to do the pressure test, get the certification, flow to the new docks, hook them up and have them ready.

During this time, Mr. Schem said he would have done two things. Unlike cars, boats hold a lot more fuel. He can give advance notice to everyone in the Marina of the transition period, which may be a couple of days. Boaters can be asked to fuel up and store as much as they can and factor around the time period. For people who need fuel and can't obtain it before then, the fueling operation will be switched around to the current Parcel 53 where there is an underground storage tank that handles gas. He'll bring in a truck that handles diesel and run it out to the dock to the end of the pier at Parcel 53. He doesn't anticipate any downtime whatsoever.

Commissioner Landini commented that he's more of a design-oriented person. He asked whether a short term 60-90 day action could be granted to the prospective lessee to keep him in place and allow the Commission time to review the design plans, which were just provided at today's meeting.

Mr. Wisniewski responded that the lease begins May 10 and the Department must submit it for Board approval prior to that date. The only way the Department could accommodate Commissioner Landini's request would be to conduct a Commission meeting prior to May 10. He clarified that if Commissioner Landini's concern pertains to design plans, design is the responsibility of the Design Control Board (DCB) rather than the Small Craft Harbor Commission, which has a proprietary role. He suggested that Commissioner Landini attend the DCB meeting or the Department can provide an overview of the design plans at a future Commission meeting.

Chairman Searcy asked whether the design plans have been finalized.

Mr. Schem responded that the DCB hasn't approved the conceptual design plans.

Mr. Wisniewski commented that the project budget is $4.2 million and Mr. Schem advised the Department that he might be able to do the project for less. The lease is structured so that Mr. Schem must spend the $4.2 million unless Mr. Wisniewski approves a reduction. The scope of the improvements is very well outlined in the lease, but the actual architectural drawings must be submitted to the DCB and will then proceed to the Regional Planning Commission, which will issue a Coastal Development Permit.

Mr. Schem suggested that it might be helpful to give the Commission some background about the plans. While referring to the distributed material of project designs, he explained that the general layout of the fuel dock remains the same. The main gangway will be moved in a couple of feet. Larger boat slips, 50-65 feet in length, have been added. There will also be transient boat slips that are 30 footers and one transient boat slip for a boat up to 171 feet. There is a plan to provide fuel power for 100amp service that has state of the art hookups so that the boats won't have to run their generators round the clock.

Mr. Schem said that the main fuel dock would have four fuel pumps that are multi grade with each one delivering four different fuel types. There will be automated services so that larger fuel users who are properly trained can use what's equivalent to a speed pass. This will reduce some of the congestion. A key component of the plan is the boater store and fuel office, which will have convenience goods, sandwiches, fishing gear, bait, wine, beer, MdR apparel (hats, t-shirts, sweatshirts), etc.

Commissioner Landini asked whether the sale of alcoholic beverages at the store requires a Conditional Use Permit.

Mr. Schem responded that there is an existing alcohol permit that can be used.

Mr. Schem continued, stating that there would be public showers and restrooms. The promenade area is being extended with two view platforms that connect from the existing lessees that are contiguous so that it will go right pass the facility. There will also be a water taxi dock that's a dedicated loading and unloading platform.

Mr. Wisniewski interjected that this dock will also serve the County's water taxi, which is typically in operation during the summer and, hopefully, will someday operate throughout the year.

Commissioner Landini asked whether the lease could be amended to stipulate that all alcoholic beverage sales be in accordance with the requirements of the L.A. County Regional Planning Commission.

Mr. Faughnan responded there's a lease provision that the lessee must comply with all rules, laws and regulations pertaining to alcoholic beverages. Additionally, the Regional Planning Commission will impose conditions for its permit.

Vice-Chairman Lesser commented that the lease appears to benefit the County and Marina. He asked how much Mr. Schem plans to spend and what would happen if the construction could be done for less than $4.2 million.

Mr. Schem responded that he doesn't know the answer. Initially, the $4.2 million budget included a two-story restaurant designed as an oyster bar. Given that this plan was modified so that there would be only take-out food, there's the possibility of a reduced budget.

Vice-Chairman Lesser commented that Mr. Schem agreed to a lease that anticipates a $4.2 million budget. Vice-Chairman Lesser questioned what would happen to the remaining funds if the construction was completed at $2.9 million or less than $4.2 million. He asked whether there is profit sharing, an incentive for the lessee to be efficient or whether the intent is to find a way to spend the entire $4.2 million.

Mr. Wisniewski responded that the lessee recently indicated that he might be able to build at a reduced cost of approximately $2.9 million. The Department added a provision in the lease that if the construction could be completed for less than $4.2 million, the Director would have the ability to approve the smaller budget and document that all the negotiated improvements are provided. The Department's economic consultant reviewed the reduced budget and believes that something in the order between it and the original $4.2 million budget is reasonable so long as there is documentation of all the improvements specifically described in the new lease.

Vice-Chairman Lesser requested that if at some point Mr. Wisniewski wants to proceed with a reduced budget, the Commission be given the opportunity to review the improvements before Mr. Wisniewski makes a final decision.

Mr. Wisniewski agreed and said that before signing off on anything less than $4.2 million, he would present to the Commission Mr. Schem's construction budget with documented improvements.

Mr. Schem asked whether the construction budget to which Mr. Wisniewski referred is the revised budget excluding the restaurant.

Mr. Wisniewski responded that he meant the list of improvements attached to the lease. He believes the $4.2 million is needed to build all of the improvements required by the lease; however, if Mr. Schem can provide documentation that the improvements can be built for less, Mr. Wisniewski will consider it and make a recommendation for the Commission's consideration. He commented that the lease exhibit identifies what the lessee is required to do and he presumes the exhibit doesn't say a full-scale restaurant. Mr. Wisniewski suggested that Mr. Schem review the lease's specifications. He commented that things would work out fine if Mr. Schem documents that all the improvements are provided and are first-rate quality.

Commissioner Landini asked why the restaurant was removed from the plan.

Mr. Wisniewski responded that he recommended the restaurant remain; however, the lessee at the adjacent parcel protested the proposed restaurant to the Board of Supervisors.

Mr. Wisniewski said he is hopeful that someday Mr. Schem will present a lease amendment to accommodate the restaurant, as Mr. Wisniewski believes it will be a wonderful opportunity.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Ms. Andrus commented that one of the reasons she objected to the proposed oyster bar was because she felt patrons would find it unappealing to dine at the same location as a pump out station and fuel station.

Ms. Andrus said that when the project is being done, it should be within the timeframe of the lease term. She believes the season is April 1 through the end of September.

Ms. Andrus also commented that no smoking is allowed at the beach and it doesn't seem to be a good idea to allow cigar smoking and alcohol consumption at the fuel dock either.

Ms. Andrus asked what happened to the pump out stations.

Chairman Searcy responded that the pump-out stations are included in the plan and appear in the designs that were distributed to the Commission.

Vice-Chairman Lesser commented that the Parcel 1S lease is a good lease and it reflects how much the County has learned from the previous lease. He noted that with the Participation in Sale and Refinance the County receives a piece of the action.

Mr. Wisniewski explained that this provision came into operation with the new Oakwood lease. When that parcel sold the County received a $4.2 million transfer fee.

Vice-Chairman Lesser noted that this hadn't been done with older leases and much has been learned from prior leases. The new leases are improved, beneficial and profitable to the County.

Chairman Searcy commended Tom Faughnan on the improved leases.

Mr. Faughnan clarified that he reviews the leases and can't take credit for them. He agreed that the leases are very good and commented that they're negotiated by the Director and the Department's negotiating team.

Vice-Chairman Lesser moved and Chairman Searcy seconded a motion recommending Board approval of the new lease on Parcel 1S – Marina del Rey to enable redevelopment of fuel dock facilities. The motion passed with Chairman Searcy, Vice-Chairman Lesser and Commission Lin voting in favor. Commissioner Landini abstained.

6. STAFF REPORTS

a. Ongoing Activities Report

Mr. Wisniewski informed the Commission that the report includes an update on Board of Supervisors' actions relating to the Marina and an update on the Local Coastal Plan (LCP) Periodic Review. The LCP Periodic Review staff report is preliminarily scheduled for consideration by the Coastal Commission at its July 2006 meeting in either Los Angeles County or Orange County. The Coastal Commission will decide the location.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Relative to the LCP review, Mr. Donald Klein asked whether the Department has officially responded to the Coastal Commission's 144-page document that includes recommendations. This document was sent to Mr. Wisniewski.

Mr. Wisniewski responded that he would look into the matter and get back to Mr. Klein.

Commissioner Landini asked whether Mr. Klein was referring to the Coastal Commission's May 25, 2005 report.

Mr. Klein responded that he believed the report is dated May 25. The document contained 144-pages and was a review of all of the recommendations for the new LCP. The LCP referred to earlier during the traffic mitigation presentation was from 1996 and it's been amended several times. There is a new LCP currently under review, which resulted from an action brought by the Coalition to Save the Marina against the California Coastal Commission.

