Los Angeles County
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

March 10, 2004

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director

SUBJECT: **COMMISSION AGENDA – MARCH 10, 2004**

Enclosed is the March 10, 2004 meeting agenda, together with the minutes from your meeting of February 10, 2004. Also enclosed are reports related to agenda items 3a, 3b, 5b and 6a.

The report concerning the Liveaboard Slip Rental Rate Reviews will be provided to you prior to the meeting.

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

SW:tlh
Enclosures

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

Los Angeles County Beaches & Harbors — Caring for Your Coast

To enrich lives through effective and caring service

AGENDA

SMALL CRAFT HARBOR COMMISSION MEETING
MARCH 10, 2004
9:30 a.m.
BURTON W. CHACE PARK COMMUNITY BUILDING
13650 MINDANAO WAY
MARINA DEL REY, CA. 90292

1. Call to Order and Action on Absences

2. Approval of Minutes: Meeting of February 10, 2004

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

   a. Marina Sheriff
      - Crime Statistics
      - Enforcement of Seaworthy & Liveaboard Sections of the Harbor Ordinance

   b. Marina del Rey and Beach Special Events

4. **OLD BUSINESS**

   None

5. **NEW BUSINESS**

   a. County Service Awards (PRESENTATION)

   b. Hearing on Proposed Department of Beaches and Harbors 2003-2004 Parking, Recreational Vehicle and Launch Ramp Fee Increases (RECOMMEND TO BOARD)

6. **STAFF REPORTS**

   a. Ongoing Activities (DISCUSS REPORTS)
      - Board Actions on Items Relating to Marina del Rey
      - Design Control Board Minutes
      - Harbor Ordinance Provisions Regarding Liveaboards
      - North Jetty – Improvements

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Stan Wisniewski Director ● **Kerry Gottlieb** Chief Deputy

- Liveaboard Slip Rental Rate Reviews
- Summary of Comments – February 10, 2004 Evening Meeting of the Commission

b. Marina del Rey Convention and Visitors Bureau (PRESENTATION BY EXECUTIVE DIRECTOR OF MdR CVB)

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 93-031 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

   Marina del Rey Library
   4533 Admiralty Way
   Marina del Rey, CA 90292

Si necesita asistencia para interpretar esta informacion llame al (310) 305-9546.

Small Craft Harbor Commission
Evening Meeting of February 10, 2004
Minutes

Commissioners Present:

Harley Searcy, Chairman
Carole Stevens, Vice-Chairperson
John Law
Russ Lesser

Excused Absences:

Joe Crail

Department of Beaches & Harbors:	Stan Wisniewski, Director Roger Moliere, Deputy Director, Asset Management & Planning Bureau Joe Chesler, Chief, Planning Division Dusty Crane, Chief, Community & Marketing Services Division
Other County Departments:	Tom Faughnan, County Counsel Lt. Tracee Edmonds, Sheriff's Department Sgt. Gary Thornton, Sheriff's Department

Also in attendance were members of the press, representatives from Archstone-Smith, County staff members and consultants, Marina del Rey residents and boat owners. Renovation designs for Kingswood Village Apartments were placed on easels at the front of the Community Room for public viewing during the meeting. Several work tables were set up in the back of the room for the public to obtain information after the meeting's adjournment on a variety of topics relating to Marina del Rey planning and development.

1. CALL TO ORDER & ACTION ON ABSENCES

Chairman Searcy called the meeting of the Los Angeles County Small Craft Harbor Commission to order at 7:11 p.m. in the Burton W. Chace Park Community Room, Marina del Rey.

Vice-Chairperson Stevens moved and Commissioner Lesser seconded a motion to excuse Commissioner Crail from today's meeting. The motion passed unanimously.

2. APPROVAL OF MINUTES

Vice-Chairperson Stevens moved and Commissioner Law seconded a motion to approve the January 14, 2004 minutes. The motion passed unanimously.

Mr. John Davis, a member of the public, came to the speaker's podium and commented that the January minutes reflect the Director's disregard for Policy Statement 25.

3. REGULAR REPORTS

a. Marina Sheriff's Department Report

--- Crime Statistics

Lt. Edmonds reported that the homicide noted on the January report was not a murder but an accident. She added that there has been a significant reduction in grand theft and in crimes against persons.

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

Sgt. Thornton informed the Commission that there is nothing new to report since no new Warnings, Notices to Comply or citations were issued in December.

b. Marina del Rey and Beach Special Events

Mr. Wisniewski encouraged the public to obtain a copy of the report from the public information table. He announced that a Household Hazardous Waste and E-Waste Roundup is scheduled for Saturday, March 6, 2004 from 9am to 3pm in the Dock 52 parking lot.

Mr. Wisniewski commented on the presence of an Argonaut reporter at the meeting and requested that the Argonaut publish the upcoming events that are identified in the Special Events report.

4. OLD BUSINESS

None.

5. NEW BUSINESS

a. Extension of Option to Purchase Parcel 77 and a Portion of Parcel 44

Mr. Wisniewski informed the Commission that the Option to purchase Parcel 77 and a portion of Parcel 44 was approved by the Commission at a previous meeting and the Option has received the Board of Supervisors' approval. The current agenda item pertains to extending the time in which the County may exercise the Option to purchase Parcel 77 and a portion of Parcel 44. These parcels are included in the overall planning of the aquatic and boating facilities and expansion of Chace Park. The Option extension is at no cost to the County.

