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Los Angeles County Beaches & Harbors — Caring for Your Coast

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

May 19, 2005

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

SUBJECT: **COMMISSION AGENDA – MAY 25, 2005**

Enclosed is the May 25, 2005 meeting agenda, together with the minutes from your meetings of March 9, 2005 and April 13, 2005. Also enclosed are reports related to agenda items 3a, 3b, 4a, 5a, 5c and 6a.

Agenda Item 5b on your agenda pertains to the assignment of leasehold interest and amendment to lease of Parcel 33R (Harbor House Restaurant). We will place this matter on your Commission's future agenda, as the Department was not provided with adequate documentation in a timely manner for the assignment to be considered in this meeting.

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

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Special Meeting
SMALL CRAFT HARBOR COMMISSION

AGENDA
MAY 25, 2005
2:00 p.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: Meetings of March 9, 2005 and April 13, 2005

3. **REGULAR REPORTS** (DISCUSS REPORTS)

   a. Marina Sheriff
      - Crime Statistics
      - Enforcement of Seaworthy & Liveaboard Sections of the Harbor Ordinance
      - Pedestrian/Bike/Vehicle Accidents (VERBAL REPORT)

   b. Marina del Rey and Beach Special Events

4. **OLD BUSINESS**

   a. Marina del Rey Local Coastal Program Timeline and Information Summary (DISCUSS REPORT)

5. **NEW BUSINESS**

   a. Marina Beach Strategic Plan (VERBAL REPORT)

   b. Consent to Assignment of Leasehold Interest and Amendment to Lease – Parcel 33R (Harbor House) – Marina del Rey (RECOMMEND TO BOARD OF SUPERVISORS)

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c. Approval of Second Amendment to Option Agreement and Joint Escrow Instructions for Lease Nos. 6734 and 11140 – Parcels 44U (Pier 44) and 77W (77 Del Rey) – Marina del Rey (RECOMMEND TO BOARD OF SUPERVISORS)

6. **STAFF REPORT** (DISCUSS REPORT)

a. Ongoing Activities
   - Board Actions on Items Relating to Marina del Rey
   - Design Control Board Minutes
   - Response to Public Inquiries

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://beaches.co.la.ca.us

   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

Si necesita asistencia para interpretar esta informacion llame al (310) 305-9547.

Small Craft Harbor Commission
Meeting of April 13, 2005
Minutes

Commissioners Present	Excused
Carole Stevens, Vice-Chairperson	Harley Searcy, Chairman
Russ Lesser	Joe Crail

Department of Beaches & Harbors:	Stan Wisniewski, Director Roger Moliere, Deputy Director, Asset Mgmt & Planning Bureau Joe Chesler, Chief, Planning Division Dusty Crane, Chief, Community Services & Marketing Division
Other County Departments:	Thomas Faughnan, Principal Deputy County Counsel Captain Mary Campbell, Sheriff's Department Lt. Greg Nelson, Sheriff's Department Deputy Paul Carvalho, Sheriff's Department
Also Present:	Beverly Moore, Executive Director, MdR Convention & Visitors Bureau

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

Vice-Chairperson Stevens called the meeting of the Los Angeles County Small Craft Harbor Commission to order at 9:38 a.m. in the Burton W. Chace Park Community Room, Marina del Rey.

Vice-Chairperson Stevens announced the absence of Chairman Searcy and Commissioner Crail. Action could not be taken on the absences since the Commission lacked a quorum.

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

2. APPROVAL OF MINUTES

Since there was no quorum, Vice-Chairperson Stevens postponed action on the March 9, 2005 minutes until the May meeting.

VICE-CHAIRPERSON STEVENS OPENED THE FLOOR TO PUBLIC COMMENT

Ms. Carla Andrus requested a correction to the March 9, 2005 minutes, where she stated under Agenda Item 4--Old Business that at its January 2005 meeting the Commission requested staff to arrange a presentation on the Parcel 9U development project. Ms. Andrus had meant to say the Commissioners made the request at the November 2004 rather than January 2005 meeting.

Ms. Andrus explained that the correction is important because the error led to Mr. Wisniewski's misunderstanding that she wanted more information on Parcel 9U's potential wetlands designation when what she really wanted was for staff to arrange a presentation on Parcel 9U's proposed development. She would like to know about the planned hotel, park, etc and "how the changes of land use evolved." Ms. Andrus wants the Parcel 9U developer to give a presentation on the issue.

3. REGULAR REPORTS

a. Marina Sheriff

-- *Crime Statistics*

Lt. Greg Nelson reported a small decrease in the March crime statistics. He noted that there is a trend primarily in Basin E with an increase in outboard motor thefts. The Department is concentrating its patrol efforts there to try to stem the trend.

Lt. Nelson introduced Captain Mary Campbell, the new commander of the MdR Sheriff station.

Vice-Chairperson Stevens welcomed Ms. Susan Baier to the meeting and informed attendees that Ms. Baier is the new MdR County librarian.

Lt. Nelson announced that an identity theft lecture hosted by the L.A. County Sheriff's Department, MdR Chamber of Commerce and MdR Community Advisory Committee is scheduled for 6:30 p.m., Thursday, April 14, at the Courtyard by Marriott Hotel/Marina del Rey. The public is welcome to attend.

Commissioner Lesser commended the Sheriff's Department for its initiative in alerting people to a crime that has disrupted so many lives.

Lt. Nelson reported that the MdR Sheriff's station is a member of the Tsunami Task Force, which was developed by the L.A. County Office of Emergency Management. The task force is taking the tsunami threat seriously and is doing what it can to prepare for such an occurrence.

Lt. Nelson explained that the County is modeling its preparedness along the same lines as the state of Oregon, where a tsunami killed several people years ago. The plan includes an early warning system and appropriate signage identifying the evacuation routes and hazard areas. He showed a map displaying a run up of a 42 ft. tsunami, which is equivalent to the tsunami that occurred recently in Southeast Asia.

Lt. Nelson commented that his intent is not to panic anyone, since a tsunami here of this magnitude is extremely unlikely, but he just wanted the Commissioners and members of the public to know that the task force is developing a plan so that the loss of life is minimized.

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

Deputy Paul Carvalho reported little change since his last report in the number of Notices to Comply and citations that were issued. He doesn't think the numbers will change for the next few months until the Department can eliminate the impounded vessels currently at the docks. There are 26 impounded vessels and the docks are filled to maximum capacity.

Deputy Carvalho explained that there isn't room for more impounds and, as such, no new Notices to Comply have been issued. Although the Department has never impounded a vessel solely for the reason of being unseaworthy, these vessels seem to, once the Notice to Comply has been issued, move about the Marina and end up in an anchorage illegally moored and the Department ends up with the vessel. Until the Department can eliminate the impounded vessels, it will not actively seek unseaworthy vessels.

VICE-CHAIRPERSON STEVENS OPENED THE FLOOR TO PUBLIC COMMENT

Ms. Carla Andrus asked whether there are plans to change the laws related to boat lien sales. Mr. Wisniewski and Lt. Nelson informed Ms. Andrus that their departments are not pursuing any changes in the law.

Ms. Andrus also commented that Regional Planning has discussed tsunami emergency preparations. She questioned whether the Commission could recommend that Regional Planning include emergency preparations when considering the Marina's development plans.

b. Marina del Rey and Beach Special Events

Per Mr. Wisniewski's request, Vice-Chairperson Stevens received and filed the MdR and Beach Special Events report.

c. Marina del Rey Convention and Visitors Bureau

Mr. Wisniewski informed the Commission that, starting today, Beverly Moore would report on the Marina del Rey Convention and Visitors Bureau activities under Agenda Item 3c (relocated from Agenda Item 6b).

Ms. Beverly Moore distributed the newest edition of the MdR Boaters Guide and reported that it is completely supported by advertisers, is free of charge to the public and would be distributed throughout the Marina. She noted that it has a more appealing cover and a completely new two-page harbor map, which lists boater services, facilities and also identifies individual dock slip number locations, making it easier for visiting boaters to find their way through the Marina.

Ms. Moore also distributed copies of the Visitors Bureau's hospitality newsletter, which mentions local and regional tourism activities. The newsletter is distributed to approximately 1,000 local residents, businesses and government officials every quarter.

Vice-Chairperson Stevens complimented Ms. Moore on the material.

In conclusion, Ms. Moore distributed copies of an article that resulted from the Visitor Bureau's outreach efforts. The article appeared March 29, 2005 in the business travel section of New York Times.com. Its lead photo displayed a picture of the Marina's Oakwood Apartments and the complex was mentioned throughout the article.

4. OLD BUSINESS

None

5. NEW BUSINESS

None

6. STAFF REPORTS

Before proceeding to item 6a, Commissioner Lesser took a moment to comment on the decision to hold today's meeting despite the lack of a quorum, old business, new business or action items on the agenda. He recalled that at the March meeting, a member of the public expressed concern that cancelled meetings required the public to wait another month to address the Commission. Rather than cancel the April meeting due to lack of a quorum or action items and have the public wait until May, Mr. Wisniewski made the decision to have a meeting and give people an opportunity to contribute input,

particularly regarding Archstone-Marina Apartments, which is an item that has raised so much concern.

Commissioner Lesser said that the decision to hold the meeting was the right one.

Mr. Wisniewski agreed with Commissioner Lesser that having today's meeting was the right thing to do and would give members of the public, particularly the Archstone tenants, chance to voice their concerns.

a. Ongoing Activities Report

-- Board of Supervisors Actions on Items Relating to Marina del Rey

Mr. Wisniewski reported that at its April 5, 2005 meeting, the Board of Supervisors authorized the Department to enter exclusive negotiations for Parcel 1S with The BoatYard and Westrec Marina Management, Inc. However, the Board added the condition that any food service proposed as part of the project be limited to "take-out" food service as well as a structure that doesn't exceed the height of the existing structure in recognition of the potential impact on the adjacent lessee.

Mr. Wisniewski said that when the Parcel 1S lease is negotiated and ready, it would be brought back to the Commission for its recommendation en route to the Board of Supervisors.

Further, Mr. Wisniewski reported that at its April 5 meeting, the Board provided the Department negotiating instructions for Parcel IR (proposed Marriott Residence Inn), Parcel 27 (Jamaica Bay Inn) and Parcel 7 (Tahiti Marina). He said that once the term sheets are negotiated, the documents would be brought back to the Commission en route to the Board of Supervisors.

Vice-Chairperson Stevens asked the location of Parcel IR. Mr. Wisniewski responded that it is the large parking lot at the corner of Via Marina and Admiralty Way and is adjacent to the picnic shelters. He reminded the Commissioners that any development done in the area has to provide full replacement of all public parking and a major view corridor at the center of the parcel that opens up the site all the way to the water without any obstruction.

Mr. Wisniewski concluded his report, stating that at its April 5 meeting, the Board awarded contracts with Selbert Perkins Design, OHSO Design and Admax Advertising and Design, at an aggregate annual County cost not to exceed $38,000 for as-needed graphic services for Marina del Rey and County beaches.

-- Design Control Board (DCB) Minutes

Mr. Wisniewski reported that the March 2005 DCB minutes are attached to the Ongoing Activities Report.

-- Marina del Rey Local Coastal Program (LCP) Periodic Review

Mr. Wisniewski reported that in March 2005, the California Coastal Commission held a scoping hearing to assess the priority issues that would be addressed in the Marina del Rey Local Coastal Program (LCP) Periodic Review. Coastal Commission staff is now working to complete its Draft Periodic Review Report and he believes that the report is scheduled for presentation at the June 2005 Coastal Commission meeting in Long Beach.

Vice-Chairperson Stevens requested staff to provide the Commission and public with copies of the Draft Periodic Review Report when it becomes available. Mr. Wisniewski responded that copies of the report would be provided at the appropriate Commission meeting when it becomes available.

-- Tenant Concerns Regarding Management of Archstone-Marina Apartments – Parcel 102

Mr. Wisniewski reported that this item was included on the agenda in response to the Commission's request in March to invite Archstone representatives to the April meeting. He informed the Commission that, per the advice of its legal counsel, Archstone's representatives are not attending today's meeting since the company is in litigation with Coalition to Save the Marina, the Marina Tenants Association and three individuals. He said that the Department's staff would ensure the public's comments are relayed to Archstone.

VICE-CHAIRPERSON STEVENS OPENED THE FLOOR TO PUBLIC COMMENT

-- Public Comments – MdR Local Coastal Program Review

Ms. Nadine Gallegos commented that Mr. Wisniewski did not discuss in his verbal report the issues that were covered at the Coastal Commission's January public workshop. She had expected Mr. Moliere to cover the issues since he had indicated at the March Small Craft Harbor Commission meeting that he would report on the matter.

Vice-Chairperson Stevens informed Ms. Gallegos that staff would provide the Commission and members of the public a copy of the Draft Periodic Review Report when it becomes available.

Ms. Gallegos questioned the need to wait until June for the Draft Periodic Review Report when there are already several issues for the Department to address. She said that California Coastal Commission (CCC) staff acquired a lot of information from its January workshop and posted the data in February on the Coastal Commission website. Ms. Gallegos would like to discuss the issues that are identified on the website so that the public attending the Small Craft Harbor Commission meeting could be informed.

Vice-Chairperson Stevens asked staff to place on the Small Craft Harbor Commission's May agenda discussion of the January 2005 priority issues that are posted on the CCC's website. Mr. Wisniewski responded that the information would be added to the Commission's Ongoing Activities Report.

Vice-Chairperson Stevens commented that she served on the CCC for two years and is familiar with its operation. She wants the public to understand that CCC staff conducts the LCP Periodic Review and develops the reports. If members of the public are interested in being involved in the process, they should call or submit their written comments/concerns to CCC staff.

Mr. Wisniewski reiterated that CCC staff conducts the Periodic Review and develops the report. He explained that, while the Small Craft Harbor Commission is available to hear concerns, it is important for the public to watch for the scheduled LCP workshop dates and direct its comments to CCC staff. The Department would ensure that, as with previous workshops, the Small Craft Harbor Commission is notified of future public workshops and the due dates for the reports. The first draft LCP report is due in June 2005 and a final LCP report is due in the fall 2005.

Mr. Wisniewski mentioned that the Department provided CCC staff with volumes of data that it had requested. He offered to provide the Small Craft Harbor Commission with the information. Vice-Chairperson Stevens requested a summary of what was given to CCC staff. Mr. Wisniewski said that staff would provide the Commission a list of the material that was given to CCC staff and a chronology, which will enable the public to see why it has taken some time to implement the LCP Periodic Review.

-- Public Comments - Archstone

Ms. Dina Novak, Archstone-Marina Apartments resident, informed the Commission that, at the suggestion of Chairman Searcy, she reviewed "all the documents and I'm sorry to say that the County basically rubber stamped Archstone's response, basically parroted their response. That was very sad...no one even bothered sending a representative."

Ms. Novak said that Archstone's statement in its February 1, 2005 letter to the Department that she turned down no less than six apartments that were offered her is false. Ms. Novak, in fact, turned down two apartment offers. With one of the apartments, Ms. Novak heard from the construction workers that there would be falling objects, noise, etc. and they advised her not to take the apartment.

As for the second apartment that was offered, Ms. Novak explained that this unit was in building 7. The offer was made on January 3, but then management called her a couple of days later and took back the offer.

Ms. Novak informed the Commission that she decided to bring pictures to the meeting since a representative did not come to see the conditions around her building. Ms. Novak distributed copies of the pictures, which showed piles of debris.

Commissioner Lesser asked whether the debris is a temporary condition due to construction or is it the standard condition at the complex. Ms. Novak responded that the conditions are temporary, but she resides in the apartment where the debris is located and it's an unlivable situation. She said that buildings and grounds should be free of trash, rodents and other pests.