Commissioner Landini requested a copy of the LCP.

Mr. Wisniewski responded that he would be happy to provide Commissioner Landini a copy of the LCP.

7. COMMUNICATION FROM THE PUBLIC

Ms. Julie Schaller, former Archstone-Marina tenant, informed the Commission that she wished to respond to the December 2005 minutes, which mentioned that Mr. Steve Weinman read a letter she had written requesting the Department's follow up to the polluted water samples she brought to the August 2005 meeting.

Ms. Schaller wanted the Commission to know that, contrary to Mr. Moliere's statement at the December 2005 meeting that Ms. Schaller did not provide information on "when the water sample was taken or from where it was taken," she personally dated all of the water samples in permanent marker and said during her August 2005 meeting testimony that the water was taken from her apartment.

Ms. Schaller expressed her anger at Mr. Moliere's dismissal of her concerns. She also found Vice-Chairperson Stevens' comment (per the minutes) that "Archstone is not the only complex with orange water" to be very glib, given that the matter is serious. Ms. Schaller commented that people aren't as glib about crime. The Sheriff's Department reports to the Commission on crime every month and it's something the Commissioners are concerned about. She doesn't know why the quality of the community water should be treated differently.

Chairman Searcy commented that the Commission understands Ms. Schaller's concern. The water was tested; however, it's possible that there were pollutants in the faucet water prior to the test, but the water was found to be fine on the particular day it was tested.

Mr. Jay Peter O'Donnell informed the Commission that he moved to the Marina in 1968, purchased his first boat in 1969 and docked it at Deauville Marina. He eventually began living on the boat. He had planned to move to Bar Harbor, but was solicited by Tahiti Marina and decided to move there instead. After several months the promises that management made to him were broken. He has a month-to-month lease. There's been a substantial rent increase and yesterday the dockmaster gave him a 30-day eviction notice. He has a good reputation and no problems at any of the marinas. All of a sudden he was perceived as a problem when the owner moved his boat next to Mr. O'Donnell's. There is nowhere for him to go, as there are no available slips for liveaboards. The best he can do is wait 3-months to obtain a slip. He said that The Boatyard offered to cut him a break, charging him $2,000 per month. His friends and his business are here. He requested the Commission's advice and/or assistance.

Mr. Wisniewski informed the Commission that the Department encourages lessees to maintain up to 10% liveaboards at their anchorages. There is no regulation, lease or ordinance that requires the lessee to allow a specific percentage of liveaboards. Some lessees have more and some have less.

Mr. Wisniewski mentioned that current slip vacancy information is available on the Department's website. He encouraged Mr. O'Donnell to speak to the lessees to see whether they are willing to allow liveaboards.

Chairman Searcy asked Mr. O'Donnell the size of his boat.

Mr. O'Donnell responded that the boat is 32 feet.

Chairman Searcy took note of this information, as well as Mr. O'Donnell's contact information.

Dr. Steve Frankel informed the Commission that his first slip lease was obtained in 1969 behind Cyrano's. He's had boats continuously here or on the East Coast, on the Chesapeake. Dr. Frankel also writes for *Soundings*, a national boating magazine, and he's owned three businesses in the Marina. He is not a liveaboard and has never been a liveaboard.

Dr. Frankel recommended that the Commission become involved in a bill of rights for liveaboards. The impression that people have of liveaboards, even from information listed on the meeting agendas, is negative. He said that people need to realize the positive aspect of liveaboards. After 35 years of owning a slip, he won't go on a finger that doesn't have several liveaboards. Over the years, liveaboards protected his daughter physically when she was sleeping on the boat as a college student. They've rescued his dogs that jumped into the water when he was at a restaurant. They've tied up his boat innumerable times during storms. They help with packages, etc. Liveaboards are really the mayor of the dock. They have no protection right now. While the Commission can't take legal action with an ordinance, its members can create a policy that rewards and punishes in various ways leaseholders that treat liveaboards inhumanely.

Dr. Frankel also said that it should be realized that liveaboards aren't poor people. Most of the liveaboards that he knows are well off and have chosen to live on a boat. They are committed to this kind of life. The head of the Christmas Boat Parade is a liveaboard. Dr. Frankel's physician

is a liveaboard. Lawyers, CPAs, etc., are liveaboards. A policy is needed that affords the same rights to liveaboards that's given to apartment tenants, meaning protection for the elderly and handicapped. There should be due process before being evicted from a slip arbitrarily. There is no reason that a liveaboard can't have the same rights as apartment tenants. Creating such a policy would be a strong moral position for the Commission to take.

Chairman Searcy commented that Dr. Frankel raised interesting concepts. He said that he could not speak for every Commissioner, as there are two new members, but Chairman Searcy thinks he can state for himself and Commissioner Lesser, for the record, that they don't consider liveaboards as disreputable.

Chairman Searcy said that his brother is a liveaboard and has been for many years. Chairman Searcy agrees that liveaboards provide a higher degree of security. In addition to a bill of rights, there should be a bill of responsibilities to accompany it because not everyone is a Jay O'Donnell or Dr. Frankel, just as not every Commissioner is corrupt.

Chairman Searcy mentioned that he would like to know what is within the Commission's power relative to a liveaboard's bill of rights. Specifically, he'd like to know what the Commission can do, what it can't do, what's enforceable, how it could send a strong message on the issue, can it make an advisory statement, position, policy, etc.

Vice-Chairman Lesser expressed his agreement with Chairman Searcy and commented that there is a question of the balance between liveaboards and non-liveaboards. 100% liveaboards wouldn't be good and 0% wouldn't be good. There should be consideration of what's reasonable and the right percentage. There is also a question of the Commission's power and the Department's power to encourage a reasonable and moral responsibility of lessees.

Mr. Faughnan informed the Commission that he would report at the June meeting on the Commission's powers relative to a liveaboard's bill of rights.

Ms. Andrus expressed joy that Dr. Frankel spoke in support of liveaboards and commented that the issue of boaters rights is overdue. She thanked the Commission for its response concerning a policy on liveaboards.

Ms. Andrus informed the Commission that she is a liveaboard, isn't rich, has broken her ankle in three places and can't stand for long periods, but has a part-time job. She affirmed that she is like the mayor of her dock. She enjoys living on her 22-foot boat. People don't realize that not only does she keep an eye on the dock's activities, but also an eye on the developers and the Department's activities.

Ms. Andrus said that she and others just won a case concerning Capri Apartments, which didn't want to provide 10 affordable housing units. She and other members of the public attended several Board of Supervisors and Regional Planning Commission meetings and plan to do more. One thing on their agenda is boaters' rights. She keeps hearing that there's no ordinance or requirement for the leaseholder and Ms. Andrus encouraged the creation of such a requirement and ordinance.

Ms. Andrus said there should be consideration that there are low-income people who are affected by this issue. Not everyone is rich. She was in court this morning and lost one of the tenants because he didn't have enough money and was afraid of what it would look like on his TRW, so he gave up. She finds this to be very discouraging.

Ms. Andrus said that she's seen hundreds of boaters displaced from the Marina. It's ugly and no one really gets to feel it. She feels it because she can be next. She's always in fear of when she will be next to receive an eviction notice. Her boat isn't big enough or new enough. Ms. Andrus can't afford a newer boat and doesn't want one anyway, as she likes it the way it is. If she had

money, she'd have it polished nice with brand new sails, but she's been so busy with the Commission meetings, etc., that she hasn't had time to make extra money.

Mr. Steve Weinman informed the Commission that at previous meetings, he and several other members of the public requested information regarding the pricing that would be in effect at Almar's dry stack facility. He has yet to receive this information and is again requesting it at a public forum so that all interested persons can benefit.

Mr. Wisniewski responded that he doesn't know the pricing for boat storage, but it has to be within market, as the lease requires it. He gave some background, explaining that the County has an option on Parcel 77 to purchase it from the existing lessee to expand Chace Park. The commitment that has been made is that replacement facilities for the existing boats will be available before people are dislodged from their current location. There also will be a new location for a repair service. Mr. Weinman is currently the operator of the repair service on Parcel 77. The Department is negotiating with Almar, which will construct a dry stack storage facility on Parcels 52/GG next to The Boatyard. There are requirements to provide a repair service and replacement facilities and have them operational before the boaters are requested to move.

Chairman Searcy commented that the lessee cannot wait until the day the facility opens to reveal prices, so there will be advance notice of them.

Mr. Weinman said that the Almar proposal provided a blueprint of the project and probably provided a proforma of the projected earnings, pricing, etc.

Mr. Wisniewski explained that the project has changed since it was presented to the Commission. The design and cost have changed, which presumably means that the price structure will change. There is no estimated date when the information will be available and the Department will inform the Commission when it is available.