Mr. Moliere explained that the Option that was approved by the Board would have to be exercised on or before February 24, 2004. The lessee has agreed with the County to extend it for a period to the earlier of either June 30, 2005 or the date on which the Board of Supervisors approves the Parcel 44 Option and lease. This would give the lessee and County the time to complete the planning for the Mindanao Peninsula and for additional parking and other amenities for the proposed Chace Park expansion.

Vice-Chairperson Stevens asked whether there would still be room for boat sales. Mr. Wisniewski responded that the square footage currently allocated for boat sales would be maintained with the redevelopment of Parcel 44. He said the Department realizes that this is an importance use in the Marina and plans to protect it.

Chairman Searcy opened the floor to public comment.

Mr. Hans Etter expressed his opposition to the extension of the Parcel 77 Option and said that the Marina needs small boat yards. He said that small businesses are constantly eliminated and the Marina is being transformed into a place that is just for big businesses and big landlords. Mr. Etter expressed his concern that prices would increase and there would be fewer places to accommodate boats. He said that the proposed project is unacceptable in size and he suggests that the Commission deny approval of the Department's proposal.

Mr. Wisniewski said that the Department has made a commitment to relocate all of the facilities that are currently at Parcel 77.

Commissioner Lesser clarified for the public that with Agenda Item 5a the Department is merely requesting an extension of the time in which the County may exercise the Option to purchase Parcel 77 and part of Parcel 44. The Commission is not being asked to authorize any construction activities.

Mr. John Davis, boater, said, "the County should be exercising its option under County policy statements to simply declare this lessee in default of the lease and simply take the property unless the lessee fixes the docks because the docks are not in compliance with the Design Control Board's

minimum standards, which incorporate the Department of Boating and Waterways' standards for docks. They're not in compliance and the Director has continued to fail to issue a notice of default. If he did, perhaps, the County could simply claim the lease as a default and save the taxpayers a lot of money, which I think we need to save."

Vice-Chairperson Stevens moved and Commissioner Law seconded a motion to approve the Extension of Option to Purchase Parcel 77 and a Portion of Parcel 44. The motion passed unanimously.

b. Assignment and Option for Restated and Extended Lease – Parcel 102

Mr. Wisniewski said that there are two objectives with this agenda item: 1) recommending a Consent to an Assignment of Interest from the current lessee to a new lessee; and 2) recommending a lease extension that was negotiated with the lessee for renovation of facilities at Kingswood.

Mr. Moliere explained that the first objective concerns approval of an Assignment of the leasehold from the current owner to Archstone-Smith Operating Trust. There are three criteria for recommending the approval of an Assignment: 1) financial condition of the proposed assignee; 2) price to be paid for the leasehold as it relates to the existing development. Mr. Moliere explained that this means that with any financing or other material concerns there will be sufficient funds available to properly maintain the leasehold and see to its potential development if that is also part of the equation; and 3) that the proposed management of the leasehold by the new lessee is appropriate and in the best interest of the Marina.

Mr. Moliere said that Archstone-Smith is a Maryland based, publicly traded real estate investment trust with approximately $9.3 billion in assets. Archstone owns close to 100,000 units throughout the United States. Approximately 25% of Archstone's business is in California and the company has significant holdings in Washington, D.C., Florida and a number of other areas within the country. The company is also a very experienced builder, as well as acquirer and renovator of apartments. The company's history is one of acquiring and holding, rather than acquiring and selling. Archstone is management-oriented and has been in operation for several years.

Vice-Chairperson Stevens said that when the Kingswood item was previously on the meeting agenda many of the apartment residents expressed concern regarding rent increases. She requested the status of the rent issue as it pertains to the new lessee and Archstone's planned renovations. Mr. Wisniewski responded that the proposed lease with Archstone has a price review provision that the Department uses to ensure the rents are at market levels.

Vice-Chairperson Stevens asked Mr. Wisniewski to define market level. Mr. Wisniewski responded that market level refers to apartments within a 60-mile radius that are comparable. The Department looks at similar oceanfront apartments or those that are near the ocean.

Vice-Chairperson Stevens commented that a recent Los Angeles Times article identified four hotels adjacent to the Marina that are converting to apartments because they can't compete with what's happening in the Marina and its rent increases.

Vice-Chairperson Stevens asked who determines what is fair market value. Mr. Wisniewski responded that he has the responsibility to review the lease and make that determination. The Department then sends a letter informing the lessee of the Department's conclusion; this is pursuant to a policy statement that was approved by the Board of Supervisors.

Mr. Wisniewski explained that the Marina's price review policy states that rents would be at market levels. The Department surveys the rental rates of one, two and three bedroom apartments in the general market place and compares these rates to those proposed by the lessee. He said that the County receives the Marina's rent revenue and the 10 million County residents are not responsible for subsidizing Marina del Rey residents.

Mr. Wisniewski asked Vice-Chairperson Stevens to identify the four hotels mentioned in the L.A. Times article. Vice-Chairperson Stevens responded that she doesn't recall the names and she no longer has the paper. Chairman Searcy offered to provide Mr. Wisniewski with a copy of the article.