Ms. Novak said that construction workers throw debris from the second floor to the ground in front of her building. Her pictures show construction workers throwing debris and chunks of concrete, which create a cloud of particles. Ms. Novak breathes in these particles, which drift into her apartment. She doesn't know what she's breathing and no one has told her what she's breathing. Some of the workers have masks and some don't. Archstone did not provide its tenants with masks.

Vice-Chairperson Stevens commented that she assumes there won't be any debris when the construction is completed. Ms. Novak said that tenants were told the construction would be completed in approximately four months; however, in the meantime, she is confronted with the bad conditions from 7:00 in the morning until 5:30 or 6:00 at night, six days per week. Ms. Novak said her apartment is an unlivable unit.

Additionally, Ms. Novak said that Archstone gave her a $1,500 cap and offered to relocate her to another Marina apartment complex, but Archstone raised tenants' rents to the $1,600-$1,700 range. Ms. Novak said that Archstone can't have it both ways and she questions whether her cap should be in the $1,600 rather than $1,500 range.

Further, Ms. Novak said that she requested an apartment in building 7 on the third floor. Archstone informed her that it might be reversing the construction schedule. Building 7 was supposed to stand for approximately one year, but now construction might begin much sooner. She commented that there has to be a solution to the problem.

Ms. Shari Ness, a former Archstone-Marina Apartment tenant, informed the Commission:

> It is illegal for people to have to live in uninhabitable buildings and Archstone is uninhabitable. From the time they have arrived here, every single thing that they have done is illegal. They are liars. They are just horrendous people and they have screwed every single tenant somehow someway.

One of my neighbors, I don't know exactly how old she is and I have her file. She is about 70. She lived there 30 years in Kingswood. I lived there 15 years. She paid her rent, when Archstone came there, a couple of days late. I don't know why. Maybe she was sick. Maybe she was out of town. She lived there 30 years and I think she paid four days late. Archstone wouldn't accept her check. They forced her, they said, 'Well you're paying late so you have to pay $50.00.' Then she writes a check for $50.00. They said, 'well, we're not taking this. You have to go get certified checks.' Then she had to go to the bank...and get one certified check for $50.00 and one for her rent. A couple of days later she calls me in a panic. She was living on my floor. [The elderly lady said], 'I have three summons on my door. What do I do?' I went over there...everything they've done is illegal so they just plaster three summons on her door.

I looked at everything. They were trying to evict her and she had paid her rent. They wanted, like, $500 in attorney fees for her because she paid her rent a couple of days late...I went to the office for her with another one of the tenants and it was plain as day. She had paid her rent before the lawyer even tried to take her to court. We went and we talked to the accountant. We said, 'How do you take $450 or $500...from this poor little old lady who has lived here for 30 years and who lives on Medicare?' He goes, 'We could care less.'

That is their attitude to everyone, 'We're gonna do whatever we want and if you don't like it, sue us.' That is their attitude. So, we said, 'But it's as plain as day. The summons were made after she paid her rent.' They go, 'We don't care.' I said, 'Well, can you please return her money? She lives on Medicare.' [They said], 'Nope. She's gonna have to sue us.' That's the first thing, because she did give them the $500 'cause she couldn't stand them and didn't want to be bothered with them. So now, she has to deal with that.

I moved out of there. Despised is not even a nice enough word for these people. When I moved out, I'd lived there 15 years...I moved out of there. We'd gotten an eviction notice, because of the construction, that we had to leave by November 3. Legally, you're not even entitled to ask for rent after an apartment complex gives you a notice that you have to move out.

They wouldn't give me my security deposit back.... They're saying I still live here. I said, 'I don't live here. You kicked us out. I have another apartment and I have proof of another apartment.' She [management] goes, 'come here we'll talk about it.' I went there. She [management] goes, 'Well we don't care what you say. You're gonna have to sue us...show us proof that you live in another apartment.' I showed them the proof that I live in another apartment. She [management] goes, 'We don't care what you have. You're gonna have to sue us.'

Commissioner Lesser commented that Archstone must already know that Ms. Ness doesn't live at the complex since she isn't paying any rent. Ms. Ness told Commissioner Lesser that he's right. She explained that Archstone is "trying to scam everyone. Their attitude is to sue them. They're trying to get away with keeping everyone's money. Everything they do is illegal."

Ms. Ness mentioned that she is currently trying to purchase a condominium and doesn't want to sue Archstone but Ms. Ness wants the company to return her security deposit.

Vice-Chairperson Stevens informed Ms. Ness that a couple of organizations have filed lawsuits against Archstone. Ms. Ness said that she knows there are several lawsuits against Archstone and she wants to know why the County is allowing Archstone to mistreat tenants.

Commissioner Lesser explained that, as he understands it, the Commission is prohibited from commenting about Ms. Ness' and other tenants' allegations because of the lawsuit filed against the County and Archstone by Coalition to Save the Marina, the Marina Tenants Association and three individuals. He recalled that the Commissioners were advised at the March meeting that their comments have ended up in plaintiffs' documents.

Mr. Faughnan clarified that the Commission will receive public testimony but would not actively engage in discourse with the tenants regarding the issues that have been brought to the Commission's attention. The Commission would refer the issues that are raised today to staff and Archstone's representatives.

Ms. Ness emphasized that Archstone doesn't care about the tenants' concerns. The company has an attitude that it can do whatever it wants and, if the tenants don't like it, the tenants can sue.

Ms. Andrus expressed disappointment that there isn't an objective party attending today's meeting to discuss Archstone and address the tenants' concerns.

-- Public Comments - Board of Supervisors' Actions on Items Relating to Marina del Rey

Ms. Andrus questioned why a contract was awarded to Selbert Perkins Design, OSHO Design and Admax Advertising and Design when there was no public workshop or opportunity for public input prior to awarding the contract. She asked why the County is going to pay for agencies that weren't presented before the public and about which the public knows nothing.

Ms. Andrus commented that there have been failed workshops involving EDAW and this issue should be placed under "Old Business" on the agenda. She noted that there is no "Old Business" on the agenda and Ms. Andrus suggested that the agenda be reexamined or scrutinized since it currently is not conducive to public input.

Further, Ms. Andrus took issue with the grouping of four items under Agenda Item 6a—Staff Reports since it only allows the public to speak three minutes on the entire group when the public should be allowed to speak for three minutes on each item if needed. Ms. Andrus is concerned that she won't have time to speak on some of the items in the group because of this limitation.

7. COMMUNICATION FROM THE PUBLIC

Ms. Nadine Gallegos said that she has had a dinghy storage space on Palawan Way for approximately two years and she appreciates the Commission's attention thus making it possible for her to obtain the space.

In addition, Ms. Gallegos parks at Casa Escobar restaurant on weekdays and in lot 9 by the Harbor House restaurant on weekends and she expressed concern about plans to construct a building on the site. Ms. Gallegos believes that parking should remain at this location, particularly since its availability meets the Local Coastal Plan's goal to provide viewing and access for people who want go to Mother's Beach.

Further, Ms. Gallegos informed the Commission that she has heard from people who walk the north jetty walkway that it has a bad, or poor, design. She walks there daily and has seen a concrete lip on either side and the sand accumulating within it. On some days, the sand is deep at the north end and the water remains there, it doesn't drain off. People have no access and must turn around and come

back. The County goes there almost daily with a crew of community workers, but there always has to be a County employee present to supervise the workers while they're scooping and grooming the sand. She said that the issue really pertains to viewing, safety and accessibility.

Commissioner Lesser requested that staff provide a follow up report to the Commission concerning the north jetty walkway.

Ms. Andrus informed the Commission that there is significant subsidence on Admiralty Way between Palawan Way and the Ritz-Carlton Hotel. A water main broke over a month ago and it took the Fire Department approximately 24-hours to find the problem. There was also oil bubbling from the road, which is potentially another serious hazard to oncoming traffic. Tons of contaminated soil with the oil was hauled from the site. On three different occasions over the last several months, cars have knocked out the concrete lamppost in the median. Although the last accident did not result in a fatality, prior accidents have.

Ms. Andrus said that the California Highway Patrol (CHP) is required to report fatalities and serious car accidents for inclusion in the Sacramento database. None of the recent accidents on Admiralty Way, however, were entered in the database. In fact, none of the accidents on Admiralty Way have been recorded in the database since 1999. Ms. Andrus mentioned that Mr. Winters, L.A. County's Assistant Deputy Director, Traffic and Lighting District, searched the database and was unable to find any data concerning the fatalities on Admiralty Way. He is checking with other agencies to find out whether the accidents were reported and he will provide a traffic count of the area.

Ms. Andrus recommended that the Commission request a quarterly report on accidents in the Marina. She said that Ms. Coleman, the CHP's Public Relations Officer, has offered to provide the reports.

Ms. Andrus also suggested that speed bumps be installed, particularly on mole roads, in anticipation of the increased traffic that will result from Marina development.

Commissioner Lesser commented that Ms. Andrus has a good idea and questioned whether the Sheriff's Department could obtain the available data on pedestrian, bicycle and vehicle accidents.

After being informed by the deputies that CHP is primarily responsible for traffic enforcement, Vice-Chairperson Stevens requested the Sheriff's Department to obtain the available data and report to the Commission on a quarterly basis.

Ms. Andrus thanked the Commission for responding to her request for the quarterly accident reports.

Ms. Andrus referred to a letter and tape she sent to Mr. Chris Musella, audit committee, L.A. County Auditor-Controller's office, regarding the Design Control Board's (DCB) recent sunset review evaluation. She said that Mr. Musella returned the letter and tape to her along with a cover letter informing Ms. Andrus that the material is not the business of the Auditor-Controller's office. Ms. Andrus mentioned that Mr. Musella did not review the tape.

Ms. Andrus asked which County department is responsible for ensuring that the DCB is "handling the objectives and procedures correctly because there are serious issues with the DCB. There are some issues about the minutes. They're very vague. They're not complete. We brought this up to the DCB before."

Vice-Chairperson Stevens suggested that Ms. Andrus address the Design Control Board rather than the Small Craft Harbor Commission (SCHC) since the SCHC and its minutes are not the subject of her concerns. Vice-Chairperson Stevens also commented that the SCHC's minutes are thorough and accurate and she commended the secretary for her efforts.

Ms Andrus asked where she could send her letter and tape. Mr. Wisniewski responded that he would provide a follow up report to the Commission regarding the sunset review process and where the public should submit its concerns/comments.

Mr. David Naftalin expressed disappointment that the Commission lacked a quorum because he wanted it to take action on the liveaboard issue. He gave the following testimony:

> The issue is the eviction of liveaboards in order to refurbish and renovate docks. I think this is a very important and very proper issue for the Commission to address because it's an issue that's perfect for a policy directive rather than for litigation.
>
> I represent the Marina Tenants Association and in particular Stuart Hoffman. Dr. Hoffman is being evicted from his liveaboard slip. By the time we meet next month, they probably would have served papers on him. He was ordered out in early May.
>
> As you people know, the nature of the liveaboard commitment is an expensive one. It's a serious one. In many ways, liveaboards can be considered a very important part of the Marina, an essential part of the Marina's soul. There is a background with state law having made a finding in Health and Safety Code section 800.70 that:
>
> > Legislative findings declare that because of the high cost of moving floating homes, the potential for damage resulting there from the requirements relating to the installation of floating homes and current government policies limiting the availability that they need the unique protection of this act.
>
> In fact, there's an argument that this act applies, but that's not the argument I'm making now. That would be a legal argument that might be made later. There's the liveaboard ordinance, when they were in trouble before, in the 1900's of the County code. There's the same thing about Policy Statement 27. There's a more intensive review and there's a shortage, there's a real shortage of slips.
>
> The policy there [Marina Harbor] is...they're gonna renovate the docks. Everybody is evicted and then there's gonna be a lottery. Well, it's not even a lottery, what the idea is is that they're gonna come in and, based on a number of factors, you don't know how they weigh it, they're gonna decide who is gonna live there.
>
> Stuart and I went and had a meeting with the harbormaster at Marina Harbor and he explained that they were gonna get rid of everybody and then new people could come in. Old people could come in. People from other marinas, anybody could come in. They [applicants] submit an application, then they [management] decide who they're gonna rent to. What can be more fair than that?
>
> I was just dumbfounded. What could be more fair than that? My thinking is that what can be more fair is protecting people who have existing rights and a huge investment. I think it would be an extremely good thing for the County to urge the Department and the lessee to look into the possibility of giving preferences. There's a precedent in many of the other buildings, in the landside buildings, to giving precedence to existing tenants. It's unseemly to force these people into legal litigation.
>
> The lessees, of course, want the freedom to rent to anybody, but it makes perfect sense for the County to establish a policy urging them...perhaps, they don't want to voluntarily give up the freedom to rent just to anybody, but the County could be very helpful in urging them to do that.

As I say, there's a precedent. There's a group here, a finite group of people that made an incredible commitment to a lifestyle that's very valuable to this Marina, that's expensive. They [management] just ask, upon 60 days notice, 'give up your lifestyle, junk the boat, and maybe we'll let you back in 4-6 months.'

We're not fighting the policy of renovation, the fact that they're going to bigger slips. That's not the question. The question is should these people get some protection.

I would like to see this item agendized for next month. I would like to see a moratorium on this while the County is considering the policy. I would like to see a policy in place urging this small group of people to be given this protection. I don't think it would set any kind of negative precedent for the Marina. I would like to have a directive of some sort issued to the Department to look into this to see what the status of it is and to help us protect these people rather than, as I say, leaving it to the vagaries and pain of litigation.

Commissioner Lesser asked Mr. Faughnan whether Mr. Naftalin is suing the County. Mr. Faughnan responded that Mr. Naftalin is one of the attorneys representing the Coalition to Save the Marina, the Marina Tenants Association and other individuals and the County is named as a defendant in the lawsuits.

Commissioner Lesser reminded Vice-Chairperson Stevens and staff that he would not be able to attend the May 11, 2005 meeting.

8. ADJOURNMENT

Vice-Chairperson Stevens adjourned the meeting at 10:44 a.m.

Respectfully submitted,

Toni Minor
Commission Secretary

Small Craft Harbor Commission
Meeting of March 9, 2005
Minutes

Commissioners Present

Harley Searcy, Chairman
Carole Stevens, Vice-Chairperson
Joe Crail
Russ Lesser

Department of Beaches & Harbors:	Stan Wisniewski, Director Roger Moliere, Deputy Director, Asset Mgmt & Planning Bureau Julie Carpenter, Planning Division Dusty Crane, Chief, Community Services & Marketing Division
Other County Departments:	Tom Faughnan, Senior Deputy County Counsel Lt. Greg Nelson, Sheriff's Department Deputy Paul Carvalho, Sheriff's Department
Also Present:	Beverly Moore, Executive Director, MdR Convention & Visitors Bureau

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 9:36 a.m. in the Burton W. Chace Park Community Room, Marina del Rey.

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

2. APPROVAL OF MINUTES

Vice-Chairperson Stevens moved and Commissioner Lesser seconded a motion to approve the January 12, 2005 minutes. The motion passed unanimously.

3. REGULAR REPORTS

a. Marina Sheriff

-- *Crime Statistics*

Lt. Greg Nelson reported that the statistics are probably lower than the Department has seen in quite some time. The year-end statistics also indicate that crimes are down across the board, with the exception of forceable rape. There is a continuing problem with vehicle burglaries in the subterranean garages on the waterside, with people continuing to leave their laptops, cell phones and CDs on vehicle front seats. The Department is planning to formulate strategies and plans to address the problem.

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

Deputy Carvalho reported that no new Notices to Comply or warnings were issued during the month of February. He said that there are still efforts to acquire the funds to destroy the 18 vessels that have gone through the lien sale procedure. Another eight vessels are awaiting lien sale procedures.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Ms. Carla Andrus asked whether copies of the Department of Motor Vehicle regulations are available for the public. She recalls that staff was requested at the January meeting to provide the regulations at today's meeting.