Mr. John Rizzo informed the Commission that nothing has been done about the request he made at the October 2005 meeting for assistance with plants at Oakwood Apartments that are an obstruction when exiting the driveway. He said that the plants pose a safety problem and he would like them removed. Mr. Rizzo contacted the Department's Facilities and Property Maintenance Division manager, but nothing has been done.

Mr. Rizzo commented that he doesn't want to complain to Oakwood's management about the problem, as it wouldn't be a pleasant experience. It wouldn't be pleasant to sue management and it isn't a pleasant experience to bring the matter before the Commission.

Mr. Wisniewski said he didn't know that staff didn't follow up on the matter. He asked Ms. Dusty Crane, Chief of the Community and Marketing Services Division, to ensure that Mr. Wayne Schumaker, Chief, Facilities and Property Management Division, follows up on the matter.

Further, Mr. Rizzo requested a status on the information he provided at the October Commission meeting regarding horrible conditions at the Oxford Flood Basin.

Mr. Wisniewski responded that the flood control district is part of the national pollution discharge management, which is looking at different improvements that can be made at the location. The Department of Beaches and Harbors has contracted with the Department of Public Works for Beaches and Harbors staff to clean the area. Staff will report back to the Commission on the issue.

Mr. Rizzo also wanted to know what the Department plans to do about the road near the basin that keeps sinking.

Mr. Wisniewski responded that the Department of Public Works (DPW) periodically monitors the road and repaves it when needed. It was built over an old landfill and continues to settle. The

Department will bring the matter to DPW's attention to ensure that they are monitoring the area and will repave it if needed.

Chairman Searcy asked whether the road could be permanently fixed.

Mr. Wisniewski responded that his understanding is that it can't be permanently fixed.

8. ADJOURNMENT

Chairman Searcy adjourned the meeting at 12:03 p.m.

Respectfully submitted,

Toni Minor
Commission Secretary

MARINA DEL REY HARBOR ORDINANCE
SEAWORTHY & LIVEABOARD COMPLIANCE REPORT

	April	May
Liveaboard Permits Issued	2	2
Warnings Issued (Yellow Tags)	0	0
Notices to Comply Issued	0	0

Total Reported Liveaboards By Lessees - 556
Total Liveaboard Permits Issued - 431
Percentage of Compliance - 77

No new Warnings were issued in the month of May.

No new Notices to Comply were issued in the month of May.

No new citations were issued for violations of 19.12.1110 L.A.C.C. (liveaboard permit) or 19.12.1060 L.A.C.C. (unseaworthy vessel) in the month of May.

Number Of Impounded Vessels Demolished

To date, one hundred and ninety six (196) vessels have been removed from the marina for disposal. Currently, one (1) vessels are ready for disposal and seven (7) are awaiting lien sale procedures.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
MARINA DEL REY STATION
PART I CRIMES- MAY 2006

	West Marina 2760	East Marina 2761	Lost R.D. 2762	Marina Water 2763	Upper Ladera 2764	County Area 2765	Lower Ladera 2766	Windsor Hills 2767	View Park 2768	TOTALS
Homicide										0
Rape	1							1		2
Robbery: Weapon									1	1
Robbery: Strong-Arm	1						1	1		3
Aggravated Assault	2							3		5
Burglary: Residence					1		2	2	3	8
Burglary: Other Structure	1	1					5	2		9
Grand Theft	1	4		1		1	1			8
Grand Theft Auto	3	1	1		2		1	2	2	12
Arson	1						1			2
Boat Theft										0
Vehicle Burglary	6				1			1	1	9
Boat Burglary				3						3
Petty Theft	4	5						1	2	12
REPORTING DISTRICTS TOTALS	**20**	**11**	**1**	**4**	**4**	**1**	**11**	**13**	**9**	**74**

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

Source- LARCIS, **Date Prepared** – June 1, 2006
CRIME INFORMATION REPORT - OPTION B

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART I CRIMES- MAY 2006

Part I Crimes	MARINA AREA (RD'S 2760-2763)	EAST END (RD'S 2764-2768)
Homicide	0	0
Rape	1	1
Robbery: Weapon	0	1
Robbery: Strong-Arm	1	2
Aggravated Assault	2	3
Burglary: Residence	0	8
Burglary: Other Structure	2	7
Grand Theft	6	2
Grand Theft Auto	5	7
Arson	1	1
Boat Theft	0	0
Vehicle Burglary	6	3
Boat Burglary	3	0
Petty Theft	9	3
Total	36	38

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

Source- LARCIS, **Date Prepared** – June 1, 2006
CRIME INFORMATION REPORT - OPTION B

Los Angeles County Beaches & Harbors
Caring for Your Coast

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

June 8, 2006

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

SUBJECT: **ITEM 3b - MARINA DEL REY AND BEACH SPECIAL EVENTS**

MARINA DEL REY

MARINA DEL REY FOURTH OF JULY FIREWORKS

The traditional fireworks extravaganza over the main channel in Marina del Rey will be presented on Tuesday evening, July 4, starting promptly at 9:00 p.m. This event is sponsored by the Los Angeles County Department of Beaches and Harbors. The fireworks are choreographed to patriotic music, which will be broadcast by radio station KXLU 88.9 FM in sync with the pyrotechnic display. The music will be relayed over loudspeakers in Burton Chace Park. Parking is available in County lot 4 on Mindanao Way and County lot 5 on Bali Way for a reasonable fee. Fireworks may also be viewed at Fisherman's Village and throughout Marina del Rey.

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

THE MARINA DEL REY SUMMER CONCERT SERIES 2006

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

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

The first Saturday pop concert is scheduled for July 22 and will feature Davis Gaines, Phantom of the Opera star.

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

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

FISHERMAN'S VILLAGE WEEKEND CONCERT SERIES
Sponsored by Pacific Ocean Management, LLC
All concerts from 2:00 p.m. - 5:00 p.m.

Saturday, June 17
William Nathan & The Elements, playing Blues and R&B

Sunday, June 18
Susie Hansen Band, playing Latin Jazz and Salsa

Saturday, June 24
Franki Love, performing mellow piano tunes

Sunday, June 25
2Azz1 & The Body and Soul Band, playing Smooth Jazz and R&B

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

BEACH EVENTS

BEAUTY AND THE BEACH
El Segundo Beach Clean Up
Saturday, June 17, 2006
10:00 a.m. – 12:00 noon

El Segundo Power, LLC will partner with the Kiwanis Club to sponsor the fifth annual "Beauty & the Beach" beachfront cleanup on Saturday, June 17, 2006, from 10:00 a.m. to 12:00 noon. Volunteers will spend the afternoon clearing debris from the two-mile stretch of beach and waterway in front of the El Segundo power facility. Parking is available at the Vista del Mar and Grand Avenue beach entrance. Registration required.

For more information call: Beauty & the Beach Hotline at (310) 615-6359 or visit www.elsegundo.net/beauty-and-the-beach.

SW:mc

COUNTY OF LOS ANGELES
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RAYMOND G. FORTNER, JR.
County Counsel

June 5, 2006

TO: SMALL CRAFT HARBOR COMMISSION

FROM: THOMAS J. FAUGHNAN
Principal Deputy County Counsel
Property Division

RE: **ITEM 5a – COMMISSION'S AUTHORITY RELATING TO LIVEABOARD ISSUES IN MARINA DEL REY**

At the April 12, 2006 meeting, your Commission requested a report from County Counsel on the Commission's authority relative to concerns raised by members of the public over asserted evictions of liveaboards from marinas in Marina del Rey.

Your Commission is an advisory body created by the Board of Supervisors ("Board") to make recommendations to the Director of Beaches and Harbors ("Director") and to the Board. The subject matter of the Commission's advice includes: (1) policies and procedures relating to the planning, financing, and development of small craft harbor and recreation areas; (2) policies and procedures relating to the management and operation of the small craft harbor properties, including leasing policies and procedures and the public use of small craft harbor properties; (3) the adequacy of rules and regulations established for the operation of small craft harbor areas, including operation and navigation of boats and public use of facilities therein; and (4) upon request of the Board, to make recommendations concerning minimum and maximum prices to be charged by small craft harbor lessees and concessionaires.

Thus, your Commission may make *recommendations* to the Director and the Board relating to liveaboards, as liveaboard usage of the small craft harbor is clearly within the purview of the Commission's advisory jurisdiction. Further, your Commission could publicly express its collective opinion by adopting a statement or resolution on liveaboard issues. However, your Commission has no independent authority to adopt its own policies directly

regulating the County's small craft harbor areas, and your Commission has no enforcement authority independent of that which may be delegated to the Commission from time to time by the Board.

It should be noted that in 1978 the Board amended the County Code to prohibit the eviction of liveaboards from their slip tenancies except for cause. The ordinance, former County Code § 19.12.940, is attached (the "liveaboard eviction ordinance"). The County was forced to repeal the ordinance in 1983 after a court determined that the liveaboard eviction ordinance was an unconstitutional impairment of the lessees' contractual rights under the leases and an invalid exercise of the County's police power. It is unlikely that an ordinance, rule or policy similar to the liveaboard eviction ordinance would survive legal challenge; however, a determination of the legal viability of any particular proposal must be made on a case-by-case basis.