Chairman Searcy asked Mr. Moliere whether staff has seen Archstone's properties and ascertained whether the residents are happy living in them. Mr. Moliere responded "yes" and informed the Commission that there is a recently completed apartment that's located at the corner of Pershing and a block or so south of Manchester Blvd. He said that there are a number of Archstone's apartment complexes in this area and in the San Francisco area. Mr. Moliere added that staff reviewed Archstone's background quite extensively and the Department is very satisfied with Archstone's operation.

Mr. Moliere said the Board letter also recommends approval of the Option for an extended lease for 20 years that would only occur when the lessee goes through the entire entitlement and/or regulatory process. The terms would change the County's rent structure so that the apartments would pay to the County a uniform 10½ % for all apartments. Currently, there is an 8 1/2% payment to the County for the high-rise units and 10 ½% for the low rise. Both the interior and exterior of the 624 apartments would be renovated. Archstone worked extensively with the County's architect, Gruen & Associates, to develop a modern design for the building's exterior treatment.

Chairman Searcy asked whether the 20-year lease extension is tied to the completion of the renovations. Mr. Moliere responded that if renovations are not completed within three years of the exercise of the Option the lease reverts to its original term. The lessee does not have to exercise the Option until it has gone through the regulatory process.

Vice-Chairperson Stevens asked Mr. Moliere to explain what he means by the lease reverting to its original term. Mr. Moliere responded that the current lease has 21 years remaining. The extension would grant an additional 20 years, which is conditioned upon Archstone exercising the Option by obtaining regulatory approval and completing the proposed construction and renovations.

Commissioner Law asked whether the lease extension is important to Archstone because lenders demand 35 years or more of an existing lease term to make financing available for many of the projects. Mr. Moliere responded that in this case there is no loan. Archstone is investing, in addition to buying the property, another $24 million plus dollars to renovate. In order to recoup that investment and make it an economic project the extension of the term is needed.

Chairman Searcy opened the floor to public comment.

Mr. Richard Riccardo, Kingswood tenant since 1986, said, "There has not been any kind of major renovation to that property except for changing the carpets in the hallways and painting the walls and painting the balcony peripheries. I'm concerned that if the property is taken over by another management corporation...they may immediately raise our rents and for what? For what? Kingswood Village has been sort of deteriorating over the past 15 years and I feel that if they want to raise the rents, what are the criteria that they're basing fair market value against? New buildings or buildings that have been around for a long time that have undergone renovation like the Oakwood Village? This doesn't seem right. The people that have lived there for all of these years all of a sudden may get a dramatic rent increase. Tell me for what? Inflation hasn't gone up all that much. Nothing has been done to those buildings. We want to make sure that if we're going to get a rent increase, that there is a foundation for it.... Normal rate increases are fine. We can expect a rent increase one year, two years or whatever but if there is going to be a dramatic rent increase I want to know what the foundation for that dramatic rent increase is."

In response to Mr. Riccardo's question regarding how fair market rent is determined, Chairman Searcy explained that when reviewing comparables the County would compare the existing rental rates of a renovated or new building to a renovated or new building that is planning to increase rents. Chairman

Searcy suggested that an Archstone representative address the issue of rent increases. Mr. Wisniewski informed Chairman Searcy that representatives are at today's meeting and are prepared to discuss the plans for Kingswood.

Mr. George Lloyd, representative of Archstone-Smith, said, "renovation will occur over a three-year period. Rents will not go up day one after this property is acquired, or day two or day ten. Rents will be in concert with the renovation, which is extensive, that is planned for the property. I know, approximately, four or five months ago, the last time we had discussion about this property...there were residents here that had similar questions and the answers are still the same. We have no plans to turn the high-rise tower into a condominium. This will remain an apartment project. We will go on a $24 million plus renovation project. The renovation project entails three parts. The first is deferred maintenance and is an extensive address of all safety related items. By safety related items, I mean all the security lighting in the parking structure; the leaking pipes in the parking structure, which leak on the automobiles. A full address of the parking issues within the parking structure; all fire alarm and safety equipment systems will be new; new elevators. This will include, and not be limited to, a total facelift on the outside of the tower and garden; deferred items, which everybody knows, specifically the pipes in the buildings. This will include upgrades to the roof, which is a safety issue in itself; all the parking structure items, which I addressed; a new upgraded leasing facility and amenity package, which will include an upgraded fitness center, pool area and overall concierge area for the residents for their use. Additionally, we're also going to work with the County in terms of the rent increases. What is meant by fair market value is the fair market value for renovated '70s properties that are in the Marina. I know that you're familiar with Mirabella, Chateau Marina..., that's not what we consider a comparable market property and I'll go on the record as saying that. Properties that you need to look at and they're available at Internet sources and other places would be Marina Harbor, Mariner's Village, Dolphin Marina; those other '70s type buildings that exist around the Marina today."

Vice-Chairperson Stevens informed Mr. Lloyd that the properties he identified have lower rents than the apartments that are currently in the Marina. She said that she's aware of the rental rates within the Marina and at three other projects immediately outside of the Marina. The apartments outside of the Marina have considerably lower rental rates than what's available within the Marina.