There was discussion as to the specific regulations to which Ms. Andrus was referring. Chairman Searcy clarified that at the January meeting he suggested that staff place copies of the seaworthy and illegal mooring ordinances on the public information table.

Deputy Carvalho commented that if Ms. Andrus is referring to regulations that pertain to lien sale procedures, they are covered in the Harbors and Navigations Code Section 504 and they are available on the Internet.

After further discussion, Ms. Andrus asked whether Deputy Carvalho could provide a copy of the regulations pertaining to lien sale procedures at the next meeting. Chairman Searcy responded that the material would be provided at that time.

b. Marina del Rey and Beach Special Events

Mr. Wisniewski reported that the upcoming events include the Opening Day Ceremonies for the MdR Yacht Clubs, Fisherman's Village Weekend Concerts, the annual MdR Anglers Halibut Derby and the Department sponsored Marina del Rey Outdoor Adventures, which includes bird watching and kayaking.

4. OLD BUSINESS

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Although no old business was listed on the agenda, Chairman Searcy opened the floor to public comment since he had received a request to speak on the item.

Ms. Andrus informed the Commission that she thought the Parcel 9U Woodfin Hotel project that was discussed at the January meeting would be on today's agenda under "Old Business." She said that at the January meeting, the Commission had requested a presentation on the matter and Chairman Searcy asked staff to present whatever information is available on the project.

Mr. Wisniewski clarified that at the January meeting there was discussion about the potential identification of a wetlands on Parcel 9U. At that meeting, he informed the Commission that the prospective developer of the site had retained a consultant to review and determine whether a wetland existed on the site. A report has been given to the lessee. When the Department obtains a copy of the report, it will be made available to the Commission and the public.

Chairman Searcy explained to Ms. Andrus that since the Department does not have any additional information from what was discussed at the January meeting, there is nothing new to present at today's meeting. The Department would present new information when it is available.

Ms. Andrus said that she recalls the Commission requesting staff to provide the same information that was provided to the Design Control Board. Ms. Andrus emphasized her need for clarification on the issues pertaining to Parcel 9U.

Chairman Searcy informed Ms. Andrus that at a prior Commission meeting staff presented an encapsulation of the Parcel 9U information that had been presented to the Design Control Board. He suggested that Ms. Andrus contact staff after today's meeting to request this material. Chairman Searcy stressed to her that the information currently available is that which was already provided at a prior meeting. He reiterated that there is no new information to give Ms. Andrus at this time. When there is new information available, it will be presented to the Commission.

5. NEW BUSINESS

a. Request for Authorization to Enter into Exclusive Negotiations for Parcel 1S (Fuel Dock) - Marina del Rey

Mr. Moliere informed the Commission that this item is a recommendation for exclusive negotiating authority for a new fuel dock facility at Parcel 1S. The Department received four proposals in response to a Request for Proposals (RFP). These proposals were judged by an evaluation committee. Attached to the Board letter is a complete report that provides a lot of detail about the proposals.

The Department received three proposals from existing lessees and one from a new proposer, Best Fuel, which is composed of a local restaurateur and gas station operator. The evaluation committee selected the BoatYard/Westrec proposal for the new fuel dock facility. The BoatYard is an existing lessee and Westrec is a national marina and marine fuel operator. The Department is requesting the Commission's recommendation to enter into exclusive negotiations with the BoatYard/Westrec proposers.

Mr. Moliere explained that the BoatYard/Westrec's plan is conceptual; however, the eventual negotiated plan should bear a strong resemblance to it. One criterion the evaluation panel was concerned about was that there be uninterrupted fuel service during any construction of new facilities. All of the proposers made a commitment to continue fuel services during construction. Some of the other services might have slight interruption, such as bait and other services; however, one aspect of the BoatYard/Westrec plan is that there is already an existing facility at Parcel 53 and many of those services could be transferred to Parcel 53 in the interim so there would be no interruption and services could continue.

The existing BoatYard facility has approximately a 250' long fueling station. The BoatYard/Westrec proposal has almost exactly the same area for fueling. The plan adds space for vessels up to 185', which has been a missing component in the Marina and provides for large transient berthing. There will be 15 other slips, including ten transient slips and five other slips available.

Chairman Searcy asked how the transient slips would be administered. Mr. Moliere responded that the lessee would administer the slips on a daily or weekly basis for boaters traveling through the area.

Chairman Searcy asked whether the slips are private. Mr. Moliere responded "yes" and said they would not be leased on a long-term basis.

Chairman Searcy asked whether the transient slips would be subject to the lessee's rules and regulations in terms of what constitutes transiency. Mr. Moliere responded that it would be the lessee's rules; however, the lease would probably address the issue as well since it is an issue the Department would be concerned about. There would be provisions in the lease that would define what would be considered transient in terms of time and duration of stay.

Further, Mr. Moliere stated that the BoatYard/Westrec proposal provides a retail kiosk of approximately 300' for bait and sundry merchandise sales. The proposal uniquely has an approximate 3000 square foot building for a restaurant facility with a view deck and it provides public bathroom facilities and a number of other amenities that are not there at the current fuel station. The proposal provides 13 parking spaces and a high-speed pump operation. One of the other features that the evaluation committee found appealing was that the BoatYard/Westrec proposal included a marketing plan to extend the fuel services and berthing to transient boats and larger boats throughout the area.

Chairman Searcy asked the height on the current building. Mr. Moliere responded that the current building is approximately 10' tall. There is a drop off from the parking lot area down toward the water, but at the level of the adjacent apartments, for example, there's approximately a 10' tall building.

Chairman Searcy asked the height of the proposed building. Mr. Moliere responded the height is approximately 13'.

Chairman Searcy said that he doesn't understand the plan to go from a one-story building at 10' high to a 2-story building that's 13' high. Mr. Moliere explained that there aren't really two floors in the true sense. There's a podium at one end with the floor above and then at the water level it drops to the bottom at dock level. Although it's theoretically two-stories, in fact, from the ground level at the back, it's actually 13' tall.

Mr. Wisniewski pointed out that as each new leasehold is redeveloped, there would be a requirement to open up the waterfront promenade. He hopes that someday in negotiation with Mariner's Village (Parcel 113) that it could be opened up so that there could be a waterfront promenade that comes from Aubrey Austin Park all the way around to bring people from the beach into Marina del Rey. The restaurant could prove to be very attractive for the people walking along the promenade as well as for the people who are having their boats fueled.

Chairman Searcy asked whether all of the proposals included docks with new high-speed pumps. Mr. Moliere responded that most of the proposals certainly did.

Chairman Searcy asked how parking would be accommodated. Mr. Moliere responded that the evaluation committee and the BoatYard/Westrec proposer considered this issue. The proposer made what the evaluation committee considered a good argument, which is that the parking is adequate because restaurant patrons would be pedestrians or boaters.

Chairman Searcy asked how parking would be accommodated if the restaurant became very successful. Mr. Moliere responded that there are several solutions, one of which is the public parking lot within approximately one-quarter mile of the restaurant and has approximately 60 spaces.

Mr. Wisniewski commented that it isn't going to take off as a restaurant for people who are driving because the intent is for the restaurant to be available for those people who come via boat and walking. If other people want to use it, they will need to find a place to park. The parking in the area is leasehold parking and there wouldn't be restaurant parking allocated. People can park in a County lot and walk to the restaurant, but Mr. Wisniewski doesn't think it's going to be very popular to do that.

Mr. Wisniewski reminded the Commissioners that one element of the Marina's Asset Management Strategy is to encourage people to leave their cars. The restaurant would provide a nice use for transient boaters even if they don't want to fuel up and just want to come for a nice meal. The beautiful location is certainly an asset.

Commissioner Lesser referred to the four proposal evaluations, which were attached to the Board letter, and suggested that in the future, staff list the pros and cons for each proposal side by side so that it would make the evaluations easier to read. Chairman Searcy agreed and suggested that the Department resume its former method of using a matrix to list the proposals so that Commissioners could clearly see the proposals' rank, strengths, drawbacks, etc.

Commissioner Lesser read the following paragraph from the BoatYard/Westrec proposal evaluation listed on page 7 of the attachment:

> The main drawback to this proposal is the possible difficulty in obtaining entitlements, particularly to provide sufficient parking for the proposed restaurant. However, the proposer has experience managing development projects and making the related entitlement applications in the Marina and other areas, and has provided a plan to obtain a parking permit, which emphasizes the multi-modal transportation opportunities offered by the water taxi, as well as dinghies, boats, and pedestrian connections. This proposer has a coherent strategy to seek entitlements, and had specifically stated his willingness to downsize or otherwise change the use of the restaurant space to another visitor-serving use. Even with a reduced restaurant facility, the fueling experience and existing contracts of Westrec, together with the proposed merchandising approach, suggest that this proposal would provide the best

> opportunity to expand and improve fuel service operations and enhance the marketing image of the Marina.

In reference to the paragraph, Commissioner Lesser asked staff to identify the major difficulties in obtaining entitlements.

Before answering Commissioner Lesser's question, Mr. Moliere commented on the Commission's request to provide a matrix of the proposals. He explained that one of the difficulties with providing a matrix is that there are so many variables that sometimes there are not direct cognates among the proposed plans, but the Commissioners are correct that showing a matrix in the future would be helpful.

In response to Commissioner Lesser's entitlement question, Mr. Moliere said that there is sufficient parking. The BoatYard/Westrec analysis indicates that the current code would require four spaces for the permanent slips and one for the small kiosk. The transient slips require no parking, per code, and the remaining seven parking spaces would meet the requirements for the other parcel operations. BoatYard/Westrec concluded that the parking and other requirements were met because the parcel designation, the designation for entitlement, allows food service. It doesn't specifically, however, allow a restaurant per se.

Mr. Moliere said that the counter argument would be, if the Regional Planning Commission is not persuaded, that the BoatYard/Westrec would need a pure restaurant designation and would go to a requirement that is a number of seats times a multiple. If that happens and Boatyard/Westrec is not able to prevail, then the restaurant would not have the appropriate parking unless the company can make another arrangement with an adjacent lessee. The BoatYard/Westrec proposer indicated that if the company is unable to obtain the required parking, its strategy is to convert the facility to another visitor-serving use.

Chairman Searcy asked whether staff's position is that if BoatYard/Westrec is unable to obtain the required parking, it would still remain the recommended proposal. Mr. Moliere responded, "yes," and explained that in terms of numbers, there's a fair gap that went from approx. 90 points to 68 points. He noted that in all the four categories, BoatYard/Westrec was the highest rated proposal in all four.

Commissioner Lesser asked what the economic detriment to Boatyard/Westrec would be if the restaurant didn't work. Mr. Moliere responded that the restaurant is not a huge component and amounts to something under 11%. If the difference in actual dollars among the proposers is considered, BoatYard/Westrec would still be the highest proposer at the $300,000 level. The current lessee's, Marina Fuels, proposal was somewhat higher; however the evaluation committee didn't feel it was a realistic projection. The projection was $421,000 and the committee thought it was overly optimistic.

Commissioner Lesser asked whether the other proposers require any new entitlements other than what they already have. Mr. Moliere responded, "yes," but maybe in a different way. He explained that one of the recurrent difficulties with a smaller parcel is the flop over on the waterside and whether or not fairways are broached. There's a current problem right now that is possibly a difficulty in that some of the docks require actual intrusion into adjacent leaseholds in order to properly access them. These kinds of problems were involved in at least one of the other proposals. There always are various difficulties to one degree or another. None of the difficulties appear to be serious but all had, to one extent or another, some possible requirement for entitlement or other zoning adjustment.

Vice-Chairperson Stevens asked whether the cruise ships anchored in the Marina buy their fuel at the fuel dock or go elsewhere. Mr. Moliere responded that he knows the Catalina ferry buys its fuel in the Marina and he believes the Fantasea Yachts do as well; there's nothing else close enough otherwise.

Vice-Chairperson Stevens commented that it's an important issue because the ferry and the Fantasea are big ships. Mr. Wisniewski asked her to explain the importance of whether ships do or don't buy

their fuel in the Marina. Vice-Chairperson Stevens responded that it's important because these ships rely on the Marina's fuel dock, whose purpose is to be a fuel dock, not a restaurant, but a fuel dock.

Chairman Searcy asked whether, under the recommended proposal, it is sufficient to continue fueling for both the Catalina ferry and the Fantasea Yachts, etc. Mr. Wisniewski responded, "yes."

Vice-Chairperson Stevens questioned whether people would want to dine at a restaurant and watch the boats being pumped out or filled with fuel. Mr. Moliere responded that the restaurant is fairly removed from the fueling station and not directly in front of the planned restaurant. The views can be oriented either across or toward the far end of the channel. He added that some people like to watch the fueling activity and the restaurant will have view decks.

Mr. Wisniewski commented that he is aware of a restaurant in the Orange County area that's adjacent to the launch ramp and he finds it entertaining to have lunch there and watch people launching their boats. He doesn't remember whether there is a fuel facility, but there are people who find activities related to the marine environment interesting.

Vice-Chairperson Stevens commented that she could imagine the fuel dock offering food service with prepackaged meals for take out orders. Many of the boaters go to the Ralphs deli now for take out food. It would be fine for people to have an opportunity to buy a packaged lunch and motor off in a boat.

Mr. Wisniewski informed the Commission that Mr. Greg Schem, The BoatYard/Westrec proposer, is at today's meeting to answer any questions the Commission has pertaining to the restaurant and other plans.

Before Mr. Schem came to the podium, Commissioner Crail asked whether the proposed fuel dock would remain the same length. Mr. Moliere responded that the proposed dock is within 10' of the current dock length.

Commissioner Crail said that currently there are diesel fuel dispensers on the north side and the gas lane on the south. He commented that the new fuel dock should have the same amount of fuel dispensers and the gas and diesel should remain separated.

Commissioner Crail also commented that boaters use the inside for fueling but The BoatYard/Westrec proposal has the inside designated for water taxis, bait, etc. Mr. Moliere informed him that the proposal is conceptual and Mr. Schem can discuss the details with the Commission.

Vice-Chairperson Stevens said that she loves the idea of a transient space for boats, but she can't envision, after taking a drive and looking at the site, a restaurant there, particularly with Fisherman's Village being redone with new restaurants, etc.

Chairman Searcy reminded everyone that today, first and foremost, the Commission is being asked to approve a recommendation for the Department to begin negotiations within which the refinement of some of these ideas could be brought to bear.

Mr. Greg Schem came to the podium and expressed appreciation for the way the Department handled the RFP process. He said,

> I look forward to having this opportunity to be selected and look forward to working with the County and lessees in the Marina. I heard a lot of questions about what the concept was here. We run the Marina del Rey BoatYard. Fuel, first and foremost, was a fairly easy part of the proposal to address. My operating partner, Westrec, actually runs 32 other fueling stations around the country and are the largest owner and operator of marinas nationwide.

We have taken a lot of time and consideration to engineer state of the art high-speed operations, operating pumps that would pump in excess of 60 gallons per minute. We have additional technology, such as the ability for fast pay so that large commercial services, such as the ferry we talked about could come off ours and fuel up. These boats with large tanks take a long time to fuel up so they can do this after hours. They have their speed pass. They can swipe it by. There will always be an attendant there making sure there are no spills and that all safety requirements are taken care of. These people can be out of the way of the recreational boater who typically shows up early in the morning to get bait, fuel and go out and do what they're going to do.

The fuel part of it we've put a lot of thought to it and I think we've extensively answered that we've got the ability to do a good job on the fuel delivery systems. The issue of the restaurant comes from a conceptual thought of how do we do more in Marina del Rey than we currently have. We looked at the site and said, 'what else can we do here to make it more exciting?' The restaurant came from the idea that we've got this water taxi and it's a wonderful thing but in a lot of ways it doesn't go anywhere. These people get on it, they drive around and that's a fun experience. For people who aren't boaters that's a nice experience, but where does it go? Where is its designation, like Newport Beach or some other comparable location with a place to off load and do something fun and entertaining?