TJF:ss

Enclosure

c: Stan Wisniewski,
Director of Beaches and Harbors

T9.12.940 Liveaboard boat tenants - eviction restrictions and procedures. A. The liveaboard status and slip tenancy of a liveaboard boat tenant may only be terminated by the landlord for one or more of the following reasons:

1. The liveaboard has failed to pay the rent, utility charges or service charges to which the landlord is entitled under the rental agreement;

2. The liveaboard has violated an obligation or covenant of the tenancy, other than the obligation to surrender possession upon proper notice, and has failed to cure such violation after having received written notice thereof from the landlord;

3. The liveaboard is committing or permitting to exist a nuisance in or is causing substantial damage to the marina, or is creating a substantial interference with the comfort, safety or enjoyment of the landlord or other occupants of the same;

4. The liveaboard is convicted for using or permitting the vessel occupying the slip to be used for any illegal purpose;

5. The liveaboard fails to comply with state laws, local ordinances or state or local regulations relating to the vessel occupying the slip;

6. The liveaboard fails to comply with reasonable rules and regulations for the marina as established by the landlord from time to time;

7. The liveaboard who had a rental agreement which has terminated has refused to exercise a written extension or renewal thereof upon demand therefor by the landlord;

8. The liveaboard has refused the landlord reasonable access to the slip for the purpose of making necessary repairs or improvements required by federal, state or local law, or for the purpose of inspection as permitted or required by the rental agreement or by law;

9. The liveaboard holding at the end of the term of the rental agreement is a subtenant not approved by the landlord;

10. The landlord seeks to recover possession for the purpose of demolishing his leased portion of the marina or otherwise removing same from use by recreational and residential boat tenants.

B. A "liveaboard" is any person renting a boat slip within a marina and authorized by the landlord to use the vessel secured therein as a permanent place of residency.

C. Violations of this section shall not be a misdemeanor punishable by fine and/or imprisonment as provided by Section 19.12.100 of Part of this chapter.

D. Any party to a slip-rental agreement authorizing the use of the vessel secured therein as a permanent place of residency at a marina within the waters of a harbor may seek relief from a municipal or superior court to restrain by injunction the termination of the slip tenancy on grounds other than stated herein. The prevailing party to any such action shall be entitled to reasonable attorney's fees and costs. (Ord. 11704 § 1, 1978: Ord. 9359 Art. 6 § 610, 1967.)

"To enrich lives through effective and caring service"

Los Angeles County Beaches & Harbors
Caring for Your Coast

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

June 8, 2006

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

SUBJECT: **ITEM 5b - APPOINT COMMISSIONER TO ACT AS LIAISON TO DESIGN CONTROL BOARD PER THE REQUEST OF DESIGN CONTROL BOARD CHAIRPERSON SUSAN CLOKE**

Item 5b was placed on the agenda per the request of Ms. Susan Cloke, Chairperson of the Design Control Board (DCB). We believe that Chair Cloke feels the liaison would serve to improve communications between the DCB and your Commission.

We have informed Chair Cloke of the time and date of your meeting should she be interested and available to provide additional information to your Commission about her request.

SW:tm

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"To enrich lives through effective and caring service"

Los Angeles County Beaches & Harbors
Caring for Your Coast

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

June 8, 2006

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

SUBJECT: **ITEM 6a - ONGOING ACTIVITIES REPORT**

BOARD OF SUPERVISORS ACTIONS ON ITEMS RELATING TO MARINA DEL REY

At its May 30, 2006 meeting, the Board of Supervisors approved and instructed the Mayor to sign:

- Option granting to Marina del Rey Innvestors, a California limited partnership, upon fulfillment of stated conditions, the right to extend the term of its existing ground lease on Parcel 27R (Jamaica Bay Inn) by 39 years in exchange for the complete renovation of the existing 42-room hotel and the addition of 69 new rooms, a business center, and meeting rooms, among other additions. The Board also approved and instructed the Mayor to sign the amended and restated lease at such time as the Director can confirm the lessee has fulfilled the option conditions.

- One-year contract, with two possible two-year option periods, with Pacific Adventure Cruises, Inc., at an annual cost not to exceed $261,000, to provide residents and visitors with water bus service between six points in Marina del Rey, effective June 30, 2006 through September 4, 2006 during the initial term. The Board also authorized the Director to increase the contract by a sum not to exceed 30% during the term of the contract in the event the service area/hours increase.

- Amendment to option agreement and joint escrow instructions for Lease Nos. 6734 and 11140, extending the time within which the County must close each option to allow for the lessee's replacement of the docks and other waterside improvements on Parcel 44 prior to the purchase of Parcel 77W and a portion of Parcel 44U by the County, upon payment of the stated option prices, which will include the dock replacement cost for the portion of Parcel 44 to be acquired.

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At its May 9, 2006 meeting, the Board of Supervisors approved the assignment of the Parcels 42/43 leasehold from MGC Marina del Rey International to IWF MdR Hotel, L.P., a California limited partnership, and the Parcel 145R leasehold to IWF Marina View Hotel, L.P., a California limited partnership. The Board also approved amendments to both leases, which define changes in management and ownership of a limited liability company that will be considered an event of assignment under the lease.

At its May 2, 2006 meeting, the Board of Supervisors approved and instructed the Mayor to sign a five-year lease with Del Rey Fuel, LLC, a California limited liability company, for Parcel 1S, the Marina's fuel dock, to enable the new lessee to complete redevelopment of the fuel dock facilities. Upon fulfillment of regulatory approvals for project construction and other stated conditions, the lessee has the right to extend the term of lease on Parcel 1S by 55 years.

The items from the meetings of May 2, 2006 and May 9, 2006 were previously considered and recommended by your Commission.

LOCAL COASTAL PROGRAM PERIODIC REVIEW – UPDATE

The only contact there has been with the Coastal Commission since April with respect to this matter was a call to determine whether the staff report will be heard at the Commission's July meeting, now scheduled for San Diego, or moved to the August meeting, which is in Los Angeles. We understand the timing for the hearing of this matter is still under consideration, but is tentatively scheduled for August.

At your April meeting, Mr. Don Klein asked whether we had received the Coastal staff's 144-page report and whether we had responded. We did receive the report and provided draft County staff responses as a work in progress and to assist Coastal staff in clarifying and correcting the final report submitted to the Coastal Commission for action.

DESIGN CONTROL BOARD MINUTES

The draft minutes from the May 18, 2006 Design Control Board meeting are attached.

SW:tm
Attachment

"To enrich lives through effective and caring service"

Los Angeles County Beaches & Harbors
Caring for Your Coast

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

June 8, 2006

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

SUBJECT: **ITEM 6b – PUBLIC REQUEST FOR INFORMATION AT APRIL 12, 2006 MEETING**

At your April 12, 2006 meeting, Mr. John Rizzo expressed concerns pertaining to the maintenance of the Oxford Flood Basin, repaving of a section of Admiralty Way and driveway obstruction by plants at the Oakwood Apartments. The following responds to each concern.

Oxford Flood Basin - Maintenance

The California Conservation Corps performed weed abatement in the basin, which took several weeks because of the native bird breeding cycles (January 1 – September 30). Given the use of machinery is a violation of the State Fish and Game Code, the Corps utilized hand tools to trim the brush to ankle height.

This month we are commencing a year-round (seven-day-per-week) maintenance operation with the hiring of two full-time employees to maintain the landside portion of the property. In addition, these employees will be supplementing Los Angeles County Department of Public Work's maintenance efforts in removing floating debris in the basin. The Department has the adjacent trees trimmed on an annual basis through its contract with TruGreen LandCare.

Admiralty Way - Repaving

The Department of Public Works (DPW) performs periodic maintenance of the roadway in front of the Marina City Club on Admiralty Way to remove the bumps and dips. Most recently, the repairs occurred between May 8 and May 19. The work involved repaving all four lanes, rebuilding the curbs and raising the center median. DPW is committed to keeping the road maintained and in a passable condition for the traveling public.

Oakwood Apartments – Driveway Obstruction by Plants

During the month of May, my Assistant Chief of the Facilities and Property Maintenance Division met with a representative of the leasehold to discuss the removal of plants that were creating an obstruction. The plants were removed later that same day.