Mr. Lloyd said that he considers the scope narrower than the 60-mile radius that Mr. Wisniewski mentioned. The scope should be narrowed to include just the Marina.

Mr. Wisniewski requested Vice-Chairperson Stevens to provide clarification on her statement regarding apartments outside of the Marina that offer lower rents. Vice-Chairperson Stevens responded that there are three apartment buildings that are fairly new, including Playa Vista, where the rents are lower than the rents in the Marina and it brings into question what the comparables are between what Kingswood plans to charge its renters and what is fair market value. She said that the Marina rents, because the County owns the land, are generally higher than the apartments outside of the Marina.

Mr. Wisniewski said that staff members review comparable properties within a coastal setting. He expressed his disagreement with Vice-Chairperson Stevens' statement that Marina del Rey apartments are higher than what's available in adjacent areas. Mr. Wisniewski informed Vice-Chairperson Stevens that if she looked at similar coastal facilities in Southern California she would find that the rents in Marina del Rey are within the range of those that exist within the radius he mentioned.

Vice-Chairperson Stevens commented that she could walk across the street one block from the Marina and find a rental that is much lower than what she pays in the Marina.

Mr. Lloyd said that both he and Mr. Massman would be available after the meeting to address the Kingswood residents' questions or concerns.

Ms. Dina Novak, Kingswood resident, informed the Commission that she read an article in the Argonaut that discussed Kingswood and the plan to remove the waterfalls and open the project to the

public as well as open an Internet café. Ms. Novak said that she lives in a garden apartment and she is very concerned about the proposal to remove the waterfalls. Ms. Novak also said that she would speak to an Archstone representative after the meeting regarding the proposed Internet café.

Mr. Richard Horner said, "I would love to live in Marina del Rey. The rents are so expensive that there's no way I can move here. I have two apartments and an office in Santa Monica as well. I would love to come to Marina del Rey. The rents here are in the top ten in the state of California.... There's something that was said here that I took offense to: that the County is not here to subsidize the Marina. I think quite the contrary. I think in reality, the Marina is indeed subsidizing the County. The revenue that comes from the Marina del Rey does not go to the Marina del Rey, it goes into the general fund and I don't see it being put back in here for the community. I am not against development as some of my peers and friends are, but I'm very concerned about responsible development...I'd like to see responsible development that takes care of the needs of the people that exist here without transplanting and moving them out for large developments and huge condos. I'd like to say that a lot of this is County property that is designed for the best public use and not necessarily the goal of real estate.... The goal of real estate is for the best and highest use and I think you should differentiate that. We've lost our Boy Scouts. I can't imagine how any community could throw out a Boy Scout community."

Chairman Searcy explained that the Boy Scouts were not thrown out of the Sea Scout Base. The facility was found to be unsafe for occupation. He said that there is now an interim agreement with the Scouts to use the docks and the Chace Park Community Room until the Sea Scout Base is again operational and safe for children.

Mr. Wisniewski said that asbestos, lead paint and seismic problems were found at the Sea Scout Base. Additionally, the railing was wobbly and in need of repair. The price for repairing the railing was estimated to cost $75,000, which the Scouts could not afford to pay.

Mr. Wisniewski said that staff informed the Boy Scouts that their program is valued and the Department would like to keep the Scouts in Marina del Rey. Chairman Searcy suggested that since there are misconceptions about what transpired with the Boy Scouts the Department should invite the representatives to a future meeting to assure the public that the group is pleased with its interim agreement with the County.

Mr. Horner said that he would investigate the Boy Scouts' situation a little more because he does not think the Boy Scouts in this particular unit went to the public or their national board.

Mr. Richard Miller, speaking on behalf of Coalition to Save the Marina, expressed opposition to Agenda Item 5b. He said that the Coalition is aligned with the Marina Tenants Association and supports the points that were outlined in the materials recently. Mr. Miller said that there are some serious issues related to the appropriateness and legality of the concept of assigning leases and extending leases and the concept of monies flowing out of the Marina by the assignees.

Mr. Miller said that the Commission should be aware that the California Coastal Commission (CCC) is obligated to do a Local Coastal Plan (LCP) review and the County should consider cooperating with the Coastal Commission a little bit quicker than it has been.

Chairman Searcy informed Mr. Miller that the CCC was requested to proceed with the LCP; however, the CCC indicated that it did not have the staff needed to proceed. The Department and Commission have done all that they could and the ball is in the CCC's court.

Mr. Miller said, on behalf of the Coalition to Save the Marina, that the Commission should seriously review the points raised by the Tenants Association before the Commission approves this project.

Mr. Stephen Massman, Kingswood Village representative, said, "At this time, Kingswood is showing its age. The new building surrounding us makes this quite evident. We need to prepare for the next 40

years by carrying out significant renovations in order to keep Kingswood a desirable and safe community for tenants. The renovation plan not only includes improving the cosmetics to the exteriors, but more importantly, must include updating the mechanical and safety systems of the buildings in order to ensure current and future tenants the improved comfort and safety provided by today's new building technologies. This would ensure that Kingswood continues to be a valuable asset and a benefit to the County of Los Angeles and Marina del Rey.... The building would be brought into conformance with ADA requirements for handicapped access, new sewer lines throughout the project, new hot and cold water plumbing lines, new fire systems, fire alarms and new fire hoses, new heating and air conditioning system in the tower, new elevators, which are both cabs and mechanical systems, new security lighting, and the list continues on and on."