We thought, and as Roger pointed out, this was early in the process, that some kind of area where people can gather, have food, whether it's prepackaged or in restaurant, and we originally went with the restaurant concept because we thought, as many fuel stations have around the world, they do have a restaurant use next to them. For a lot of people who aren't boaters they find it pretty entertaining to pull up and see the activity. There's a fish weighing station for tournaments. There's boats coming in and out. There's a lot of activity, people baiting up and getting out in the morning. I think there is more demand for that type of entertainment use than you would think, whether it's prepackaged or whether it's on-site food prep.

Vice-Chairperson Stevens commented that there appears to be a dichotomy. On the one hand, Mr. Schem is saying that people like to drive up and go to a restaurant and watch the boats being fueled, but earlier the Commission was told that the plan is to provide a place for boaters and pedestrians to go. She thought the idea is for people to drive up in their boats, not their vehicles. Mr. Schem clarified that he was referring to people "driving" up in their boats rather than their vehicles.

Vice-Chairman Stevens said that the people driving up in their boats are those people who are already familiar with the marine environment. Mr. Schem said that people who utilize the water taxi might not be familiar with the marine environment. They could park their cars, board the water taxi and get dropped off at the BoatYard/Westrec restaurant. Additionally, the restaurant, with its viewing platform, would be a nice place for people walking the promenade.

Commissioner Crail commented that he wanted to ensure the new docks would provide the same ability to fuel the boats as what currently exists. Mr. Schem assured him that there would be high-speed fueling pumps operating on both sides of the platform. There would also be electronic access and a split tank system so there could be premixed fuels.

Commissioner Crail asked whether both sides of the platform would be available for fueling. Mr. Schem responded that both sides of the main fuel dock would be available.

Commissioner Lesser asked Mr. Schem, hypothetically speaking, if the Commission were given the choice to either keep the current facility or proceed with The BoatYard/Westrec proposal, how would the proposed facility enhance the boater's experience and improve the ability to handle more boaters. Mr. Schem was asked, for the point of discussion, to disregard the potential revenue to the County and restaurant benefits and cite other advantages to proceeding with The BoatYard/Westrec proposal.

Mr. Schem responded that, as a boater, he really understands and could answer Commissioner Lesser's question. He said that the answer pertains to improving the level of service. The fuel dock needs to be able to pump more fuel more efficiently and have more extensive hours with more professionally trained individuals. He stressed that he isn't criticizing the current operation, but there has to be better oil containment for potential spills. Currently, there's an oil change business at the location that is a very nice amenity but he believes it's more appropriately done at The BoatYard where there is the secondary containment and security and environmental systems are ready to go if there is a release.

Mr. Schem said that it comes down to the technology and ability to pump fuels, more diverse makeup of the fuels that can be sold, and a faster and more professional operation.

Commissioner Lesser asked Mr. Schem to comment on the transient dock plans. Mr. Schem responded that the concept with the transient docks is to make them more accessible to the public and be a place where the public can view, eat and watch the boating activity. Presently, he can't think of a place in the Marina where a person with a dinghy can pull up, tie up his/her boat and recreate in one way or another. Forty percent of the boats in the Marina never leave the slip. Their primary purpose is entertainment at the dock.

Mr. Schem said he is not claiming that the fuel operation is great entertainment, but it would be great to be able to take a boat somewhere and use it and from that activity venture out and do more exciting things. He wants boaters to use the Marina for more boater recreational activities.

Chairman Searcy asked the number of stations or pumps that are at the existing fuel dock. Commissioner Crail responded that he believes there are four diesel pumps and one gas pump. A member of the public interjected that the total number is 17.

Chairman Searcy asked Mr. Schem for the number of stations planned at The BoatYard/Westrec fuel dock. Mr. Schem estimated five pumps at each platform for, he believes, a total of 23.

Mr. Schem said that even with respect to restaurant use, his company is thrilled about trying to improve this particular parcel and proceed with its plans. He looks forward to working with the County and lessees and understands that the surrounding lessees have concerns about the restaurant use as well. He wants to work with them and, hopefully, come up with a solution that makes it workable for everybody.

Mr. Wisniewski commented that the new facility provides a docking space for the water taxi. There will also be a place for people to go and have a meal and give them something to do. This would provide a reason to go to the location.

Chairman Searcy asked whether the other proposals included the water taxi. Mr. Wisniewski responded that all the proposals provided water taxi space at the docks. He added that on the Westside of the Marina, there's a predominance of apartments and, if he were a tenant, he would welcome a restaurant he could walk to. The Chart House, which is on one of the mole roads on the Westside, is a perfect example of how a restaurant can succeed in a residential neighborhood whereas others have not.

Chairman Searcy asked whether the other proposals have restaurants or other amenities. Mr. Moliere responded that many did. For example, one proposal included a market café concept.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Ms. Patricia Younis, of The Bridge Group, attended today's meeting representing the Marina Fuels and Service. Marina Fuels and Service is the current fuel dock operator and one of the proposers. Ms. Younis said that her position at the meeting is not to offer criticism and she is very respectful of Mr. Schem.

Ms. Younis relayed Mr. Warrington's regret for his inability to address the Commission himself. She said that "our position here is that we are extraordinarily disappointed because we tried very hard to remember that this is a fuel dock." Marina Fuel provided lots of high-speed pumps as well as food. The station has already been an official fish weighing station for the past 15 years and is very involved in the sport fishing industry.

Ms. Younis asked whether the proposers' submittals would be available for public review and how she could obtain them. She also requested the timeline for the Department's recommendation to the Board.

Mr. Wisniewski responded that he believes any member of the public can view the submitted proposals and doesn't believe that any of the proposers have submitted any proprietary information. Mr. Moliere commented that to the extent there is proprietary information the proposals would not be available to the public.

Mr. Moliere said that if the public wants copies there may or may not be a charge depending on what the person needed. There are a limited number of proposals because they contain a lot of color graphics and other work. The Department requested 15 copies of each proposal from respondents and many of those were given to the evaluation committee for its use. The proposals are public record and are available for viewing in the office. If anyone wants copies, staff would arrange to have them made.

As for the submission to the Board, Mr. Wisniewski stated that the Board letter would probably be filed with the Executive Office on March 10 to appear on the March 22 Board agenda.

Mr. David Levine, on behalf of Marina Pacific Associates, which is the lessee for Marina Harbor Apartments and Anchorage (Parcels 111/112), informed the Commission that Marina Pacific also submitted a proposal for the fuel docks and was disappointed in not being selected. Mr. Levine made clear that he isn't attending the meeting to question the judgment of the evaluation committee, but is taking serious issue with the plan itself. Marina Pacific is not concerned about who is doing the plan but what is being done that is of paramount concern.

Mr. Levine said that the evaluation committee memorandum that was given to the Commission mischaracterized Marina Pacific's proposals in a number of interesting ways. He referred to the following statement, which appears in the fifth paragraph on page 6 of the memo: "Marina Pacific proposes that the County forego percentage rent for 9 years." Mr. Levine said that this statement gives the impression that the company was not submitting a proposal that would provide for rent. He clarified that Marina Pacific proposed a high minimum ground rent. In fact, the minimum ground rent that was offered was substantially higher than that which was offered by BoatYard/Westrec. Additionally, Marina Pacific made the offer that if its marketing effort was successful and the operation sold more gasoline than was projected the percentage ground rent would kick in sooner. In the end, if the project were successful, the County would benefit.

Mr. Levine said he wanted to make clear that his company proposed a combination of a higher minimum ground rent and a kicker if the project was successful for the County. Mr. Levine clarified the matter because he believes what the evaluation committee did was a "kind of clever mischaracterization of what we've done."

Mr. Wisniewski took exception at Mr. Levine's use of the term, "clever," because the word implies that staff intentionally mischaracterized the information that was provided to the Commission and Mr. Levine should know better than that.

Mr. Moliere explained that Mr. Levine is correct in stating that Marina Pacific provided a minimum rent of approximately $137,000; however, the company did have a provision that it would not pay percentage rent unless it reached a certain high level goal because of what it characterized as the high cost going in. The evaluation committee's calculation indicated that even at the 10-year mark Marina

Pacific would still be approximately $87,000 below the Schem/Westrec proposal. The minimum ground rent difference between the proposals is approximately $20,000.

Mr. Levine apologized for his inappropriate language. He said that Mr. Moliere's statement was correct. Mr. Levine explained that Marina Pacific offered a higher minimum ground rent and suggested that if additional fuel was sold and above its projection, the County would benefit because the company would then begin to pay percentage ground rent once the threshold of fuel sales was passed.

Commissioner Lesser commended Marina Pacific for being one of the best lessees in the Marina. He expressed his hope, however, that the decision would be made over the quality of the proposal rather than the approximate $20,000 in rent revenue. He isn't saying that Marina Pacific had a bad proposal, but the weight was probably placed on experience rather than $20,000.

Mr. Levine stressed that it wasn't really the selected proposer but the plan itself that was of concern to Marina Pacific.

Mr. Levine continued, informing the Commission that Marina Pacific provided the most boat slips of any of the proposers. Additionally, he wanted to make it clear that Marina Pacific offered a takeout food facility as well as a park to be constructed on the parcel. The concept was to provide a pleasant experience for pedestrians and Marina Pacific's proposal offered a takeout facility and larger park in which to enjoy watching the fuel dock operation. Marina Pacific is unalterably opposed to a two-story building and a sit down restaurant on the site.

Further, Mr. Levine said that there were also issues about the inability to control the parking, noise, traffic, garbage, liquor license, fumes, the lighting and whether or not the restaurant would be a nighttime operation. He explained that if there is no parking provided for restaurant patrons and there is sole reliance on pedestrian or boaters, while the nearest parking facility is one half mile away, the Design Control Board would probably preclude having sufficient lighting because of its interference with the nighttime sky. It would be very difficult to have a restaurant operating after dark. Mr. Levine questioned the pressing need to do a project that would compromise the quality of life.

Mr. Levine said that the BoatYard/Westrec project would require an amendment to the LCP. Currently, Parcel 1 is zoned as marine commercial rather than visitor-serving commercial. There is no additional parking and no additional development potential in terms of commercial space. Even if BoatYard/Westrec wants to use the waterfront overlay zone a conditional use permit would be required, which would raise questions about parking, traffic generation, lighting. It would raise a variety of questions.

Mr. Levine told the Commission that the two neighboring parcels are going to object to the plan, not to the operator but to the plan, through the entire entitlement process.

Chairman Searcy commented that BoatYard/Westrec has extensive fuel operation experience. He asked Mr. Levine how many fuel facilities Marina Pacific operates. Mr. Levine responded that under the terms of the Parcels 111/112 lease, the County of Los Angeles required the company to retain a professional marina management firm to manage the anchorage. Currently, the Bellport Group is under contract, which operates fuel facilities elsewhere around the United States, although not as many as the owners of Westrec and The BoatYard.

Chairman Searcy commented that Mr. Levine did not answer his question as to how many fuel facilities Marina Pacific operates. Mr. Levine responded that he believes the number is four. Mr. Levine explained to Chairman Searcy that he had expanded Chairman Searcy's question to address the issue of the state requirements. Mr. Levine said that in order to dispense fuel a California state license is needed.

Mr. Levine said that if the issue is whether there is synergy with The BoatYard, then the question should be asked as to why isn't the fuel facility closer to The BoatYard along Fiji Way, very near the

boat launch ramp, very near Fisherman's Village, which has restaurants already, very near The BoatYard so that oil changes can be done more efficiently.

Mr. Levine questioned why the facility, if the goal is to have more visitor-serving uses, isn't built on the other side of the Marina where there is already zoning and complimentary activities.

Vice-Chairperson Stevens commented on her difficulty in formulating an opinion. A matrix would have made it easier to see what the proposals offered and compare them. There needs to be clarity regarding the number of fuel pumps and transient slips that are proposed for the new facility. She reiterated her concern about the planned restaurant and commented that if a park were there, it would be more sensible than a two-story restaurant.

Ms. Carla Andrus commented that the idea of a park at the fuel facility is a good idea. She also suggested that it would make a good fishing location as well as site for a snack concession. Ms. Andrus disagreed that the location is a good place for a restaurant.

Mr. Shaun Lee, boater and Marina resident, pointed out that there is nothing to do in Marina del Rey. Once a person leaves the Marina, there is nothing to do. He said that in the past he was able to dock and stop at the El Torito restaurant; a boater could pull up there, dock, have lunch, and leave. This can't be done anymore. Mr. Lee and his friends also drive by the old fuel dock and wonder why it can't be used for anything. There also used to be a 15-minute loading area so that boaters could go the Jamaica Bay Inn to have breakfast.

Mr. Lee said that everyone leaves MdR and goes somewhere else. The boaters launch their boats and go to King Harbor, where there is parking. On a Saturday, King Harbor has plenty of boaters stopping at the restaurants and bars. Boaters also go to Long Beach, where there's plenty of restaurants, or Oxnard, where there's plenty of restaurants.

Mr. Lee commented that his purpose at today's meeting isn't to recommend which company would best provide fuel services; however, he would like the Commission to consider the fact that money needs to be generated for the County and its services. There was a time when Fisherman's Village was bustling with people, but now even on a Saturday no one is there. Something has gone wrong. MdR was a thriving marina with things happening and now everything has come to a dead halt. There are less boat slips, more apartments, more traffic. There are no good services and that's why the Marina is failing.

Mr. Lee reiterated that there are no restaurants for boaters to pull up to in the Marina and go have lunch. Boaters can park at Chace Park but there is nothing at Chace Park for them to do. He added that Catalina is an example of a fuel dock that has a restaurant sitting on top of it that is always filled with people on the weekends.

Vice-Chairperson Stevens asked whether the Department would submit the Parcel 1S Board letter on March 10 for the Board meeting on March 15. Mr. Wisniewski responded that if the letter is submitted to the Executive Office on March 10, the Board would discuss it at the March 22 meeting.

Chairman Searcy asked Mr. Wisniewski to clarify what the Department is requesting authorization to do. Mr. Wisniewski responded that the Department and the Chief Administrative Officer are requesting authorization to proceed with negotiations with Harbor Real Estate LP (The BoatYard) and Westrec Marina Management. He said that the Department would have to bring back to the Board of Supervisors and the Commission the actual lease, which would flush out and respond to the concerns that were raised by the Commission and the public.

Vice-Chairperson Stevens requested staff to pay particular attention to the many suggestions made today regarding the use of Parcel 1S.

Commissioner Lesser moved and Commissioner Crail seconded a motion to approve the Director's recommendation to request Board authorization for the CAO and the Director to enter into exclusive

negotiations for Parcel 1S (Fuel Dock) - Marina del Rey with the understanding that there are major concerns by neighbors, boaters, etc., and the primary goals should be to: 1) enhance the boating experience; 2) appease the neighbors as much as possible; and 3) generate as much money for the County as possible. The motion was passed unanimously.

Vice-Chairperson Stevens asked whether the Department is the negotiator. Mr. Wisniewski responded that the Department and the Chief Administrative Office are the negotiators. He noted that Commissioner Lesser's motion encapsulated the Commission's and public comments into three priorities to include during negotiations: 1) maximizing services to the boaters; 2) resolving issues with neighbors; and 3) maximizing revenue to the County.

Mr. Wisniewski suggested there could also be a fourth goal (or supplement to the third goal), which is to maximize visitor-serving uses since there would also be the transient boat operation and the water taxi operation..

b. Approval of First Amendment to Option to Amend Lease No. 13508 – Parcels 95S and LLS (Marina West Shopping Center) – Marina del Rey

c. Approval of Amendment No. 5 to Lease No. 13509 – Parcel 97R (Marina Beach Shopping Center) – Marina del Rey

Mr. Moliere stated that Agenda Items 5b (Marina West Shopping Center) and 5c (Marina Beach Shopping Center) are the two shopping centers on Washington Blvd. & Via Marina and are under the same ownership, Gold Coast (Michael Pashaie and David Taban). Both of the shopping center's redevelopment projects have already been approved by the Commission and most of the regulatory agencies.