SW:tm

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DRAFT

MINUTES
OF
MARINA DEL REY
DESIGN CONTROL BOARD

Thursday, May 18, 2006

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

Members Present:	Susan Cloke, Chair – First District David Abelar, Second District Peter Phinney, A.I.A. – Fourth District
Members Absent:	Katherine Spitz, ASLA, Vice-Chair – Third District Tony Wong, P.E. – Fifth District
Department Staff Present:	Stan Wisniewski, Director, Beaches & Harbors Joseph Chesler, Beaches & Harbors C. L. Petters, Beaches & Harbors
County Staff Present:	Russell Fricano, Regional Planning Tom Faughnan, Principal Deputy County Counsel
Guests Testifying:	Hans Etter, Marina del Rey Resident Nancy Marino, Marina del Rey Resident DeeDee Odette, Marina del Rey Resident Bruce Russell, Marina del Rey Resident Sally McPherson, Venice Neighborhood Council Helen Garrett, Marina del Rey Resident Dana Palmer, Santa Monica Baykeeper Marcia Hanscom, Marina del Rey Resident John Davis, Marina del Rey Resident Andi Culbertson, CAA-Nevada, LLC Tony Bomkamp, Senior Biologist, Glenn Lukos Associates Aaron Clark, Armbruster & Goldsmith David Levine, Marina Harbor Pat Younis, Marina del Rey Resident Shari Van Dorn, Van Dorn Abed Landscape Architects Douglas Mehl, A.I.A., Fennie+Mehl Architects Jack Hollander, A.I.A., Jack Hollander & Associates Michael Pashaie, Gold Coast Village, LLC Randy Mason, P.E., Cash & Associates Gin Wong, F.A.I.A.,Gin Wong Architects Roy Van de Hoek, Citizen

1. **Call to Order, Action on Absences, and Pledge of Allegiance**
Ms. Cloke called the meeting to order at 2:10 p.m. Mr. Phinney led the Pledge of Allegiance. Mr. Phinney moved to excuse Commissioner Spitz and Commissioner Wong from the meeting.

2. **Approval of Minutes of December 14, 2005, February 16, 2006, March 16, 2006 and April 27, 2006**

Minutes were skipped and subsequently not heard at all.

3. **Design Control Board Reviews**

A. **Parcel 75 – Signage at Marina Professional Building– DCB #05-014**
Approval of the record of the DCB's April 2006 action for approval of signage, per the plans on file with the Department.

Mr. Phinney (Abelar) moved to accept past action DCB #05-014. [Unanimous consent.]

4. **Consent Calendar**

A. **Parcel 53 – The Boat Yard – DCB #06-011**
Consideration of signage for Newport Boats.

Ms. Cloke said she would like to see with signage Consent Calendar items a staff report that includes context and conformance of any other signs on the premises.

Public Comment:

Mr. Davis expressed that this sign and all other proposed developments are being erected in the coastal zone, which constitutes a coastal development, and that the process utilized by the Board constitutes violation of the Coastal Act under which the Board is duty bound pursuant to the implementing ordinances of the Marina del Rey Local Coastal Program. Mr. Davis expressed that staff should provide the Board with adequate resources and information to enable the Board to make decisions based on the Board's duty under the Coastal Act.

Ms. Cloke said that it will be applied to the other matters.

Mr. Abelar (Phinney) moved to accept DCB #06-011 as presented. [Unanimous consent.]

5. **Old Business**

A. **Parcel 9U – Woodfin Suite Hotel – DCB #04-015-B**
Report from consultant regarding wetland restoration and consideration of development project.

Ms. Cloke said that the Woodfin Hotel and Legacy Partner's full presentation will be heard at the June, 2006 meeting.

Mr. Wisniewski said that Parcel 9U is the last undeveloped parcel in Marina del Rey. The County went out on a RFP a number of years ago seeking development of that parcel along with development of nearby Parcel FF, which is a parking lot. Pursuant to the RFP, the Board of Supervisors authorized the Department to enter into negotiations with Legacy to build an apartment complex on Parcels 10 and FF, but since Parcel FF was designated Open Space, one of the requirements of the RFP was that they could develop on that parcel only if they were able to provide mitigation by moving that park to another location. That other location is now proposed to be the area that is proposed to be restored as a wetlands along with some adjacent public dock area. The Woodfin Hotel, since last presented, has had to be moved on the site to the north from where it was originally situated. The Woodfin Hotel and Legacy projects will be returning to the June meeting for consideration by the Board.

Board Comments:

Ms. Cloke asked Mr. Chesler how the public is notified about the availability of the biologist's report?

Mr. Chesler responded that the reports were published on the Department's web site on May 9th and the references to the presentation today were the only two opportunities for the general public to have access.

Ms. Cloke expressed her gratitude for the whole concept of ecotourism and also for the wetland restoration.

Mr. Bomkamp commented that the historic aerial photographs clearly show this was part of the wetland complex historically. The Marina was filled with the dredge materials from when the harbor was created and at that point, it became a non-jurisdictional feature. The Marina was filled before any of the environmental regulations--the Clean Water Act, and the Coastal Act. At the time it was filled, it was upland, and then when it was excavated in the mid-1880s for the previous hotel that had been considered for the site, they essentially recreated hydrology which supports the existing wetland.

Ms. Cloke asked about the wetland boundary.

Mr. Bomkamp said the current elevation is still low enough that the hydrology functions long enough to get water that will pond for a sufficient period of time to meet the definitions for water hydrology.

Ms. Cloke said that what she needs from the applicant at the next presentation is an overlay so that the Board can understand how the boundaries match up and how that was accomplished.

Mr. Phinney requested that the applicant provide some written descriptors of how the boundary was established, such as photographic evidence.

Ms. Cloke said that photographic evidence is part of the deal, but there are also accepted distances, buffers that are standard practice. She said it would be helpful to understand what the regulatory climate was for the buffers so that the Board will know buffer options available, regulatory action taken, and reason for that action.

Mr. Phinney asked the applicant to have slides available so that the public has the benefit of viewing even if they haven't read the reports.

Ms. Cloke asked Mr. Wisniewski to announce the web site available for public viewing.

Mr. Wisniewski, said the web site address is: www.labeaches.info, and from there they would link to the development page for the Marina, and from there they can access a hotlink to those three reports.

Mr. Abelar asked if salt water will be pumped in or be controlled by the high or low tide.

Mr. Bomkamp said a pipe would be put at an elevation that would allow for the water to move, based on the tides and gravity. There would be no pump involved.

Mr. Abelar asked how that would affect the depth.

Mr. Bomkamp said they would work with their coastal engineer who would help them make sure that the hydrology is going to function appropriately. They want to make sure that the tides are able to move in and out on a regular basis so that they don't have any stagnation, algae, etc. All of that would be related to the size of the pipe and to the elevation of the pipe that was ultimately installed.

Mr. Phinney asked if there was any reason to believe that this was more characteristic of a vernal wetland, or would a salt marsh be created.

Mr. Bomkamp said it didn't exist any more, but that is what was there. Originally the coastal engineer proposed more of a vernal wetland, and the Coastal Commission

suggested exploring the idea of putting in a salt water marsh that would be tidally driven. Hydrologically, that would be much better because it would have regular, daily inundations from tidal flows.

Mr. Wisniewski asked the applicant to provide the photographs for public viewing.

Public Comment:

Ms. Garrett stressed the following concerns:

- That the whole entire parcel needs to be given back to the land;
- The Marina is paved over in such a way that creates flooding;
- Every piece of land left in a natural condition provides natural drainage;
- The Marina is a wonderful catch basin, if developed that way;
- You cannot have a little garden park for people to march through and expect the birds to nest, as most of the birds nest on the ground;
- Bolsa Chica is in terrible condition; not doing well environmentally; and
- Provide a big environment.

Mr. Etter is adamantly opposed to the project and expressed the following concerns:

- The Coastal Act has no definition of a wetland;
- View corridors should not be used over the land, because this is not defined within the property of the hotel;
- Parkland should not be a substitute (water slips should not be a substitute because they are not open to the public in general);
- Commercial slips are not public slips; and
- The whole project is too big, too tall, and doesn't fit in the area.

Ms. Odette expressed the following concerns: the Marina belongs to everyone and the people don't need a hotel, they need water-based activities, and places to enjoy the water.

Ms. Marino read a passage from the Marina del Rey Land Use Plan, defining "Shall" and "Will." She then read a passage from the California Coastal Act about environmentally sensitive habitat areas and adjacent developments.

Ms. Marino stated that development should be sited and designed to prevent impacts which would significantly degrade sensitive areas and should be compatible with the continuance of those habitat and recreation areas. Ms. Marino showed a map of the Santa Monica and Ballona Watershed that indicated the entire Marina is a former wetland.

Ms. Cloke told Ms. Marino that she was welcome to write to the Board and that the written response would be included in the packets to Board members.

Ms. Hanscom said that the time to do the delineation is inadequate, the delineation report is deficient, and the biological technical report is inaccurate and deficient. There is no mention of *Heliotropium curassavicum*, which is seaside heliotrope, an obligant wetland plant that's pervasive on the site. Perhaps this omission is because presence on the proposed hotel site would mean these areas would not be allowed to be built on. Ms. Hanscom thinks the delineation needs more work and perhaps even a field visit with the Coastal Commission's biologist or maybe the Fish and Game biologist/botanist. The buffer area is important and usually the Coastal Commission requires a 100 foot buffer from wetlands; this is 25 feet. Additionally, the proposed plants surrounding the proposed wetland are not appropriate. Maritime Chaparral, Coast Sage, and Coastal Bluff Scrub are not plants that would normally be in this area.