Mr. Massman said, relative to quality of living items, "there will be new energy efficient double pane windows throughout, new appliances, new kitchen cabinets, new bath cabinets, new countertops, new sinks, faucets, new balconies...The tenants at Kingswood have benefited from our temporary policy of maintaining rents below fair market value during the time period we have been preparing for the renovations. This was done in order to reduce anxiety and stress for the tenants during this transition period. We hoped that the tenants would have been appreciative for the savings during this period; however, below market rents cannot continue indefinitely. Kingswood has the duty and the contractual obligation to charge fair market rents so that the percentage rent Kingswood pays to the County of Los Angeles represents a fair return on the County's land. The County in turn must use the money that it receives from the ground rent to benefit the citizens of the entire County of Los Angeles and not benefit one group's desires over another's. The new owner, Archstone Community, and the County regulatory agencies have spent the past two years developing an exciting and well thought out plan to renovate and improve the Kingswood property. The new plan addresses both the tenant's concerns and the County's needs. It is Archstone's intent to create a safe, comfortable, and competitively priced community for existing and new tenants at Kingswood for the next 40 years. However, tenants must understand that over the next three years each unit must be upgraded to the new standards. Each tenant will be given the opportunity to relocate within the complex when the time comes to renovate their unit."

In conclusion, Mr. Massman said, "Archstone owns and operates close to one hundred thousand units around the country. Their occupancy rate is approximately 98% for all of these units and the way they maintain that type of occupancy is to charge fair rents; otherwise, you can't maintain. There is no other way."

Mr. John Rizzo, president of the Marina Tenants Association, referenced a letter from the association's attorney, David Naftalin, that Mr. Rizzo submitted to the Commission. The letter expresses the association's opposition to the proposed transfer of the Kingswood Village Apartments.

After the Commission members indicated that they had read the letter, Mr. Rizzo said, "I really don't like saying this. I don't really like coming to these meetings and I don't like confronting the Commission or Stan. I've been coming to these meetings for 29 years and it really hurts...1) In all the years, I have never seen a rent raise ever turned down. I knew people who put these slips into Stan. Hundreds of dollars they got for rent raises; they were never turned down. When you approve this, it's out of your hands and into Stan's hands. I've never seen a rent raise ever turned down. I've had people from various buildings and I tell them, 'turn in the rent raise to the Department.' It's never turned down."

Mr. Rizzo continued: "2) This building should not have been allowed to deteriorate. The County could make them bring it up to standard; 3) In 28 or 29 years, every transfer I've opposed for various reasons, every single transfer has the same M.O. The tenants are history. They're put upon, it's just the degree. You know it and I know it. They come before you. We've brought the owners in of one building and that didn't do any good. That building right across the street from Stan's office was one of the last buildings and everybody is practically gone out of there now. This building happens to be the last, what I believe, to have long-term tenants and they're going to get the same treatment. This man before me, I wouldn't want him to be my landlord and I know you wouldn't want him to be your's. I

hate saying it, but it's true. The information that you have, Carole brought out a lot of points. You don't have the information to make this thing. What are they paying the Kingswood? That should be the first thing. How many millions is the Kingswood getting? You don't even know that. How many millions are they paying? That is not in the documents. Our attorney has shown that you don't have the information to make this judgment. We're asking you to postpone this. Get the information. Carol made a lot of good points. I know some of them hurt, that's why you jumped in. They hurt...but it's true. People in the Marina are gauged now and they're going to be gauged at Kingswood. There is no doubt about it. Please defer this meeting. You don't have the information. It's going to hurt the tenants. It's going to hurt the County. This transfer is going to hurt the County. It's going to be a gift of public funds, a giveaway of public lands. Our letter points that out. I know the votes are counted like they always are. I always hope for a miracle. That's why I've come for 28 years saying, 'maybe this time something is going to happen.' "

In conclusion, Mr. Rizzo informed everyone that he placed copies of Mr. Naftalin's letter (representing the Marina Tenants Association) on the public information table. He encouraged the Kingswood tenants to join the Marina Tenants Association's efforts.

Commissioner Lesser referenced Mr. Naftalin's letter. Commissioner Lesser asked Tom Faughnan of the County Counsel's office whether information contained in the letter was true. Specifically, Commissioner Lesser asked whether the letter's second point that, "public bidding is required on this extension" is true. Mr. Faughnan responded that the lease is not under the Public Contracts Code. According to the government code provision, by which the County leases these properties, there is no bidding requirement.

Further, Mr. Naftalin's letter states that the "proposed Option may violate various environmental protection laws and Coastal Commission requirements." Commissioner Lesser asked Mr. Faughnan whether this is a correct statement. Mr. Faughnan responded that the project will have to be approved by all appropriate regulatory agencies and will have to go through the environmental review process and that hasn't happened yet.

In response to the letter's point: "recusal for conflicts of interest--any member of the Board of Supervisors who has received any funds from any assignee, assignor or any of their family members or any part of their corporations, cannot vote on this [Kingswood Assignment] matter," Commissioner Lesser commented that the statement is not applicable to the Commission.