Mr. Moliere said that an extensive renovation on Parcel 97 and a complete teardown on Parcel 95 are planned. Two public parks will be constructed and dedicated to the public with fountains and water features at the corner. There is currently a Wells Fargo Bank at Parcel 95. The plan is to relocate the bank to Parcel 97, which is already under construction. The lessee would simultaneously improve Parcel 97 by providing a park space to the public, which would be approximately 70% larger than originally approved and would provide additional fees to the County.

The Parcel 97 project goes from an initial cost of $2.9 million to $5.4 million, which is a substantial increase of the cost that the lessee will pay to change the configuration and to add a larger park space. The County has agreed to extend the lease by an additional eight years, which would allow the lessee to recover the investment and finance the project. Additionally, the lessee is paying another $160,000 in additional extension fees to the County, which would be added to the $400,000 the lessee was paying under the original deal.

Parcel 95 would remain the same size; however, instead of the Wells Fargo Bank, the tenancy would be oriented to restaurant-retail. The project would remain the same; however, the lessee needs a further extension of time to exercise the option because in the interim the Regional Planning Department asked the lessee to consider adding a residential component, which the lessee spent some time exploring until determination was made that the idea wasn't feasible. The lessee has now gone back to the original plan approved by the Commission and the Board of Supervisors. This whole process put the lessee behind schedule and additional time is needed to obtain the final entitlements. The Department is proposing that the lessee be granted the additional time but at a cost, which is $31,666.50.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT ON ITEM 5B—PARCELS 95S and LLS

Mr. Donald Klein, president, Coalition to Save the Marina, expressed the Coalition's opposition to the proposal. He said one reason for the opposition is because the project wasn't approved by the L.A. County Real Estate Commission.

Mr. Klein also mentioned that he's taken aback by the discussion since he and the general public have not seen the plans, yet the Department is preparing to submit them to the Board. Mr. Moliere commented that the material was mailed to the Commission and members of the public that are on the mailing list.

Commissioner Lesser asked how the L.A. County Real Estate Commission is involved with the projects. Mr. Faughnan responded that the Real Estate Commission has nothing to do with the projects. He explained that all of the Marina leases are specifically and expressly exempt from review by the Real Estate Management Commission, which is similar to the Small Craft Harbor Commission. By ordinance, all other leases and property deals in the County go to the Real Estate Management Commission. Marina del Rey is excluded from the Real Estate Commission's review.

Mr. Klein informed the Commission of a sewage problem. The lessee installed a 21" new water main, but did not expand the size of the sewage system. The remodeling that was done to repair some of the problems made the sewage system's interior smaller. He said this is a serious problem that the Commission might want to address with all of the projects. Mr. Klein said that, as he understands it, approximately 10 years ago, the sewage system had almost reached capacity.

Further, Mr. Klein said the development plans on Parcels 95 and 97 are so huge that each one of the projects needs a public hearing. Mr. Klein doesn't believe that the general public has had any opportunity to review the plans nor has he has seen the plans before even though he is on the mailing list. He stressed the need to involve the public and believes that Public Resources Code 30006, which requires public participation, is being violated.

Mr. Moliere commented that none of the plans submitted today, except for the increase in the park's size, are different than what has already been approved by the Commission and other advisory bodies.

Chairman Searcy recalled that at a previous meeting the Commission was given a presentation, including a slide show, on the Parcel 95 and 97 development projects.

Ms. Andrus asked for clarification why the Department is seeking an eight-year lease extension for increased park space. Chairman Searcy responded that park space is only one aspect. There is also an increase in the cost of the redevelopment work.

Ms. Andrus asked Commissioner Lesser whether he has a sublease at Islands Restaurant on Parcel 95. Ms. Andrus also asked, if Commissioner Lesser is an owner, whether his comments pertaining to Parcel 95 would be excluded when the Commission takes action on the item.

Commissioner Lesser responded that he has a very small interest in the Islands partnership and there is a restaurant on Parcel 95S. He explained that he originally bought part of the Manhattan Beach restaurant approximately 15 years ago and the partnership was expanded in all of the restaurants.

Commissioner Lesser questioned whether he should exclude himself from voting on the matter. Mr. Faughnan responded that Commissioner Lesser should abstain from voting on Item 5B–Parcels 95S and LLS.

Ms. Andrus commented that she would like to better understand the projects and see a presentation. Chairman Searcy suggested that she read the materials that staff gave the Commission. He also reminded Ms. Andrus that she was present at the meeting in which staff gave a presentation on the projects.

Additionally, Chairman Searcy told Ms. Andrus that, regarding Parcel 97, there isn't a lot to understand other than the lessee is increasing the park's size. Ms. Andrus said that granting the lessee another eight years for the park increase is unnecessary. She said that the park size should remain as it is and she doesn't see the point of extending the Parcel 97 lease to an additional eight years.

Commissioner Crail moved and Chairman Searcy seconded a motion to recommend Board approval of the First Amendment to Option to Amend Lease No. 13508 – Parcels 95S and LLS (Marina West Shopping Center) – Marina del Rey. The motion passed with Chairman Searcy, Vice-Chairperson Stevens and Commissioner Crail voting in favor and an abstention from Commissioner Lesser.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT ON ITEM 5C – PARCEL 97R

Mr. Donald Klein expressed his concern that there wasn't sufficient attention given to the traffic situation that the shopping center's redevelopment would generate. He said that he doesn't believe the traffic studies done many years ago are up to date with consideration of the residential units that have been built in the surrounding area. He said the Local Coastal Plan should be reviewed before the projects are further considered and implemented.

Ms. Andrus agreed with Mr. Klein's traffic concerns.

Mr. Moliere commented that the square footage would remain the same after the project is completed so the development shouldn't result in increased traffic.

Commissioner Lesser moved and Commissioner Crail seconded a motion to recommend Board approval of the Amendment No. 5 to Lease No. 13509 – Parcel 97R (Marina Beach Shopping Center) – Marina del Rey. The motion was passed unanimously.

d. Approval of First Amendment to Option to Amend Lease No. 6125 – Parcel 140V (Admiralty Apartments) – Marina del Rey

Mr. Moliere reported that the Parcel 140V (Admiralty Apts.) lessee is also Gold Coast. There are no changes in the plans, which have already been approved by the Commission and other advisory bodies. The only issue today is granting the lessee an extension of time in order to exercise the option and obtain the full set of final entitlements and permits. The lessee is behind in this process, perhaps, because it underestimated the time that was necessary.

Mr. Moliere said that the County has notified the lessee that if the lessee wants an extension of time to obtain entitlements, a charge would be imposed. The recommended charge is $16,000 for the three months remaining and $5,000 plus for any additional months remaining, which would equate to approximately one-third of the original option fee. The lessee has agreed to pay the costs.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Donald Klein came to the podium and informed the Commission that he doesn't have anything to add other than what he stated previously.

Ms. Andrus asked what are the options if the lessee doesn't obtain its permits in a timely manner. She questioned whether the lessee's project could be shelved and the Department could then issue a request for proposals for the parcel. Chairman Searcy responded that the Department has the option to: 1) grant the lessee a time extension, without charging additional costs, in order to complete its entitlement process; or 2) grant a time extension and charge the lessee.

Chairman Searcy commented that there might be a third option. Since the lessee still has 20-plus years on the lease, the lease could be allowed to expire and there would be no refurbishment or redevelopment on the property.

Ms. Andrus said that she would like the Commission to consider this third option and allow the 20-year lease to expire since Admiralty Apartments are fine the way they are. She doesn't think the apartments need to be there at all since they cause increased traffic and density and the building's height blocks the mountain range. If the lease were allowed to expire, Ms. Andrus suggested that the Department could issue a Request for Proposals for the parcel.

Commissioner Crail moved and Commissioner Lesser seconded a motion to recommend Board approval of the First Amendment to Option to Amend Lease No. 6125 – Parcel 140V (Admiralty Apartments) – Marina del Rey. The motion was passed unanimously.

e. Approval of Second Amendment to Option Agreement and Joint Escrow Instructions for Lease Nos. 6734 and 11140 – Parcels 44U (Pier 44) and 77W (Del Rey) – Marina del Rey

Mr. Moliere informed the Commission that Gold Coast is also the lessee for Parcels 44U and 77W. This option agreement is one the County acquired to reacquire Parcel 77 and the westerly portion of Parcel 44. The County intends to acquire the parcel in order to expand Chace Park, allow for more transient boat slips and water programs for children and to provide more green space. The option expires in June. Because it is connected with the development of Parcel 44 and that has not proceeded per schedule and is not yet finished, the lessee has agreed to extend at no cost to the County the option that the County has to purchase it.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Shaun Lee asked whether the plan is to reduce the Dock 77 area. Mr. Moliere responded that there are long range plans to increase public docks. There is also a plan to replace all of Parcel 77 and increase that number of current boat storage spaces and other facilities in terms of on-land storage, in water storage, boat repair and a number of other things, including plans for an additional dry stack storage that would be added to the now existing land based storage on Parcel 77, which would ultimately go over to Parcels 52 and GG.

Mr. Lee said he heard that the Boy Scouts Sea Base lease was diminished. Mr. Moliere informed Mr. Lee that what he heard was incorrect. The Sea Base is under construction and once it is finished, the Boy Scouts will have use of the facility.

Chairman Searcy requested The Argonaut reporter, who was sitting in the audience, to publish information in the newspaper concerning the Sea Base and he suggested that the reporter meet with Mr. Moliere after today's meeting to obtain the details.

Mr. Lee asked whether boater services would remain or increase. Chairman Searcy responded that the boater services would increase. No services would be diminished.

Mr. Thomas Cook asked why there are plans to expand Chace Park when he has never even seen the park filled with people. Chairman Searcy responded that there are members of the public who want and lobby for more park space. He commented that the Commission has heard different views from various people about what the Marina should offer. Some people support additional parks while other people oppose them. Some people don't want any new development in the Marina while other people want modernization, etc.

Mr. Cook expressed his understanding that there are many different groups who want different things. He stressed, however, that the Commission is a small craft harbor commission and he doesn't want to see the Marina as a tourist destination with lots of high rise hotels, but no space for people who own small crafts, for which the harbor was originally dredged.

Mr. Cook commented that it seems very convenient to him that Parcel 77 is going the way of green space but part of Parcel 44 is going to be used for a new hotel complex. He asked whether there is quid pro quo going on.

Chairman Searcy responded that the Commission has heard such insinuations before. He informed Mr. Cook that the Parcel 77 project would actually increase boater services.

Relative to the planned hotel on Parcel 44, Mr. Moliere explained that there was an RFP process and the Parcel 44 lessee submitted a proposal for a hotel on the parcel. The hotel project was already approved by the Board for negotiation prior to the option being given. Afterwards, because the

Department requested the lessee to do so, it negotiated a price to purchase some of the land on Parcel 44 that wasn't needed for the hotel along with Parcel 77 so that additional land could be added to park space.

Mr. Cook asked whether the County is terminating the lessee's lease. Mr. Moliere responded that the County is terminating the lessee's lease for its remaining term.

Mr. Cook asked who would operate the dry stack storage on Parcel 77. Mr. Moliere responded that a new lessee would operate the facility and that it would be on Parcels 52 and GG rather then Parcel 77.

Mr. Klein expressed the Coalition to Save the Marina's opposition to the project because it's "so parceled together with all these different things going on here." He said that even though there are plans for a dry stack storage facility, he hasn't seen any information presented on the planned repair facility. Mr. Moliere responded that the repair facility is being replaced with an enlarged facility.

Commissioner Lesser commented that he believes Mr. Klein attended the meeting in which the Parcel 77 and Parcel 44 plans were discussed in depth. Commissioner Lesser clarified that today the Department is only requesting the Commission's recommendation to extend the time in which the County may exercise its rights and options to acquire Parcels 77 and a portion of Parcel 44 at no cost to the County.

Mr. Klein said that since the plan involves a buyback he would like to know how determination was made on the amount of money the County would pay and whether it was based on a fair and reasonable turn of investment. Mr. Moliere told Mr. Klein that there was an independent appraisal of the cost, which showed that the County's payment was at or below market value; therefore, the County was getting an acceptable deal.

Mr. Klein asked whether the County is in the business of buying back property. Chairman Searcy responded that if Mr. Klein, like the lessee, owned property that the County wanted to purchase, then Mr. Klein, like the lessee, would have the right to charge the County for the property.

Mr. Klein said his concern is that the business deals don't involve the public but are done between the Board of Supervisors, the Design Control Board and the Small Craft Harbor Commission. Chairman Searcy informed Mr. Klein that when Mr. Klein attends meetings he has the opportunity to contribute input.

Relative to the Boy Scout Sea Base, Mr. Klein asked whether the Department was required to obtain a California Coastal Permit since the building is not connected to the parcel of land but is in the water. Mr. Klein suggested that the Commission consider this matter.

Mr. David Lennarton suggested that the Commission conduct Saturday meetings so that there would be more opportunities for the public to contribute input. Chairman Searcy informed him that the Commission has held night meetings, which were well attended. Chairman Searcy suggested that Mr. Lennarton look in The Argonaut or on the Department's website for upcoming meetings.

Mr. Lennarton said that he has a fairly new boat that seems to regularly break down and Steve Weinman is a good repair person who is always available to fix it. Mr. Lennarton is concerned that the existing repair facility would be removed before a new one is available for boaters.

Mr. Moliere assured Mr. Lennarton that in all cases in which public facilities, like boat storage and boat repair, are replaced, the new facilities must be constructed and in operation before the old facilities are removed.

Commissioner Lesser moved and Commissioner Crail seconded a motion to recommend Board approval of Second Amendment to Option Agreement and Joint Escrow Instructions for Lease Nos. 6734 and 11140 – Parcels 44U (Pier 44) and 77W (Del Rey) – Marina del Rey. The motion passed

with Chairman Searcy, Commissioner Lesser and Commissioner Crail voting in favor. Vice-Chairperson Stevens momentarily left the room and did not vote on the item.

f. Approval of Assignment of Leasehold Interest for Lease No. 10665 – Parcel 33 (Harbor House Restaurant) – Marina del Rey

Chairman Searcy noted that this item was removed from the agenda.

6. STAFF REPORTS

a. Ongoing Activities Report

Chairman Searcy asked staff whether there are items in the report in need of Commission attention. He commented that Archstone-Marina Apartments is included in the report's "Response to Public Inquiries" section. Mr. Moliere responded that the report speaks for itself and there aren't any particular items he needs to bring to the Commission's attention. He noted, however, that staff informed Archstone-Marina of the concerns expressed by Ms. Alis Berin and Ms. Dina Novak at the January meeting. Archstone provided the Department with a written response to these concerns. Copies of the response were attached to the Ongoing Activities Report and placed on the public information table at today's meeting.

Mr. Moliere commented that, as with many controversial subjects, there are divided opinions. While there are displeased tenants, Archstone brought to the Department's attention many positive comments that were received from existing tenants. Archstone, if not before, has now gone out of its way to try to be responsive to the tenants' concerns. The company has indicated its intent to redouble its efforts to address concerns. Archstone representatives have also indicated a willingness to attend a future Commission meeting to address concerns and, if needed, meet with tenants after the meeting.

After hearing from the other Commissioners that they would like Archstone representatives to attend, Chairman Searcy requested staff to invite Archstone to the April 13 Commission meeting. Chairman Searcy commented that the meeting would provide an opportunity for public input and enable Archstone to hear the public's concerns. He said that there are concerns related to tenant relocation, building renovations, etc., and Archstone should be as humane and work as hard as possible to address these concerns.