Ms. Cloke announced that written letters to the Board will be read at the June meeting.

Mr. Palmer said he shares many concerns expressed today and encouraged the Board's consultants to respond to their concerns appropriately in June. He said enhancement of the wetlands should be conducted in an expeditious manner. Aspects of the current wetland, including vegetation and soil, must be preserved to the maximum extent possible while maintaining the goal of obtaining a fully functional wetland. A critical element of this is ensuring that the wetland has an appropriate buffer around it. Mr. Palmer suggested having an independent wetlands ecologist review the buffer areas to determine whether the size of the wetland is large enough to fulfill its intended function.

Board Directives:

Ms. Cloke asked Mr. Wisniewski if it would be possible for Mr. Bonkamp and Ms. Culbertson to have public dialogue with some of the wetlands people who have testified today.

Mr. Wisniewski said he hoped that they would reach out to each other, because they will be speaking again in June.

Ms. Cloke said the only directive she had (before this comes back to the Board) is to more fully explore those issues and that the County biologist have a chance to work with the scientists and other wetlands experts that have taken the trouble to testify today. She asked if any other board members had direction before moving on. Mr. Phinney and Mr. Abelar had no directives for the applicant.

She then asked representatives of the hotel whether they wanted to wait until the hearing next month, when Woodfin Hotel and Legacy Partners are together, or if they

wanted to give the Board a short update today in addition to the full presentation in June.

Ms. Cloke announced that there would be no staff reports until the next meeting and allowed representatives for the Woodfin Hotel give a short presentation.

Mr. Wong provided an update to the master plan of the Woodfin Hotel project in Marina del Rey, stating that this project was largely impacted by the designation of the wetlands site located on the original site of the hotel. In assessing the new location, the master plan recognized several points which helped guide this design:

- Retention of the wetland as located now;
- Maximized view and access from the Via Marina road and maintained view corridor;
- Integrated inviting entry from the promenade walk and the park into the hotel;
- New automobile access to the hotel, redirecting the entry and exit to the hotel from Via Marina;
- Siting of the tower in practically the same location;
- New motor court coming from Via Marina;
- Enhancement of a major pedestrian access from the boardwalk to the hotel directly from the lobby.

Ms. Cloke appreciated the concept of the hotel and the wetlands. She suggested the applicant stay involved with the conversations regarding the buffer, for proper siting of the hotel in regard to the wetland. Ms. Cloke also asked the applicant to talk to the biologists and examine shade patterns (because the hotel is very tall). She asked the applicant to provide a clear drawing of what the entry sequence will be like, what the relationship between the edge of the wetlands and the edge of the hotel will be like, and what the passageway will be like.

Mr. Wong said they carefully designed a major pedestrian concourse that leads right into the promenade walkway.

Ms. Cloke said she would just like to see a good drawing for clarification.

Mr. Wong said that the package did have the improved drawing because they felt the same way as she did: that access from the pedestrian walkway to the hotel is an important issue.

Public Comment:

Ms. Marino asked if the developer/architect would bring a rendering or elevation of the hotel to the meeting in June.

Mr. Chesler said the Department retains four sets of the full submittals at various locations around the Marina, for public viewing.

Ms. Odette mentioned that if there was going to be a 19-story building, shadow and wind studies would be needed.

Ms. McPherson reminded the Board that this is not private land, it's public land, and the public wants a wetland, not a hotel.

Mr. Friedman said he was very mindful of the recreational purpose that was envisioned for this Marina before and when it was built. He asked the Board to consider, as Ms. Odette alluded to, that a 19-story building on that site would have a very prevalent damaging effect on sailing in that particular basin all the way down to the main channel.

Ms. Garrett said the Board needs to look at the need for a hotel. She said that the Marina currently has an abundance of hotels and that there are no attractions in this neighborhood outside of boating and water sports, and that is the way it should remain. She asked the Board to rethink the concept of letting the place revert to nature.

Ms. Hansen expressed that the Marina should embrace the idea of genuine ecotourism, that the County's revenues could be found in a much bigger way if the wildlife that lives in the Marina were embraced, understood, interpreted, and marketed to the public. She also said that the Port of Los Angeles is looking at this as a possible mitigation site, which means that they might be able to fund and restore the entire area if it were done right. Ms. Hansen reiterated that this is something the Board should consider.

Mr. Etter said that the Coastal Commission has a coastal plan that is coming into effect in the next couple of months and expressed that the whole project should be held off until it is known what the new coastal plan will actually be saying about it. Mr. Etter said that according to the Coastal Act, dredging, filling or diking in a wetland is prohibited.

Mr. Russell said that the hotel is a shock. It's huge and it should not be up against the water. He said that projects like this are creating a terrific amount of traffic, and suggested the Board consider alternative locations.

Mr. Van de Hoek highlighted the following:

- Shadow gram component is very important;
- A 1981 study conducted to determine whether pelicans would fly into areas consisting of tall buildings determined that pelicans would be hurt significantly. He asked the Board to really think of this under a sequi process to link this to the Marina harbor;

- There are at last 250 wetland plants that would have to be salvaged and relocated;
- The plant landscaping ecosystems are incorrect and are from the Santa Monica Mountains, with the exception of one, which is creating a coastal prairie;
- The prairie advice was incorrect and prairies and wetlands go together like a hand and glove; and
- It would make good sense to have a prairie component to complement the wetland.

Board Comments:

Ms. Cloke said she would like to have the staff report organized to include:

- Land use regulations and brief history of what would govern this site because there are matters that have been decided by other bodies which are outside the jurisdiction of this Board; and
- Have those regulatory actions which are outside the Board's jurisdiction delineated (not that those actions can't be discussed and appealed to other bodies).

Ms. Cloke said that people should understand where they are most effective in raising what issues and that it is important for everyone to understand all pertinent regulatory actions. She asked that new staff reports incorporate report material as revised by the biologist subsequent to the discussions as discussed today and should contain a section on what the sequi review revealed.

Mr. Abelar said he would be interested in input with reference to information on the new Coastal Commission plan, which will give the Board an idea of what may be happening, how it may affect the Board's decisions, and better inform the Board.

Mr. Phinney said he would like to make sure that in June the Board's comments for staff and the applicant are inclusive. He believed there was a shadow study done on this project and said, if the tower hasn't moved significantly, then it probably will stand. He believed there was also a wind study done and emphasized that it is incumbent on the applicant to provide the Board with as much information as possible. Mr. Phinney asked the applicant to address the angled wall on the property line that separates this parcel from the Legacy parcel. He then asked Mr. Bomkamp to address the difference between a vernal wetland and a tidal wetland.

Ms. Cloke said, with reference to the sequi review, depending on the information submitted, it may have a serious impact on what the design is and the Board does need to have that information available.

B. **Parcels 55, 56 & W – Fisherman's Village - DCB #02-029-B**
Reconsideration of redevelopment.

Mr. Chesler gave a brief overview of the project, which was conceptually approved under the original plan by the Board in January 2003. Staff recommends approval with the following conditions:

- Return to the Board with full project design details when available;
- Applicant provide a detailed shared parking study, substantiating the number of parking spaces necessary to meet all of the anticipated parking demands, which will also be necessary in working with the Department of Regional Planning;
- The applicant, along with Regional Planning, will review a demolition and trucking plan to minimize impacts to the Marina during the construction;
- Applicant provide a water quality management plan to address many of the Board's earlier concerns about controlling run-off and best management practices;
- Applicant provide detailed plans for underground parking and circulation on site; and
- The waterfront improvement permits be provided as required under the terms of the lease, and approved by the Department's Harbor Engineer.

Public Comment:

Mr. Levine said that his association has been supportive of this project since its inception almost a decade ago. It conforms to the certified Local Coastal Program, and it could be an important catalytic project for increased visitor usage in the Marina.

Ms. Marino said she liked many features of this plan and said she was very impressed with the job that the architects have done, but added that the hotel leaps out as being completely unnecessary. She said she would like to see more open space to satisfy the needs of the increased population of the area and added that Fisherman's Village is one of the identifying features of Marina del Rey.

Ms. Younis read a formal letter from the Westchester LAX Marina del Rey Chamber of Commerce which espoused their support for this project. Ms. Younis said the Chamber encourages the Board to approve this project, as it is a giant stride toward the improvement of the business community. She also said the Chamber's Board of Directors believe this project is an important step for the much needed revitalization of Marina del Rey. Personally, Ms. Younis said she feels the developers have thought of everything and are responding to the community's requests.