Commissioner Lesser also questioned the validity of the point in Mr. Naftalin's letter regarding the "Give-Away of Public Moneys." Mr. Moliere commented that this point in the letter misconstrues the lease since the letter states that the County is "only receiving 5% (or 20% of the net proceeds)." Mr. Moliere explained that the 5% (or 20% of the net proceeds) requirement is a prospective term of the new lease. In the current lease, however, there is no provision for the County to receive any portion of the payment of money, so the whole statement makes no sense in the context of the actual transaction.

Mr. Hans Etter commented that he rejects every single project that comes out of Beaches and Harbors because the Department is in cahoots with developers. He said that he doesn't want to see anything built in this Marina until there is new leadership here because, in his opinion, they prostitute themselves for developers.

Ms. Karen Stone, a Kingswood resident, said, "I've lived in Kingswood about 13 years and a lot of people in the complex have lived there a long time. My neighbors lived there 30 years. There are people who have lived here 20 years. It's like a home to us. It's not some place where we're just passing through. I love my apartment. We love our complex. We love the courtyard. I face the courtyard and it's beautiful. I don't think these people really care about us. If any of us were that wealthy we'd be buying houses. To spend an outrageous amount of money on rent is ridiculous. If they have $24 million to invest in a complex, that's an outrageous amount of money. They could give it to the state of California and we could do a real lot of good with it. Kingswood does need to be

renovated, but $24 million is an outrageous amount of money to renovate an apartment complex and we'd all be paying for it. We don't' want anything changed. Our managers are wonderful. I don't know who would be running our office, but they're [Kingswood's current managers] very good to us. We love them. It's really like a family there. Many people have kids there; they can't afford to move or afford an outrageous amount of rent. I think I speak for a lot of people here who feel the same way."

Vice-Chairperson Stevens commented that $24 million is not a lot of money when your pipes are bursting and facilities are falling apart. This sum of money is a reasonable figure to fix the foundation of the building.

Chairman Searcy asked how much money would be spent per unit. Mr. Lloyd responded that $45,000 would be spent. Chairman Searcy commented that this is not an extraordinary amount of money for renovation.

Mr. John Davis said, "This property is on either public trust or public lands, which makes it fall under the public trust or public lands doctrine. If we're comparing rates, we should be using fair and reasonable standard, which is required on public lands and not market rate. The County could not, under Article 16 of the California constitution, act as a business and charge market rates. If you're going to do a comparison of these properties you need to only compare them to other government owned properties in the very same shape. You can't compare them to private for profit properties without acting like a business and violating the constitution. Furthermore, these people have paid good rents for a long time and the County Department of Beaches and Harbors is supposed to issue defaults if maintenance standards are not kept up and if the lessee refuses to fix, yet the Director has for years and years excused this lessee of repairing the apartments as he's supposed to under policy statements for maintenance in Los Angeles County. There's something drastically wrong with this. It's pervasive throughout the County. Who benefits and who loses when the maintenance standards aren't effective? The renters lose. The lessees gain. They pocket the money that should be put out to keep the buildings safe and inhabitable, but they are not being done so. Furthermore, this is not a lease extension. This is a demolishment of a lease and under California state lease law, public properties such as this have a lease term of 40 years and at the end of that lease term, they should be open for public bid and other consideration. This is a demolishment of a lease. It's not a lease extension and it absolutely is in violation of public harbor law and it's also in violation of state lease law and the state constitution."

Mr. Faughnan said that Mr. Davis incorrectly stated the law. Mr. Faughan explained that the County is entitled to enter into the lease extension pursuant to Government Code Section 25907 and Government Code Section 25536. The code sections are identified in the Board letter.

Commissioner Lesser asked whether Mr. Davis' statement is true that the state constitution requires the County to charge less than fair market value for property located on public trust land. Mr. Faughnan responded that Mr. Davis is incorrect. Mr. Faughnan said that the Marina is not on public trust land. In fact, it would be a gift of public funds if the County were to allow the property to be used for less than fair market value.

Mr. Wisniewski addressed the issue of deferred maintenance. He explained that the County uses the private sector to inspect each leasehold on at least an 8-week basis. The Department issues the inspection reports to the lessees and follows up to ensure the correction of deficiencies. The investment that's being made at Kingswood is to project the useful life of the project for another 20 years, which necessitates replacing the plumbing, etc. There are no safety conditions at Kingswood that have not been addressed. The inspection reports are available to the general public and the reports have been made available to the Commission repeatedly. The Department used to have government employees inspect each leasehold. Mr. Wisniewski said that when he became the Director, however, he transferred this task to the private sector because Mr. Wisniewski felt the private sector had more expertise. This has not been recognized by the Marina Tenants Association or the Save the Marina Coalition.

Mr. Wisniewski expressed his objection to the notion that the County has turned its head on the inspection process. He offered to walk any leasehold in the Marina. Mr. Wisniewski also offered to provide inspection reports, provide the follow ups conducted, as well as provide the default notices sent to lenders to ensure that deficiencies are corrected.

Chairman Searcy stated it is obvious that Kingswood needs renovation and he understands that some of today's speakers are not objecting to the renovation and want to see it happen. However, tenants fear rent gauging and displacement. Chairman Searcy said that the representative from Archstone has addressed these matters, but the tenants don't know Archstone and are apprehensive about what will occur under Archstone's management of the property.