Chairman Searcy also requested that the Argonaut reporter publicize in the newspaper Archstone's attendance at the April meeting.

Vice-Chairperson Stevens requested that staff ask Archstone to address the renovation costs for each unit. She believes the estimated amount is $40,000 per unit.

Vice-Chairperson Stevens also commented that the Department's staff report does not address the rent increase to existing tenants. This issue should be addressed at the April meeting since it is an ongoing concern that tenants have brought to the Commission's attention at previous meetings.

Commissioner Lesser commended staff on the Ongoing Activities Report and he noted in particular that the report includes follow up actions to the concerns that were expressed at the January meeting.

Chairman Searcy agreed that the report is excellent and he encouraged members of the public to read the entire report since, in addition to Archstone-Marina, it contains other items of interest.

b. Marina del Rey Convention and Visitors Bureau

Ms. Beverly Moore, Executive Director, Convention and Visitors Bureau, reported that hotel occupancy improved steadily over the past year. For six of the last 12 months, occupancy was reached at 70% or more. The year 2004 resulted in a 71% overall occupancy, which was much better than the previous two years.

The important thing for the County, Ms. Moore said, is that it increase the amount of hotel bed tax revenues that are generated for the County of Los Angeles. While all the figures aren't in, Ms. Moore expects 2004 to come in at approximately $4.8 million compared to $4.1 million in the previous year, which is approximately a 70% increase. This doesn't include the property tax revenues, the business license fees, the ground leases and the other percentage revenues that hotels generate directly to the County of Los Angeles.

The Bureau is also working hard to expand the reach of its Marina.com website. Overall, this website continues to be a very valuable marketing and informational tool for prospective visitors, but also for local residents because it's chocked full of helpful information on local events, such as boating help and dockmasters. Overall, the site received 7.5 million hits last year, one-half million page views and 175,000 unique visitors, which is double from the previous year.

For 2005 so far, the website has already had over 750,000 hits in January and February. There's an average of approximately 20,000 visitors per month to the site. The site is also linked to all of the County sites and local community organizations, which makes it easier to find information on all kinds of things in the community. On line hotel reservations were also added last April.

Through February 2005, approximately $50,000 in hotel room reservations that visitors made themselves on the website were generated. $20,000 of this amount was booked within the last 60 days during the months of January and February. The year 2005 is starting very strong. Ms. Moore is optimistic and hopes to keep the pace throughout the summer months.

7. COMMUNICATION FROM THE PUBLIC

Mr. David Naftalin, representative of the Marina Tenants Association, informed the Commission that:

> I wanted to speak to the role of the Commission as a body that has a certain overarching concern with the issues of the Marina and is the logical place for members of the public to give their final input about these projects. The Marina Tenants Association is concerned primarily with two things. One of them is the tenants and their ability to have parking and some basic amenities of life and a reasonable rent without being gauged.
>
> The second interest we have is having family boaters be out here so that... a guy like Steve Weinman, who just got an unsolicited bid, so that they can have repair facilities, so that they can launch their boats, so there can be places for small boats without people getting squeezed out. So that they cannot have too much traffic, so that they can get their boats here, get them launched, get them repaired. These are people of relatively modest means. This is our goal.
>
> When you approve a transfer of a place like the Kingswood to Archstone and let Archstone pay $87 million to Kingswood, which they take off to the bank, that's kind of an indication of another kind of level of interest in the Marina. Not so much an interest in getting family boaters, not so much of an interest in protecting the lifestyle of 10,000 tenants that are already here, but an interest in high finance and big money. Each one of the projects that has been presented today has that level too.
>
> So we get to a point where, as the Chairman commented, well some people are for this, some people don't want improvement, some people want that, well, the thing is it's almost a divide and conquer type thing. You can go to the Design Control Board. You can go to the Coastal Commission meeting. You can go to the Board of Supervisors and bang your head against the wall. You can come here and bang your head against the wall, but somebody has to be looking at which projects we're going to have.

> My point is basically this, if you want to have 10,000 tenants out here and if you want to have some family boaters, well that's a lot. You kind of have to keep your eye on the ball of what is good for the family boaters and what is good for the tenants. It is not really room to have a third goal out here and that is to make this a big glitzy paradise for tourists and everything else. If you got a little bit of place for guys to do some fishing, for some family boaters to do some things, to pick up lunch, that's great. Nice to have places for people to eat, but there's not ecologically room.
>
> This is a matter of common sense and not a matter of some kind of report to the Coastal Commission. There's not really room for five big high rise buildings surrounding Mothers Bay [Beach] and the quality of life for the present tenants and for the boaters.

Commissioner Lesser questioned whether Mr. Naftalin believes the Marina is intended for the approximately 10,000 residents who reside here and that it has nothing to do with the fact that the Marina is owned by the 13 million people who reside in Los Angeles County.

Chairman Searcy commented that Commissioner Lesser might be taking Mr. Naftalin's comments further than he intended.

Mr. Faughnan informed the Commission that Mr. Naftalin is one of the attorneys representing the plaintiffs in three lawsuits that are currently pending related to Villa Venetia, Neptune Marina and Archstone. Mr. Faughnan said that in the past the Commission's comments have been included in the plaintiffs' documents.

Ms. Nadine Gallegos informed the Commission that she attended the January 2005 California Coastal Commission's (CCC) Local Coastal Program (LCP) Review. The Reviews are a way for the Commission to evaluate whether the Coastal Act is being effectively implemented through local coastal plans. The Argonaut publicized the January LCP Review workshop, which served as part of a data gathering process to find out what Marina del Rey and the County are doing.

Ms. Gallegos stated that the Coastal Commission noted public comments and encouraged the public to write the Commission. The CCC's website posted item W6a, which is a Report on Priority Issues for Marina del Rey Periodic LCP Review (Priority Issues Memo). This memo includes eight pages in table format that display public comments taken from the January workshop and via email. She commented that the table provides a lot of information for the County to consider and use in the future.

Ms. Gallegos suggested that the Argonaut's reporters attend the upcoming Newport Beach LCP workshop. She commented that Mr. Wisniewski and his staff attended the January workshop and she hopes the Department is studying the Priority Issues Memo to report to the community.

Ms. Gallegos requested the Small Craft Harbor Commission to agendize and report on the LCP Review workshops from now until their completion.

The Commissioners commented that it's a good idea to include an LCP update on future agendas. Mr. Moliere informed the Commission that the Department includes an update on the DCB agenda every month and would be happy to report on the matter at future Small Craft Harbor Commission meetings as well.

Ms. Gallegos referred to Vice-Chairperson Stevens' earlier request for staff to use a matrix so that information regarding proposals, etc., would be easier to read and understand. Ms. Gallegos reiterated that the CCC's Report on Priority Issues Memo has an attached table that identifies issues. Narrative serves as backup information or supporting documentation. She suggested that Beaches and Harbors' staff learn the Coastal Commission's techniques of business communication since it's "almost a strategy that if you want an issue to get lost" just provide the public with numerous pages of reading material.

Ms. Gallegos said that if the intent is to provide the necessary data to make a decision the reader should be given a table that summarizes or identifies key points, with supporting documentation attached.

Ms. Carpenter commented that the Department notified the public of the LCP Review workshop by posting a notification at the Department's facilities. Chairman Searcy asked whether the Department posted the notification on the website as well. He asked Mr. Faughnan whether there is a prohibition against posting such notices on the web. Mr. Faughnan responded that he isn't aware of any such prohibitions.

Ms. Andrus expressed frustration with seeing various projects, regardless of public opposition, obtain approval after going through the regulatory process. She recounted her recent experience contacting the County Assessor's office to ask how Doug Ring's property would be assessed. Ms. Andrus informed the Commission that a staff person in the Assessor's office told Ms. Andrus that the issue was too political and that staff "doesn't mention Mr. Ring's name in this office."

Commissioner Lesser asked Ms. Andrus to identify the name of the person to whom she spoke in the Assessor's office. Ms. Andrus responded that the staff names are Dave DuRall, Roger Wald or Scott Shanter. She suggested that perhaps Commissioner Lesser or Tom Martin, 4th District Deputy, could obtain the information pertaining to Mr. Ring.

Ms. Andrus explained that she isn't interested in Mr. Ring's personal finances, but since his business operation does affect the public a great deal, she would like information, such as the formula used to assess his property.

Ms. Andrus believes Mr. Ring's lease requires the property to be in continuous use and she wants to know if he's paying his taxes. Ms. Andrus also wants to know whether his base rent was increased. She commented that Beaches and Harbors hasn't responded to her questions from a previous meeting regarding the issue of Mr. Ring's rent increase on the "degraded docks at Bar Harbor that are scheduled for demolition."

Ms. Andrus said she wrote a letter to the Auditor-Controller's office regarding the sunset review for the Design Control Board and she didn't receive a response. That office wouldn't even review the tape that she sent. Ms. Andrus said she would provide the Commission with a copy of the letter and she hoped that, perhaps, Tom Martin could help "guide the letter through the proper channels."

Ms. Andrus stressed her need for answers and her discouragement after attending many Commission meetings and not receiving any response. Ms. Andrus expressed her weariness of the revolving door involved in going to the Coastal Commission meetings, Regional Planning meetings, Local Coastal Program Review workshops, Design Control Board meetings, etc. She wants fairness in the Marina and doesn't think it's fair what Mr. Ring has done with his property and she thinks his operation should be examined. Ms. Andrus said that it makes her nervous to stand before the Commission and talk about the matter over and over again, but she continues to do so because she believes Mr. Ring's actions are criminal.

Chairman Searcy commented that he's at a loss for words after hearing from Ms. Andrus that the Assessor's office would not give her the formula upon which evaluations and property assessments are based; after all, he believes this to be public information.

Mr. Klein asked the Commission why it has cancelled several meetings within the last year. He commented that cancellations are a dereliction of duty since there are issues that need to be addressed other than items in need of Board approval.

Chairman Searcy responded that Commission meetings are not cancelled just for the sake of canceling them but for various reasons, such as when a member falls ill and there is no quorum without him/her. He assured Mr. Klein that meetings are not cancelled with the intent to "hood wink" the public.

Vice-Chairperson Stevens commented that ten out of twelve meetings were held last year. She reiterated Chairman Searcy's explanation that there have been occasions when health or other reasons prohibited a Commissioner from attending a meeting.

Chairman Searcy stressed that the Commissioners believe in what they're doing and he doesn't perceive his participation as a game. Chairman Searcy expressed how tired he is of people "trying to push us around and tell us that we're either on the take or we don't care about the environment and that we cancel meetings for some mysterious reasons."

Chairman Searcy extended his apologies after blowing off some steam. He commented that it "may be time for me to step down 'cause I'm losing my patience with people who seem to think it's just a one way street to just shoot bullets and not come up with solutions."

Chairman Searcy questioned how Mr. Klein could imply that the Commission is canceling meetings for nefarious reasons. Mr. Klein responded that he wants the Commission to be aware there are important issues to be brought to the Commission's attention and it's upsetting for the public to wait sixty days to address the Commission when a meeting is cancelled.

Chairman Searcy reiterated that Commission meetings are not cancelled as a way for Commissioners to get out of doing their job.

Mr. Klein asked whether the copies of the seaworthy ordinance that were placed on the public information table are amendments to the ordinance. He explained that he didn't see any indication what the ordinance was placed on the table for. Chairman Searcy responded that the seaworthy and illegal mooring ordinances were placed on the public information table in response to a public request from the January meeting.

Relative to Mr. Wisniewski's earlier comment pertaining to Parcel 9U—Woodfin project and its possible wetlands designation, Mr. Klein informed the Commission that the Corps of Engineers took jurisdiction and determined that "a wetland habitat is supported on that parcel and this was in 2001. So they got this information a long time ago and it was also brought up recently in 2005." Mr. Klein commented that Mr. Wisniewski and possibly Joe Chesler are aware of this finding.

Mr. Moliere explained that part of the confusion when discussing a wetland is that there are a number of steps in a number of jurisdictions that determine whether an area is a wetland. In point of fact, the final determination of a wetland presumes that an agency takes final jurisdiction and that there are scientific tests to determine whether there are hydrological and biological wetlands and to what extent, etc.

Mr. Moliere said that when the Department was informed there might be some wetlands incursion on Parcel 9U, the Department contacted the appropriate agencies, including the Army Corps of Engineers, which, at the Department's request, looked at the area and assumed jurisdiction, not because tests were conducted and determination was made that there was a wetland, but because the area is near a navigable waterway and, although the other three agencies involved declined jurisdiction, the Army assumed jurisdiction because its statutory authority extends to areas near a navigable waterway. The final determination of whether there is a wetland occurs in this manner. Mr. Moliere said that, therefore, Mr. Wisniewski's earlier statement was correct. There has been no determination of a "wetland."

Mr. Moliere continued, informing the Commission that what has to happen is that during the rainy season, which just passed, there must be tests of the area to determine all kinds of things about soil condition and about the flora and fauna that happen to be there. This data has to be studied, submitted to the agencies and at that point determination can be made regarding whether there is a jurisdictional wetland for purposes of further development, its exact extent and nature, what can be done and what are the setbacks behind which no other activities should take place.

Mr. Hans Etter informed the Commission that he just left the Regional Planning Commission meeting, at which he expressed his opposition to the extension of Mr. Uri Ginzburg's liquor license. Mr. Etter said that despite his opposition, the license was granted. At that meeting, Mr. Etter also "submitted some evidence about what he's [Mr. Ginzburg] been doing, with the pollution and everything else."

Relative to the Parcel 9U wetland issue, Mr. Etter informed the Commission that "there's so much water that you can actually launch a canoe and spend a day kayaking around there. If that's not a wetland, I don't know what a wetland is."

Commissioner Lesser informed the Commission that, due to business-related reasons, he would be unable to attend the May, July and August 2005 meetings.

Since there are concerns about the lack of a quorum for future meetings, Vice Chairperson Stevens and Chairman Searcy requested staff to contact the Third District regarding the Commission vacancy.

8. ADJOURNMENT

Chairman Searcy adjourned the meeting at 12: 06 p.m.

Respectfully submitted,

Toni Minor
Commission Secretary

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART I CRIMES- APRIL 2005

Part I Crimes	MARINA AREA (RD'S 2760-2763)	EAST END (RD'S 2764-2768)
Homicide	0	0
Rape	0	0
Robbery: Weapon	0	1
Robbery: Strong-Arm	1	3
Aggravated Assault	2	2
Burglary: Residence	0	3
Burglary: Other Structure	4	2
Grand Theft	12	1
Grand Theft Auto	2	6
Arson	0	0
Boat Theft	0	0
Vehicle Burglary	5	5
Boat Burglary	2	0
Petty Theft	1	2
Total	29	25

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

Source- LARCIS, **Date Prepared** – May 19, 2005
CRIME INFORMATION REPORT - OPTION B

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
MARINA DEL REY STATION
PART I CRIMES- APRIL 2005

	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										0
Robbery: Weapon							1			1
Robbery: Strong-Arm		1				1		1	1	4
Aggravated Assault	1	1					1	1		4
Burglary: Residence						1		2		3
Burglary: Other Structure	1	2	1					1	1	6
Grand Theft	6	2		4			1			13
Grand Theft Auto	2						1	4	1	8
Arson										0
Boat Theft										0
Vehicle Burglary	5							1	4	10
Boat Burglary		1		1						2
Petty Theft	1							2		3
REPORTING DISTRICTS TOTALS	**16**	**7**	**1**	**5**	**0**	**2**	**4**	**12**	**7**	**54**

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

Source- LARCIS, **Date Prepared –** May 19, 2005
CRIME INFORMATION REPORT - OPTION B

MARINA DEL REY HARBOR ORDINANCE
SEAWORTHY & LIVEABOARD COMPLIANCE REPORT

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

Total Reported Liveaboards By Lessees - 574
Total Liveaboard Permits Issued - 467
Percentage of Compliance - 81

No new Warnings were issued in the month of April.