Mr. Van de Hoek suggested some positive things that the Ballona Institute thinks could happen and some things that they are already doing at Fisherman's Village. Daniel's Bicycle Shop currently offers bicycle nature tours that are free to the public, which

bridge to the local economy. He said the electric boat is going to be their next venture and will offer free natural history tours. Mr. Van de Hoek also described a channel, that connects into Area A and parallels Fiji Way, that was the original route the water traveled through until the 1950s. Mr. Van de Hoek emphasized that Area A needs to be tied into Fisherman's Village and expressed that everyone is missing the opportunity to think of the "big picture" on the eco-tourism opportunities.

Ms. Odette said she would worry about the building height in regard to sailing but said one thing she has not heard discussed is how they are going to accomplish this with the least amount of disruption to the people living in the area.

Ms. Rassman inquired if there would be a fuel dock for the public at Fisherman's Village.

Board Comments:

Ms. Cloke inquired about a part of the staff report regarding an additional 78,000 square feet of development. She asked what happened between the project that the Board looked at several years ago and this project, and what accounts for the difference in square feet.

Mr. Pashaie said that approximately 65,000 of the 78,000 square feet is the hotel, and there is an additional 12,000 or 13,000 square feet of retail shops and restaurants.

Ms. Cloke asked why so much more square footage was available this time.

Mr. Clark said that last time they weren't maximizing their entitlements.

Ms. Cloke asked if the Local Coastal Plan and the zoning of the land use regulations allow 127,450 square feet by right?

Mr. Clark said they do. There are no Local Coastal Plan amendments being required or asked for.

Ms. Cloke said she thought this was an appropriate hotel location; connected to Fisherman's Village and public usage.

Ms. Cloke asked how the increase in square footage would affect parking, and asked for details about the parking structure and parking space locations.

Mr. Pashaie said they didn't have enough parking and what they tried to do was make it subterranean and locate it in one area to the north. Then they provided parking on the left side adjacent to Shanghai Red's. The hotel requires very few parking spaces (75

spaces total), which brings the critical mass component to the area but doesn't require many more parking spaces.

Ms. Cloke asked what the total number of parking spaces was.

Mr. Hollander responded 846 parking spaces.

Ms. Cloke asked how many spaces were in the above-grade garage.

Mr. Pashaie said he thinks it is subdivided, but he didn't have the study with him.

Ms. Cloke asked if there was any subterranean parking below the above-grade garage.

Mr. Pashaie said the garage on the left hand side (the parking structure) goes only 5 feet below ground. The subterranean garage on the right hand side (under the hotel) goes 10 to 10.5 feet, depending upon where the view corridors are going to be located.

Ms. Cloke asked if pumping would be required.

Mr. Pashaie said they would pump both sides, especially during construction.

Ms. Cloke asked if the project meets 100 % of it's parking needs.

Mr. Clark said no, that the project was short approximately 110 spaces, but that this figure is all service for the scheduled charter boat use.

Ms. Cloke asked where those people were going to park.

Mr. Clark said that the chartered boat visitors would park at Parcel 49. That is still being worked out, but it is somewhere adjacent to this site on Fiji Way.

Ms. Cloke expressed that the Board is a little leery about parking quotes.

Mr. Clark said that this project was not part of any promised parking structure in another location in the Marina. He said that Parcel 49 was being considered because it is a very large surface parking area right down the street and it is underutilized during the evenings, when these chartered operations would occur.

Ms. Cloke asked what would be needed to provide all of the parking on site, and if any proposed charter slips would be lost?

Mr. Hollander responded that some boats require 100 parking spaces themselves (e.g., charter boats). It is dependent upon the occupancy of the boat. So, a boat with an occupancy of 300 would require one space for every three occupants.

Ms. Cloke asked if only one charter boat in the Parcel 55 location would allow all of the parking needs to be met on site.

Mr. Pashaie said he believes so. Mr. Clark reminded the Chair that they were also required to provide 94 spaces for businesses that occur off site (e.g., Shanghai Red's Restaurant).

Ms. Cloke said that Mr. Hollander mentioned that if the FantaSea was absent, all of the parking needs would be met on site.

Mr. Clark said that was correct.

Ms. Cloke said she wants to talk to the people from the LMU Boat Club because the Board approved their boathouse in that facility and had a lot of concerns about putting a boat the size of the FantaSea next to little tiny sculls. She said she wanted to have somebody from LMU who knows a lot more about boating than she did come and comment on those questions. Ms. Cloke said that one of the things that would make her more comfortable would be to make sure that one of the big charter boats was relocated to allow all of the parking on site. Ms. Cloke said that although she didn't mind shared parking, she felt that having a large number of parking spaces to be resolved would not promote good public policy.

Mr. Pashaie commented that the 100 unresolved spaces are without regards for a shared parking analysis. He said that if they did a shared parking analysis, they believe they would meet all the requirements on site.

Ms. Cloke asked what kind of shared parking analysis would be done.

Mr. Pashaie said that not all the boats are going to be out at the same time. Not everybody will be operational at the same time and that a shared parking analysis would be conducted.

Ms. Cloke said she would be willing to look at the shared analysis but thought it was a pretty good argument.

Ms. Cloke asked where the people using the pump-out station would park and why the pump-out station is located in the center instead of on the edges.

Mr. Pashaie said normally pump outs are put on one common dock within a Marina, so it was placed on one outside end tie, which was the easiest end tie for access.

Ms. Cloke asked about the position of the boat that would utilize the pump-out station.

Mr. Pashaie said it is a common dock that any boat within this Marina would use. He said the boat that uses the pump-out station would tie to the outside end tie and said there is also a pump-out station on the opposite side.

Ms. Cloke asked why they wanted to have pump-out and fuel stations right there in the center of the maximum tourist attractions, performance centers, and the lighthouse. She said that was like putting the gas station and the toilets in the middle of the performance area.

Mr. Pashaie said they appreciate constructive comments to use for discussion and resolution.

Ms. Cloke said another thing she would like them to look at is the need to have a little more depth. She also suggested they think about more tall trees, landscape, and garden.

Mr. Pashaie responded that if they made more depth, they would lose four rows of parking and their problems would be compounded.

Ms. Cloke asked if the height of the parking structure was 45 feet all the way across.

Mr. Pashaie responded the height is 45 feet. On the water side it is half a flight smaller, approximately 40 feet. He said the parking structure has a 45-foot height limit throughout.

Ms. Cloke asked about the height of the center portion from the water side (the retail stores on either side).

Mr. Pashaie said it is about 30 to 35 feet.

Ms. Cloke asked if the hotel goes back up to 45 feet.

Mr. Pashaie responded that the hotel is 49 feet to the eave line and then there is a mansard, which is about 5 or 6 feet above.

Ms. Cloke asked about the height of the restaurant at the end.

Mr. Pashaie responded that it was about 50 to 55 feet to the top.

Mr. Phinney said he met with the applicant and architect to review the project. He asked Beaches and Harbors staff to discuss briefly the approval process that this applicant faces with respect to waterside improvements.

Mr. Wisniewski said that the Coastal Commission retains primary jurisdiction over all waterside improvements.

Ms. Cloke asked whether the Costal Commission looks at this development after the Board does.

Mr. Wisniewski responded no, unless it is appealed to the Coastal Commission.

Mr. Chesler said that the Department has Corps of Engineers jurisdiction with regard to dock improvement.

Mr. Phinney asked if the applicant was required to provide a certain number of parking spaces for Shanghai Red's Restaurant or for an adjacent owner.

Mr. Hollander said 94 spaces.

Mr. Phinney asked if the issue was just the approximately 110 parking spaces that could not be located on site.

Mr. Clark said that was correct. He said they were hoping to apply to Regional Planning for off site shuttle parking, which is a clearly prescribed procedure in the County Code.

Ms. Cloke asked what nearby lot would be used for the off site shuttle parking.

Mr. Clark responded Parcel 49 (public launch ramp).

Mr. Wisniewski said it was the Department's impression that the shared parking analysis would address this issue.

Mr. Phinney said he didn't want to burden the applicant by limiting them to only one charter operation because of the parking concern, because he felt the charter operations were an integral park of the project.

Mr. Pashaie said they could add one level of parking to the parking structure; they wanted to be very sensitive to the wind study and the massing of the site.

Mr. Phinney asked if they could talk briefly about material, colors, and quality of materials, specifically with respect to the roof.

Mr. Pashaie said the roof is going to be a real copper roof. The walls will be made of concrete and plaster and all four sides of the building are going to be finished.

Mr. Phinney asked about lighting and wanted the applicant keep in mind the importance of keeping it energized and exciting, that it be viable at night but not overly heroic, and sensitive to the night sky. With respect to paving materials on-site and off-site, he asked what materials would be used.

Mr. Pashaie said to the extent possible they would use concrete pavers. He said he would prefer to have inter-locked pavers.

Mr. Phinney asked Ms. Mason about the handicapped access to the waterside improvements and said that they seem remote from the general retail area. Mr. Phinney encouraged the applicants to think about ADA compliance with respect to public restrooms, public parking, and accessibility to seaside attractions.