Ms. Nancy Moreno asked whether the density at Kingswood would increase or remain the same under the new lessee. Mr. Wisniewski responded that it would remain the same.

Ms. Moreno expressed her concern about the displacement of tenants who have resided at Kingswood for a long time, are not on assisted housing, and cannot afford to remain at the property if the rents are significantly increased. She asked whether the contract with Archstone could include a provision that allows existing tenants to return to their renovated units at a rent similar to what they're paying now and, perhaps, adjust the rent for cost of living, which was not increased in the years when the rent was frozen. The rent could be limited and not at market level. Ms. Moreno suggested that, as units became available, they could be charged the market rates.

Chairman Searcy said that Ms. Moreno is describing a modified form of rent control. He asked Ms. Moreno whether she is requesting the County to take less money from the lessee so that the lessee could charge the tenant less rent. Ms. Moreno responded "yes" and explained that she is requesting the County to impose a compromise on Archstone that would allow for the consideration of tenants that have gone without required maintenance for years. She explained that it's a trade off so that the tenants would not have to pay the market rents. Chairman Searcy informed her that the County cannot agree to take less than fair market value for a leased property; this is considered a gift of public funds.

Chairman Searcy asked whether, under Ms. Moreno's proposal, Archstone would invest less money renovating the units of the tenants who pay less rent. Ms. Moreno responded "no" and explained that there would be an adjustment in the rent on some units to accommodate the tenants who were denied the maintenance that was needed but wasn't done even though the tenants were paying market rents, which supposedly included the funds needed for maintenance (even though maintenance wasn't done). Chairman Searcy informed Ms. Moreno that he doesn't think her proposal is possible.

Ms. Moreno commented that it's ironic that the Marina was set aside for a small craft harbor and public recreation with taxpayer dollars, yet the Marina's density is increasing. She said that across the street on private land nothing but one or two story homes can be built.

Vice-Chairperson Stevens pointed out that all of the apartment buildings in the Marina have increased their rents and tenants are moving out; this is not unusual. Kingswood is not an exception, but is just like the other apartments in the Marina.

Commissioner Law commented that Ms. Moreno's statement regarding surrounding land uses is inaccurate. He said that there might be places across the street that are limited to one or two stories; however, there are places across the street that are not. The two big condo projects that George Hamilton appears in videos for are not in the Marina and they were permitted by the City of Los Angeles.

Ms. Carla Andrus said that the deferred maintenance is the first problem and when the lease is up in 20 years, instead of doing lease extensions, there should be a public bidding process. She questioned why the public was cheated out of the bid on the Kingswood project.

Mr. Faughnan informed Ms. Andrus that at the end of the lease there may be a bidding process when the County decides that the building should be demolished and a new building constructed. He said that if the County is extending the lease and getting a fair and reasonable rate of return on the use of the property, he doesn't see how the public is being cheated.

Ms. Andrus said that the public is being cheated out of a bid. She explained that, perhaps, in 20 years the public might have a different idea for the land use; however, the public isn't given an opportunity to provide input. Ms. Andrus said that the public is denied the opportunity because the County has approved an illegal extension on a lease that should have been put in default.

Mr. Arthur Robert, Kingswood tenant, said, "I speak for many people who live in Kingswood. I've lived there 20 years. We're deeply concerned about the transition and the possibility of the rents going through the sky. I was heartened to hear the man from Archstone tell us that the rents are going to be reasonable or sensible or something. We have been concerned about the meaning of the word, 'comparable.' I believe I heard the man from Archstone say 'comparable with 20 year old buildings' not with the new things by Ralphs on Lincoln...so if that's fair and reasonable that would be good news. My question is that some of these renovations, yes the building could use some help, some support with the elevators and the plumbing and some things that need improvement. However, to change a building that already looks quite good from the outside, it's sandstone, it's tan, it looks very good from the beach and from the air, into some new thing out of Las Vegas or Miami Beach with the multicolored painting of the tower to renovate it....My question is how much needs to be done to bring the building up to what makes a sensible renovation because the bottom line is once these renovations are done the tab would be on the back of the tenant.... My second question is what is this entity called the County? We hear of our revenues from Kingswood supporting the County. Is the County this entity made up of you people sitting here or some nebulous thing or is it also made of the people who live in it? The people who live in it are also composed of the people who have lived in this building, in Kingswood for years, and their lives and their comfort level and their lifestyle. Who is the County? What is the County? Is it not a government of, by and for the people? Are we not the people who live there and that's why we're here speaking tonight?"

Commissioner Lesser said that the County is composed of approximately 10 million people that live in Los Angeles, 6,000 of whom reside in Marina del Rey. The Marina is an asset of the County and has multiple uses, such as commercial, small craft harbors and recreation, for the entire County and for those people who live here. Revenue collected from the Marina goes into the County's general fund. There would be fewer funds to keep hospitals open if the Marina had lower rents and the Marina's residents were subsidized. Commissioner Lesser said that he did not think that anybody would think that was fair. He added that some people might say the funds went to bloated bureaucracy salaries, but the fact of the matter is that the County is approximately 10 million people, with 6,000 people residing in the Marina. The rest of those 10 million can't subsidize the 6,000 who live in the Marina; they shouldn't gauge them, but they also shouldn't subsidize them.