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

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 April.

Number Of Impounded Vessels Demolished

To date, one hundred and sixty five (165) vessels have been removed from the marina for disposal. Currently, twenty one (21) vessels are ready for disposal and eight (8) are awaiting lien sale procedures.

"To enrich lives through effective and caring service"

Los Angeles County Beaches & Harbors — Caring for Your Coast

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

May 19, 2005

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 COASTLINK WATER SHUTTLE

Sponsored by the Los Angeles County Department of Beaches and Harbors

The Marina del Rey CoastLink Water Shuttle, a unique service for visitors and residents, will operate on weekends and holidays beginning Friday, May 27, through Sunday, September 25. The shuttle will ferry passengers throughout the Marina, $2.00 per trip. Bikes and strollers welcome, no pets allowed.

All Fridays throughout the summer and weekends throughout June, the shuttle service will operate as a taxi service and will be on-call by contacting the boat operator at (310) 420-4591. Beginning Saturday, July 2, full service will begin on Saturdays, Sundays and holidays throughout the remainder of the summer. Hours are Fridays, 5:00 pm to 11:00 pm; Saturdays, 11:00 am to midnight; Sundays, 11:00 am to 10:00 pm; Memorial Day and Labor Day, 11:00 am to 10:00 pm; and July 4, 11:00 am to 11:00 pm. Shuttle service will also be provided on Thursday concert nights, 5:00 pm to 11:00 pm and on Saturday concert nights, 11:00 am to midnight.

Land taxi service is available by calling United Independent Taxi at (800) 290-5600. Passengers with disabilities who need boarding assistance will be transported to Burton Chace Park or Dolphin Marina, which are fully ADA accessible boarding locations.

Boarding locations are:

Marina "Mother's" Beach
4101 Admiralty Way

Burton Chace Park (ADA accessible)
13650 Mindanao Way

Fisherman's Village at Fiji Way
13755 Fiji Way

Los Angeles County Fire Station #110
4433 Admiralty Way
(starting Friday, July 1, 2005)

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

Marina Harbor
13928 Tahiti Way, Dock Gate #A-1000

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

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

FISHERMAN'S VILLAGE WEEKEND CONCERT SERIES
Sponsored by Pacific Ocean Management, LLC
All concerts from 2:00 pm – 5:00 pm

Saturday, May 28
The Hightoppers, playing Western Jazz Swing

Sunday, May 29
Michael Raye, playing Psychedelic Soul

Saturday, June 4
La Cat, performing Reggae

Sunday, June 5
Zola Moon, playing Blues and Rock

For recorded information call: Pacific Ocean Management at (310) 823-5411.

BEACHES

FIESTA HERMOSA
Hermosa Beach Chamber of Commerce
Pier Avenue at the Strand
May 28th through May 30th
10:00 am to 6:00 pm

Arts and crafts from throughout the West will be featured at the Hermosa Beach Chamber of Commerce Memorial Day Fiesta weekend from 10:00 am to 6:00 pm on all three days and includes free admission. The family-oriented festival will also feature kiddy rides (for a minimal fee), a restaurant cantina, two sound stages, and a beer and wine garden. Parking in town is limited, thus visitors are encouraged to park at the Northrop Grumman R-5 parking lot at Manhattan Beach Boulevard and Doolittle Street. A free shuttle bus will run continuously from 7:30 am to 7:30 pm from the lot to Pier Avenue. Parking is also available at Mira Costa High School, with Shuttle Wave buses providing free shuttle service to and from the Fiesta.

For information call: Hermosa Beach Chamber of Commerce at (310) 374-9773 or visit the event website at www.fiestahermosa.com.

VENICE CHAMPIONSHIPS BODYBUILDING & FIGURE CONTEST

City of Los Angeles Department of Recreation and Parks
Venice Beach/Muscle Beach
Sunday, May 29th at 11:00 am
Monday, May 30th at 11:30 am
1800 Ocean Front Walk

This year's shows will celebrate Gold's Gym's 40th Anniversary and will preview a new era in Bodybuilding and Figure Competitions. Event is free and open to the public.

For more information call: Department of Recreation and Parks at (310) 399-2775 or visit the event website at www.musclebeachvenice.com.

SW:tm

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Los Angeles County Beaches & Harbors
Caring for Your Coast

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

May 19, 2005

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

SUBJECT: **ITEM 4a - MARINA DEL REY LOCAL COASTAL PROGRAM (LCP) TIMELINE AND INFORMATION SUMMARY**

Item 4a on your agenda is in response to your Commission's request for a summary of the information provided to the California Coastal Commission (CCC), as well as an explanation regarding the timing of the Marina del Rey LCP periodic review. The following chronology of correspondence and actions provides the requested information.

MARINA DEL REY LCP CHRONOLOGY

- **December 1990** – Marina del Rey LCP certified (excluding "Area A");
- **February 1996** – Marina del Rey LCP amended (LCPA MDR-1-94) in a comprehensive update of the LCP;
- **May 4, 2001** – CCC letter to Commissioners and Interested Persons titled "Review of LCP Review Priorities and Selection of the Next Periodic LCP Review" identifying San Mateo as the next periodic LCP review and including the Marina LCP within the list of "higher priority LCPs" for future reviews;
- **December 20, 2001** – Joint letter from DRP and DBH to the CCC, transmitting requested information for the periodic review. See Exhibit 1 for an index of information provided.
- **July 17, 2002** – Letter from CCC staff (Lee) to DRP and DBH regarding the Marina del Rey LCP periodic review, noting a consent judgment had been rendered with the following key decision points:
  - The CCC agreed to conduct a periodic review of the Marina del Rey LCP, including, but not limited to, a review of blue heron habitat; and
  - The periodic review would commence within nine months from the entry of the consent judgment and be completed within two years after the commencement of the review.

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The letter also acknowledged receipt of the December 2001 "binder of materials" and noted that due to staffing and workload in the Long Beach office, the submitted materials had "not been substantially reviewed";

- **June 2, 2003** – Letter from CCC staff (Douglas) to Coastal Commission and Interested Parties titled "Hearings Relating to Status of Certified LCPs." The letter related to all LCPs within the state and stated: "The Coastal Act contemplates periodic LCP reviews that are initiated and carried out by the Commission at least every five years to determine if the LCP is being effectively implemented to carry out coastal protection policies." The letter also indicated that there are no provisions in the Coastal Act to ensure the timely review and regular updating of previously certified LCPs, and that budget cutbacks and constraints were of concern;

- **January 19, 2005** – CCC staff workshop, in Marina del Rey, to obtain public input on priority issues that should be included in the periodic review. Notice was mailed to over 300 interested parties, and approximately 50-60 people attended. The preliminary periodic review timeline was reported, as follows:

    - Staff Report on Issue Scoping -- February 25, 2005
    - Status Report on Priority Issues to CCC – CCC meeting March 16, 2005 (Newport Beach)
    - Draft Preliminary Report Released -- May 2005
    - Hearing on Preliminary Report -- CCC meeting June 8-10, 2005 (San Pedro)
    - Hearing on Adoption of Final Report -- CCC meeting Fall 2005

- **February 25, 2005** – CCC staff report issued titled "Report on Priority Issues for Marina del Rey Periodic LCP Review" to Commissioners and Interested Persons. Priority issues that staff identified were:
    - Recreational Boating (including issues related to affordable boating opportunities);
    - Water Quality;
    - New Development (including issues related to the mix of uses and intensification);
    - Recreation and Visitor Facilities; and
    - Shoreline Access (including public views);

- **March 16, 2005** – Approval of the priority issues identified at CCC meeting held in Newport Beach;

- **Week of May 23, 2005** – Anticipated release of CCC staff report on MDR periodic review;

- **June 7, 2005** – Consideration of the CCC staff report as agenda item 7.a. in San Pedro. The agenda item identifies "possible action" on the report, which would be a deviation from the schedule identified at the January workshop.

Exhibit 2 is an index of further supplemental materials furnished to CCC staff, containing surveys of parking and other services, as well as land use, public access, water quality and related survey data and information. Additionally, staff has provided CCC with further assistance in facilitating gathering of information and data from the Regional Planning Department, the Department of Public Works, and other agencies in order to assist CCC in its ongoing review process.

We will continue to provide you updates of this matter and will send you a copy of the CCC staff report once received. Please let me know if you would like additional information at this time.

SW:rm
Attachments

EXHIBIT 1

MATERIALS PROVIDED BY COUNTY OF LOS ANGELES STAFF IN PREPARATION FOR THE PERIODIC REVIEW OF THE MARINA DEL REY LCP

December 7, 2004

VOLUME I. REVIEW MATERIALS

- Tab 1. 2002 Materials List

Marina del Rey Land Use Survey

- Tab 2. Briefing Book (DBH)

LCP Section: Coastal Access

- Tab 3. Public Access and Recreational Use
- Tab 4. Public Parking
- Tab 5. Dry Boat Storage
- Tab 6. Boater Support Services
- Tab 7. Pump-Out Facilities
- Tab 8. Public Participation

LCP Section: Marine and Land Resources

- Tab 9. Biological Resources
- Tab 10. Water Quality
- Tab 11. Census Data

LCP Section: New Development Policy

- Tab 12. Lease History
- Tab 13. Hazards (DPW)

Other

- Tab 14. Project Status Report
- Tab 15. Entitlement Chart
- Tab 16. Rent Projection
- Tab 17. Traffic Status Report (DPW)
- Tab 18. SR90 Draft Notice of Preparation
- Tab 19. Scope of Work for a Revised Traffic Study (DPW)
- Tab 20. Asset Management Strategy Update
- Tab 21. Documents in support of Delegated Authority for Dock Repairs
- Tab 22. Documents in support of redefining Development Zones
- Tab 23. Boat Slip Sizing and Pricing Study

VOLUME II. Site Plans – New Projects

VOLUME III. Site Plans – Proposed Public Space Improvements

FURTHER SUPPLEMENTAL MATERIALS PROVIDED BY COUNTY OF LOS ANGELES STAFF FOR THE PERIODIC REVIEW OF THE MARINA DEL REY LCP

1. Information on the lease history of Marina parcels, including information relating to County analysis methodology for new and extended leases;

2. Existing land use inventory by LCP land use category (parcel acreages, use types/square footage, etc.);

3. Public access study identifying existing/future access points, including projected future public promenades development;

4. Evaluation of biological resources in the Marina;

5. Water quality survey data and water quality improvements proposed for the Marina;

6. Most current census data for Marina del Rey;

7. Public recreational use information (existing and projected);

8. Survey of existing public parking spaces;

9. Survey of existing dry boat storage spaces;

10. Updated hazards information (geotechnical, tsunami, etc.);

11. Public boater support uses/services, both existing and future/proposed (i.e., public restrooms, boat launch, hoist, etc.);

12. Copies of recognized standards and/or guidelines used to determine the adequacy of Marina sewage pump-out facilities and other relevant facilities; and

13. County agreement to work with Coastal staff to provide requested information and to identify and assist with public participation/scoping process for the periodic review.

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Caring for Your Coast

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

May 19, 2005

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

SUBJECT: **AGENDA ITEM 5a – MARINA BEACH STRATEGIC PLAN**

Item 5a on your agenda will include a briefing by T. Keith Gurnee, RRM Design, one of the Department's urban design consultants, tasked by the Department to develop a strategic plan for Marina ("Mother's") Beach. The beach is frequented by many different "user groups," including rowers, kayakers, families with small children, and others. It is also surrounded by commercial development, with various redevelopment projects proposed. The Department is seeking to improve public access and water activities, including the improvement of a public promenade along the road currently primarily used as a service road. Mr. Gurnee will provide a briefing on his planning efforts to develop a strategic plan for this area.

SW:JJC

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May 19, 2005

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

SUBJECT: **ITEM 5c – APPROVAL OF SECOND AMENDMENT TO OPTION AGREEMENT AND JOINT ESCROW INSTRUCTIONS FOR LEASE NOS. 6734 AND 11140 - PARCEL 44U (PIER 44) AND 77W (77 DEL REY) – MARINA DEL REY**

Item 5c on your agenda relates to an extension of the time in which the County may exercise its Board-approved option to purchase Parcel 77W and a portion of Parcel 44U. As part of the ongoing planning for the Mindanao peninsula, the expansion of Chace Park, and the planning for the lessee's (Pacific Marina Venture, LLC – Michael Pashaie and David Taban) adjacent development on the remaining portion of Parcel 44U, the lessee and the County have agreed, at no additional cost to the County, to extend the time by which the County may determine whether to exercise its option to purchase Parcel 77W and a portion of Parcel 44U.

The attached Board letter contains details regarding the proposed extension of the option exercise date. Your Commission's endorsement of our recommendation to the Board of Supervisors, as contained in the attached letter, is requested.

Please let me know if you would like additional information at this time.

SW:PW:tm
Attachment

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May 25, 2005

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

Dear Supervisors:

APPROVAL OF SECOND AMENDMENT TO OPTION AGREEMENT AND JOINT ESCROW INSTRUCTIONS FOR LEASE NOS. 6734 AND 11140 PARCELS 44U (PIER 44) AND 77W (77 DEL REY) - MARINA DEL REY (FOURTH DISTRICT) (3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and authorize the Chair to sign the attached SECOND AMENDMENT TO OPTION AGREEMENT AND JOINT ESCROW INSTRUCTIONS ("Amendment") for Lease Nos. 6734 (Parcel 44U) and 11140 (Parcel 77W), Marina del Rey, granting an extension of the time in which the County may exercise its rights and options, upon payment of the stated option prices, to acquire Parcel 77W and a portion of Parcel 44U.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The County is the lessor of ground leases for Parcels 44U and 77W, each of which were originally entered into for terms of 60 years and have remaining lease terms of 18 years and 21 years, respectively. Pacific Marina Venture, LLC, a Delaware limited liability company (Lessee), is the current lessee of both parcels.

On February 24, 2003, your Board approved and authorized an option agreement ("Agreement") with the Lessee for the County to obtain purchase options whereby all of the Parcel 77W lease and a portion of the Parcel 44U lease will terminate in order that the County may utilize all or portions of these parcels for the intended Chace Park expansion

and expanded boating and visitor-serving development. On February 17, 2004, your Board approved and authorized an amendment to the Agreement that extended its term to the earlier of June 30, 2005 or ten business days after the date Lessee and County will have negotiated and executed an agreement for the portion of Parcel 44U not subject to the Agreement.

The County is engaged in planning for the Mindanao peninsula area, including the areas covered by the Agreement, and Lessee is engaged in detailed planning for development of its remaining portion of Parcel 44U not subject to the Agreement. Due to the complexities of planning each of their respective projects, the Lessee and County each require additional time to complete planning for their projects prior to the County being able to make its determination whether or not to exercise its options under the Agreement. The Lessee has, accordingly, agreed, at no cost to the County, to extend the date by which the County may give notice of its intent to exercise its options under the Agreement from the current deadline of June 30, 2005. The deadline for the First Option (all of Parcel 77W and the relevant landside portion of Parcel 44U) will be extended to the earlier of June 30, 2007 or six months after the date the Board of Supervisors approves a new term sheet with Lessee for the remaining portion of Parcel 44U that is not subject to the Agreement. The deadline for the Second Option (the relevant waterside portion of Parcel 44U) will be extended to the date that is six months after the date the Board of Supervisors approves the Amendment, but not later than December 31, 2005.

The Department has engaged in discussions with the Lessee and with the Santa Monica Windjammers Yacht Club ("SMWYC") relating to the use of portions of the Lessee's interest in Parcel 44U that are included in Options 1 and 2 and that could facilitate SMWYC's relocation from its current facilities on a site intended for Chace Park expansion. The extension of the Options provide time needed to conclude negotiations with SMWYC and the Lessee to facilitate the relocation, as well as the time we need to conclude planning for the expansion of Chace Park.