Mr. Hollander responded that they could easily add another gangway at very little cost.

Mr. Phinney commended the architect on his disguise of the parking structure. He then asked if the retail components would remain at the facility.

Mr. Pashaie said they are not going to eliminate any amenities, only enhance them.

Mr. Phinney asked about the phasing of the construction.

Mr. Hollander said construction would be two-phase.

Mr. Phinney asked the applicants to address those issues at the next meeting.

Mr. Abelar asked if the boat slips would be private, open, or visitor.

Mr. Hollander said large slips (approximately 50–70 feet) are basically commercial docks, but if recreational boats fit that size, they would rent it, perhaps on a short-term basis.

Mr. Abelar asked if there would be any visitor slips available.

Mr. Hollander said there are two transient docks for that purpose.

Mr. Pashaie said that Ms. Younis just informed him that the slip requirement at Fisherman's Village is designated for commercial operations.

Ms. Younis reminded everyone that the ground lease on this parcel requires that slips at Fisherman's Village be utilized for commercial operations. It is one of the only places in Marina del Rey where retail businesses can park boats. It doesn't preclude transient slips.

Mr. Abelar expressed he would be unhappy to see a lack of visitor slips because they have a large, family-inviting environment and a lot of people in the Marina would utilize transient docks.

Mr. Pashaie said there would be no private boats docked there permanently.

Ms. Cloke said that currently there is only one transient dock in the plan.

Mr. Pashaie said they originally had two transient docks but are receptive to expansion.

Mr. Abelar asked if they are going to have 17 boat slips, what type of businesses would be utilizing the slips.

Mr. Pashaie said commercial operations.

Mr. Abelar expressed concern about the location of the pump-out stations.

Mr. Hollander agreed that they needed to be relocated.

Mr. Abelar asked if the slip restrooms were going to be the restrooms for people on boats.

Mr. Hollander said they should separate them and create additional restrooms.

Mr. Abelar asked if there would be personal storage areas for boaters and travelers. He suggested they take that into consideration. Mr. Abelar then asked about the time frame on construction.

Mr. Pashaie said if they are able to do it in one phase, it would probably take approximately 14 to 16 months; if they have to do it in two phases, it will take two years.

Ms. Cloke asked about the approval process of waterside improvements. Specifically, she wanted to know where the project would go after Board approval.

Mr. Wisniewski said the next step involves sending the entire project to the Regional Planning Commission; the waterside portion would go to the Coastal Commission for issuance of a Coastal Development Permit. He added that Regional Planning has the ability to issue a Coastal Development Permit for the landside portion, but it would be subject to appeal to the Coastal Commission.

Ms. Cloke mentioned some of the waterside improvements she felt still required resolution (location of the fuel docks and pump-out stations) and urged the applicant to address the needs of the community to make the Marina a part of their daily lives. Lastly, she inquired if there was any legal reason why there was a lack of transient/visitor parking, and if the project could be redesigned.

Mr. Wisniewski said the Department requested the developer ensure he provides space for the FantaSea Yachts. In terms of redesign, Mr. Wisniewski didn't know the boat slip requirement for the sport fishing and charter operations, but said they were

maximizing use. Mr. Wisniewski said in terms of the number of transient slips and dinghy space, he would encourage the lessee, upon return, to maximize the amount of space for such amenities.

Ms. Cloke (Phinney) moved for conceptual approval of DCB #02-029-B, with the condition that applicant return with a revised waterfront design, having paid attention to the issues of the location of the fuel docks, the pump-out stations, transient/visitor boat parking, small-boat rental opportunities, and handicapped access. Ms. Cloke said she would also like them to look at locations of public restrooms for the waterfront side, and resolve the parking shortage in whatever way is best, and, lastly, to discuss this issue with LMU. [Unanimous consent.]

C. **Parcels 111/112 – Marina Harbor – DCB #06-010-B**
Reconsideration of redevelopment.

Ms. Cloke thanked the applicant for the changes they made on the project. Ms. Cloke suggested that since they are coming back with a sign package, they look at the dolphin fountain and the dolphin way-finding symbols, unless for some kind of construction or development reason they need to do it now.

Mr. Levine said they were fine.

Public Comment:

None.

Board Comments:

Mr. Phinney suggested having the dolphins on the fence 10-15 percent larger.

Mr. Levine asked how the Board would like to approach the signage issue.

Ms. Cloke granted some latitude, but suggested that the fountain with the dolphins in it was big enough to carry a sign on a pedestal.

Ms. Cloke (Abelar) moved for conceptual approval of DCB #06-010-B, with the following conditions: (i) the trellis over the public beach access ways should mimic the architectural style of the trellis on the building; (ii) redesign of the entry stairs, landscape, and the narrowing in the benches (part of the approval process); and (iii) the park at the bottom (the new design approved). She moved that the dolphin fountain and way-finding symbols return for approval as part of the signage package at a later date. [Unanimous consent.]

D. **Marina del Rey WaterBus – DCB #05-007-B**
Consideration of new banners and identity graphics.

Ms. Crane said the Department is trying to establish a solid name with a solid identity in an effort to get the people to destinations, cluster the banners at the intersections and right-of-ways, and identify boarding locations.

Public Comment:

Ms. Cloke introduced Mr. Landini, a new Small Craft Harbor Commission Member.

Mr. Landini expressed that he felt the colors are garish, the logo itself is not easily recognized, there are far too many in number, and the size at the entry gate is far too large.

Ms. Marino expressed the following:

- She thought that "WaterBus" was an outstanding appellate for this project;
- She would like to see it expanded to a year-round program as an alternate means of transportation;
- She previously experienced trouble finding locations, due to the abundance of signs of similar color along the waterfront;
- She liked the idea of having banners on either side of a light pole rather than every other light pole along the waterfront;
- She expressed that the sign is a little garish; and
- She liked the idea of putting it in the pavement as an alternative to more banners.

Board Comments:

Ms. Cloke said the banners were too big and there were too many of them. She said she would be willing to treat this project as a pilot program and thought the important part of it being successful was an exceptional logo and advertising.

Mr. Phinney said it would be great if the map was a keepsake or if there was a button that said "I jumped the WaterBus in Marina del Rey."

Ms. Cloke said that less is more.

Mr. Phinney inquired if the Department could actually accomplish a signage program between now and September.

Ms. Cloke said she felt the Board was being forced to approve something that puts them in a very vulnerable situation (vis à vis, all the developers who came before the Board).

Ms. Crane said if both Mr. Phinney and Ms. Cloke would commit to taking a trip on the WaterBus, then she would like to have open discussion on how they could proceed. Ms. Cloke suggested inviting Mr. Landini as well.

Mr. Wisniewski said he thought that the Department also needed to commit to presenting signage at the March 2007 Design Control Board meeting.

Comments from the Public:

Ms. Cloke asked if there were any members of the public wishing to comment on something not on the agenda and within the jurisdiction of the Board.

Ms. Marino asked, with reference to the Woodfin Hotel and Fishermen's Village, what the deadline would be for public written comment.

Mr. Faughnan said written comment could be submitted up to the date of the meeting.

Ms. Cloke asked as to the deadline for inclusion into the packets to the Board members.

Mr. Wisniewski suggested they submit agenda items for inclusion by Thursday before the next regularly scheduled Design Control Board meeting.

Ms. Cloke said she would like to read a letter into the record in honor of Dave Johnson and said please include everything into the minutes.

> "A dear friend and treasure of our community passed away yesterday morning. Dave Johnson, owner, editor and publisher of *The Argonaut*, has been an integral part of the greater Marina del Rey area since *The Argonaut's* founding in 1971.
>
> Dave was a true pillar of the community. In addition to *The Argonaut* he contributed to and served so many organizations, it is difficult to list them all. Among them were: The Venice Family Clinic, the Marina del Rey Library, the Daniel Freeman Hospital, the Boys & Girls Club of Venice, two Chambers of Commerce, two Rotary Clubs, the Marina del Rey Boat Parade—and these groups were pleased to return Dave's support by presenting him with their highest honors and awards.
>
> ...But it was through *The Argonaut* that the community knew Dave best. His standards for editorial excellence were high and exacting, and his perspective was always motivated by his sincere desire to be fair and positive.

He has memorialized this community and now we memorialize him.

We will miss David Asper Johnson."

E. **Parcels 95 & LLS – Marina Gateway - DCB #02-026-B**
Reconsideration of redevelopment.

Not heard due to time constraints.

6. **New Business**

A. **Parcel 50 – Waterside Marina – DCB #06-012**
Consideration of additional identification signage for all tenants.

Not heard due to time constraints.

B. **Parcel 50 – Waterside Marina – DCB #06-013**
Approval of existing merchandise kiosks.

Not heard due to time constraints.

Ms. Cloke (Phinney) made a motion for adjournment at 6:30 p.m. [Unanimous Consent.]

Respectfully submitted,

C. L. Petters
Design Control Board Secretary