Implementation of Strategic Plan Goals

The proposed action promotes and furthers the Board-approved Strategic Plan Goal of Service Excellence, in that it provides the County additional time to plan for expansion of the adjacent Chace Park facilities and enhanced areas for expanded boating and visitor-serving development.

FISCAL IMPACT/FINANCING

There is no cost to the County as a result of the requested Amendment, which provides an extension of time to exercise the Agreement.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Under the terms of the Amendment, all terms of the current Agreement, except for an extension of the date of exercise of the County's options to purchase, will remain the same.

At its meeting of May 25, 2005, the Small Craft Harbor Commission _____ the Director's recommendation on a _____ vote that your Board approve the attached Amendment, which has been approved as to form by County Counsel.

ENVIRONMENTAL DOCUMENTATION

Entering into the Amendment does not presently authorize the purchase and termination of the two leaseholds, or portions thereof, nor does it presently authorize any development on the properties. Exercise of the option(s), if at all, and/or the construction of facilities will be in connection with a development plan that is not currently known. Such development, if pursued, will be preceded by full preparation of the appropriate environmental documentation.

CONTRACTING PROCESS

Not applicable.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There is no impact on other current services or projects.

CONCLUSION

Authorize the Executive Officer of the Board to send two copies of the executed Amendment to the Department of Beaches and Harbors.

Respectfully submitted,

Stan Wisniewski, Director

SW:AK:GB

Attachment (1)

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

May 19, 2005

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

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

BOARD OF SUPERVISORS ACTIONS ON ITEMS RELATING TO MARINA DEL REY

At its May 17, 2005 meeting, the Board of Supervisors adopted the ordinance to extend the sunset review date for the Small Craft Harbor Commission to December 31, 2009.

At its May 10, 2005 meeting, the Board of Supervisors approved and instructed the Chair to sign the amendment to contract with Pacific Adventure Cruises, Inc. to extend the Marina del Rey water shuttle service from the Memorial Day weekend through September 30, 2005, with no increase in costs due to conversion of the scheduled shuttle service in June and on all Fridays to an on-call water taxi.

DESIGN CONTROL BOARD MINUTES

The minutes from the April 21, 2005 meeting are attached.

RESPONSE TO PUBLIC INQUIRIES

-- North Jetty Walkway

During your April 13, 2005 meeting, a member of the public informed the Commission that sand was accumulating on the asphalt walkway near the western end of the North Jetty, which is resulting in safety and accessibility issues. It was also mentioned that the walkway might have been poorly designed.

As a result of the natural windy conditions we've been experiencing, sand is accumulating on the asphalt walkway, as well as on the beach parking lots and on the bike path. The Department's Facilities and Property Maintenance staff did observe that a portion of the walkway with the least amount of windblown sand was protected by a sand fence. Therefore, staff has been instructed to extend the sand fencing beyond the point where the sand is accumulating. We will monitor this method over the next few weeks and determine its effectiveness.

-- Sunset Review Process

At your April 13, 2005 meeting, a member of the public complained that she had an issue with the "sunset review" process for the Marina's Design Control Board (DCB) and had attempted to share her concerns with the Auditor-Controller -- the County office assigned responsibility for conducting such reviews. She indicated, however, that she had been unsuccessful in her attempt

satisfactory response from the Auditor-Controller's office and wanted to know where she could direct her complaints.

Staff has discussed the process with the Auditor-Controller's office, which advises that during a sunset review, a County commission's self-evaluation is reviewed by the Auditor-Controller's office, which recommends the next scheduled sunset review date or that the organization be disbanded. Such recommendation is then forwarded to the County's Audit Committee for consideration. The Committee may endorse or revise the submitted recommendation and place the recommendation on the Board of Supervisor's agenda. The public may express their views about the commission when the Board of Supervisors considers the Audit Committee's recommendation in public session.

Note that the DCB has no sunset date and the last sunset review submitted for the DCB recommended discontinuance of sunset review evaluations for it since its function is required by the Local Coastal Program.

SW:tm
Attachment

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MINUTES
OF
MARINA DEL REY
DESIGN CONTROL BOARD

April 21, 2005

Department of Beaches and Harbors
Burton Chace County Park
Community Building – 13650 Mindanao Way
Marina del Rey, CA 90292

Members Present:	Susan Cloke, First District, Chair David Abelar, Second District Katherine Spitz, Third District, Vice-Chair Peter Phinney, Fourth District Tony Wong, Fifth District
Department Staff Present:	Stan Wisniewski, Director Joseph Chesler, Chief, Planning Division Julie Carpenter, Planner LaTrina Hancock, Secretary Walter Popoff, Marketing Analyst
County Staff Present:	Sam Dea, Regional Planning Tom Faughnan, Principal Deputy County Counsel
Guests Present:	Neil McNearney, Sign Methods Inc, Ralphs Market Alex Liftis, Caruso Affiliated Matt Simon, Caruso Affiliated Ron Wolter, Factory Signs Walter Popoff, LA County Dept. of Beaches and Harbors John Lutz, Selbert Perkins Designs Al Udwin, Archstone

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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.

2. **Approval of Minutes of January 20, 2005**
Mr. Phinney (Spitz) moved to approve the minutes as amended. The motion passed unanimously.

3. **Confirmation of Past Actions**

A. Parcel 97 – Marina Beach Shopping Center – DCB #03-013-B
Approval of the record of the DCB's March 2005 action to approve a modification to a previously approved plan with respect to buildings A and B and park; the applicant will return to the Board with revised site and landscape plans.

Mr. Phinney (Spitz) moved to approve DCB #03-013-B as amended. Motion passed unanimously.

B. Parcel 27 – Casa Escobar at Jamaica Bay – DCB #02-024-B
Approval of the record of the DCB's March 2005 action to approve the painting of deteriorated portions of the building so that they match the existing paint on each respective side. The Palawan Way and Admiralty Way sides should be painted to match the existing Casa Escobar color scheme. The pool area should be painted to match Jamaica Bay Inn, which is white with blue trim.

Mr. Phinney (Spitz) moved to approve DCB #02-024-B as submitted. Motion passed unanimously.

4. **Old Business**

A. **Parcel 50 – Ralphs Market at Marina Waterside – DCB #04-007-E**
Consideration of two pharmacy signs for Ralphs Market at Marina Waterside.

- Ms. Cloke asked if both Ralphs and the pharmacy would be open 24 hours. She advised that if the pharmacy would be open 24 hours, then the sign should provide that information.

- Mr. Liftis advised that Ralphs would be open 24 hours, but he was unsure of the pharmacy hours.

- Mr. Phinney advised the applicant that the Ralphs pharmacy sign should be the only sign that is contemplative.

- Mr. Abelar asked if the Ralphs would have a bank.

- Matt Simon, Caruso Affiliated, advised that the Ralphs would not have a bank, but it may have an ATM.

Public Comments
None

Ms. Spitz (Phinney) moved to approve DCB # 04-007-E as submitted. Motion passed unanimously.

B. Parcel 50 – Marina Waterside Shopping Center – DCB #05-001-B
Consideration of time extension for the use of seven temporary banners for Ralphs and the overall Waterside Shopping Center and 29 new temporary banners for individual tenants during construction.

- Alex Liftis advised that the intent of the signage program is for directional and identification purposes.

- Ms. Spitz was concerned about the graphic consistency. She also suggested putting the Waterside logo on all of the temporary signs.

- Matt Simon advised that the tenants and the community preferred sign B-R05, because it was more readable.

- Mr. Liftis advised the Board that they will figure out a way to try and fit the logo onto the signs.

Public Comments
None

Mr. Phinney (Abelar) moved that the applicant be given a 60-day extension. The applicant must provide staff a photograph submittal of the existing banner conditions, which will then be provided to the Board. If the banners are in good condition, the applicant will receive the requested banner signage extension until November 2005. Motion passed unanimously.

- Ms. Cloke asked the applicant about the status of Parcel 83 in regards to the Board's suggestion of using that parcel to provide some type of outdoor public space.

- Mr. Wisniewski advised that Parcel 83 is in negotiations between the lessee and the County. Once the lessee initials the term sheet, it will be reviewed by the Board of Supervisors (BOS) in a closed session and the Department will receive instructions. Then the applicant will submit its development plan to your Board.

- Mr. Liftis hopes that the term sheet will be in its final form early next week. Caruso Affiliated is trying to reconfigure and incorporate Parcel 83 into Parcel 50, trying to expand the common and seating areas around the main portions of buildings on Parcel 50, and incorporate additional restaurant spaces with outdoor seating to create gathering places within close proximity to restaurants and shops. Mr. Liftis added that, being on a relatively high traffic corner, Parcel 83 is not very conducive to being a seating area. Mr. Liftis stated that they would like to make it a very attractive gateway into the center, but are unsure where to add the outdoor seating and incorporate that into the walking and common areas.

- Ms. Cloke stated that Parcel 83 is designated as Park Space and she hoped that if developed, it would be an enhancement to the entire center if done properly.

- Ms. Carpenter advised the Board that Parcel 83 has a land-use designation of Visitor Serving Commercial, per the Local Coastal Program (LCP).

- Mr. Wisniewski explained that about two years ago the Department sent a letter to the California Coastal Commission (CCC), after clearing it with the BOS, designating five or six areas in Marina del Rey that the Department felt should be converted to parks and open space. For example, one of those was Parcel 51, a former gas station, which is now a parkette. The Department had a similar concept in mind for Parcel 83, as well as four other areas in Marina del Rey. Until the Department gets direction from the BOS, we are not required to designate it Open Space. At this time, Parcel 83 is not considered Open Space or a public use parcel. Mr. Wisniewski advised the Board that there is no incentive for the applicant to use some of the area as park space unless it can add restaurant seating.

C. **Marina del Rey Curb Treatment & Signage Program – DCB #04-018-C**
Consideration of additional sign types, including: monument identity pole signs, identification signs, parking lot entrance signs, parking information signs, regulatory signs, bike locker graphics and fascia signs, and a verbal update on the status of the pending field application of the curb treatment to Panay Way and a portion of Via Marina.

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- Mr. Wisniewski advised staff and the applicant that the signs should read County of Los Angeles, not Los Angeles County.

- Mr. Lutz, Selbert Perkins Designs, advised the Board that they've found paints for the curb treatments that can be custom mixed with the traffic paint. He also confirmed that each sign design is coordinated to the street it's located on and that all of the signs for each street would be the same.

- Mr. Phinney asked if the bicycle locker logo is an international symbol that would be understood by all.

- Mr. Lutz advised that the logo is an international symbol.

- Mr. Wisniewski suggested promoting public use of bicycle lockers so that all will know what and where the bicycle lockers are.

Public Comments
None

Ms. Cloke (Spitz) moved to approve DCB #04-018-C as submitted with the following changes: 1) monument sign A, the word "welcome" must be deleted and the pole should be plain blue, 2) the bike storage lockers identification information will be redesigned and resubmitted to the Board, and 3) the painted curb prototype will be brought to the Board's attention for approval before all of the curb treatments have been applied. Motion passed unanimously.

5. **New Business**

A. **Parcel 102 – Archstone Apartments – DCB #05-005**
Consideration of seven temporary directional signs during construction (through August 12, 2005).

- Mr. Al Udwin, Archstone, advised the Board that the signs are not intended for advertising but for directional usage until August 2005, when the main entrance will be completed.

Mr. Wong (Abelar) moved to approve DCB #05-005 as submitted. Motion passed unanimously.

B. **Parcel 77 - W.A.T.E.R. Program Storage at Dock 77 – DCB #05-006**

WITHDRAWN

Consideration of the temporary location of six storage containers on the western edge of Parcel 77.

6. Staff Reports

A. Marina del Rey LCP Periodic Review (verbal report)

- Mr. Wisniewski advised the Board that the CCC released its scoping report for what it intends to intensively review as part of the periodic review. The Department has provided a copy of the report to the DCB. A draft of the periodic review will be on the June 2005 CCC agenda inSan Pedro. The final report will be submitted sometime in the fall, with recommendations for consideration and adoption by the CCC.

- Mr. Chesler added that the San Pedro meeting will take place the second week of June 2005, (between June 7th and 10th), and notices will be provided to all of the DCB Commissioners .

B. Temporary Permits Issued by the Department

None

C. Ongoing Activities Report

❖ Board Actions on Items Relating to Marina del Rey

- Mr. Wisniewski advised the Board that at the April 5, 2005 meeting, the BOS authorized the Department to go forward with negotiations with the recommended proposer, which is a company composed of The Boat Yard and Westrec Marina Management for the redevelopment of the only fuel dock in Marina del Rey, Parcel 1S. The BOS decided it was more prudent to limit the food operation to take-out only and to keep the building height at what it is now. The Department is proceeding with these two guidelines in mind.

  The BOS gave the Department negotiating instructions on three projects. One is the development of a proposed Marriott Residence Inn, where all of the parking would have to be replaced. The second is Parcel 27, Jamaica Bay Inn, a redevelopment that includes new units as well as a remodel of the old units. The third project is Parcel 7, which is an apartment complex that has slips, which will be refurbished. The process from this point is that the Department will develop term sheets for these projects, and the actual leasing document will be developed. This will be brought before the Small Craft Harbor Commission (SCHC) and the BOS in a public session.

  On April 5, 2005 the BOS approved three different contracts not to exceed an aggregate annual cost of $38,000 for graphic design services.

❖ Small Craft Harbor Commission Minutes (SCHC)

- Copies were provided to all of the DCB Commissioners.

❖ Response to Issues Raised by Board Members (verbal reports)

- Redevelopment Overview (Project Status Report)
  - Mr. Wisniewski gave a brief explanation and discussed the attachments that were provided. (Project Status Report attached.)

- Parcel 83S
  - Briefing provided during Agenda Item 4B

- Parcel 51
  - Mr. Wisniewski advised the Board that one of the consultants, Gruen, has been asked to advise staff of the appropriate tree to be planted in this area. Staff will come back to the Board with the information that they receive from Gruen.

  - Mr. Chesler explained further what type of trees had been planted at the location and why they did not survive.

  - Mr. Wisniewski advised the Board that he would report back at the May 2005 meeting regarding Gruen's finding for the appropriate tree to be planted at the location.

  - Mr. Chesler advised the Board that preliminary soil testing has been completed and it was found that the site was compacted by Conoco Phillips during their remediation efforts. The soil has been imported and tested since the trees died and it was confirmed that there are no toxins in the soil that was brought in, but that there was higher ground water than expected. The upper eight inches of the soil was amended during the planting process.

  - Ms. Spitz advised that bigger Sycamore trees (60 inch boxes) would not be necessary. Ms. Spitz advised staff to determine the condition of the soil. Sycamores are fast growing trees and very appropriate; there may not be any other coastal native tree that will be found for that location. She also advised soil remediation for this area, as per the Board's earlier request. Ms. Spitz advised that if the site is compacted to 90 or 95%, it is virtually as hard as concrete, which might be the source of the problem.

  - Mr. Wisniewski advised the Board that there is one other thing that was not consistent with what the DCB approved, which is that the pilasters are concrete block instead of natural rock.

- Ms. Cloke asked about the lighting.

- Mr. Wisniewski advised that the lighting will come back to the Board along with the suggested trees once Gruen has completed its report.

- Parcel 9U
- Mr. Wisniewski advised the Board that staff has not received a copy of the wetlands report. Once it is received, the Board Commissioners will each be provided with copies.

❖ Marina del Rey and Beach Special Events
Noted and filed.

7. Comments From the Public

Tim Riley advised that former 4th District Supervisor, Dean Dana, passed away this morning.

8. Adjournment

Meeting adjourned in honor of Dean Dana's service and memory at 3:50 p.m.

Respectfully Submitted,

La Trina Hancock-Perry
Design Control Board Secretary