Mr. Ray Collins, a resident on Marquesas Way, commented that he believed Mr. Wisniewski to be sincere and trying to do a good job. Mr. Collins expressed his concern about the noise and dust and dirt created by the construction on his street and said he fears that he and his wife may not be able to deal with all of the renovations or continue to enjoy living in the Marina because of the massive development projects. Mr. Collins said that he identifies with what the Kingswood tenants are saying and their fears about what their future holds because of the redevelopment and renovations. He commented that he realizes the lessees, Commission and the Department are trying to do the right thing, but Mr. Collins wanted everyone to be aware of the impact of development on the residents.

Chairman Searcy commented that he is hopeful the Department considers the impact of development on the residents and imposes limits on construction hours, weekend activities, dust control, etc.

Vice-Chairperson Stevens moved that the Commission postpone taking action on Agenda Item 5b until the March Commission meeting. The motion did not receive a second and failed.

Commissioner Law moved and Commissioner Lesser seconded a motion to approve the Assignment and Option for Restated and Extended Lease – Parcel 102; the motion passed with Chairman Searcy, Commissioner Law and Commissioner Lesser voting in favor. Vice-Chairperson Stevens abstained.

6. ONGOING ACTIVITIES REPORT

a. Board of Supervisors' Actions on Items Relating to Marina del Rey

Chairman Searcy said that in the interest of time he would like the Commission to receive and file this item. He asked Mr. Faughnan whether the Commission could open the item to public comment, even though the item does not require discussion or action, since a member of the public has indicated that he would like to comment on it. Mr. Faughnan responded that the public could speak on any agenda item unless the Commission continues the item to another meeting.

Chairman Searcy asked Mr. Davis to come to the podium to comment on the item. Chairman Searcy also encouraged members of the public to obtain a copy of the Ongoing Activities Report from the public information table.

Mr. Davis asked whether the Commission always receives and files the Ongoing Activities Report or does it take an action. Chairman Searcy responded that the Commission would receive and file the report since it does not require approval. Mr. Davis said that in the interest of time he would hold his comment until the public comment section of the agenda.

7. COMMUNICATION FROM THE PUBLIC

Chairman Searcy opened the floor to public comment.

Mr. Davis said, "As the chair of the grass roots Venice Council Conservation Committee, I would like to ask the Chair to assign a liaison to the neighborhood council regarding Marina del Rey buildout so that the neighborhood council could have a direct participation in the process because Marina del Rey is surrounded by Venice on three sides and what's proposed here would have a dramatic impact on the community of Venice and the neighborhood council is entitled to take part in the process."

Chairman Searcy requested Mr. Davis to submit a written request to the Commission and a response would be given to him. Mr. Davis said that he would be happy to do as requested.

Mr. Davis said that on his own behalf he wanted to inform the Commission that, "County Counsel Richard Weiss of the Public Works Division's description of the ownership of Marina del Rey has been submitted for review to the Justice Department requesting a review and that was by Congresswoman Jane Harmon and if you would like to look at the letter, there it is. The last issue I would like to speak to you about, except for the fact that the County Department of Beaches and Harbors is acting like a unconstitutional business under Article 16 is the Public Resource Code, is the requirement that all submerged and formally submerged lands in the state of California be under the jurisdiction of the Lands Commission. I have a letter here to the Lands Commission from the former Director of Beaches and Harbors and in this, he states essentially that all of the lands that Marina del Rey is constructed upon were all dry lands. This is the excuse the County is using for maintaining its presence on the submerged and formally submerged lands in addition to claiming they have the same rights as a business, a private business, Summa, as in Summa vs. California, which was adjudicated at the Supreme Court and the County of Los Angeles cannot act as a business because it would be unconstitutional and claim those same rights under Summa vs. California adjudicated at the Supreme Court. The County could only look to the constitution regarding formerly submerged and submerged lands and as they look, and as Richard Weiss' report indicates, the County tries to claim the same rights as a for profit corporation and disregards the constitution of the state of California and Public Resource Codes, which require formerly submerged and submerged lands to be in the hands of the Lands Commission, not the County of Los Angeles."

Chairman Searcy encouraged members of the public to remain after the meeting to visit the individual workstations located at the back of the Community Room.

Mr. Wisniewski informed the public that there is a drop box with comment/question forms at one of the workstations. He said that staff intends to receive verbal comments and questions from the public, but would prefer the public to complete the comment/question forms and place them in the drop box. The Department will summarize the comments it receives and present them to the Commission, hopefully, at the March meeting. Mr. Wisniewski said that if people have comments but are not able to share them today, they should submit them to the Department by February 23 so that staff will have ample time to summarize them and report back to the Commission at the March meeting.

Mr. Wisniewski added that public comments are not only welcome, but also encouraged. He said that much of the Marina's planning has been improved because of the time that people have taken to provide input to the Commission, Design Control Board, Coastal Commission, Regional Planning and Board of Supervisors. He encouraged everyone to visit the workstations after the meeting and familiarize themselves with the projects in the harbor. He said that staff would try to answer the public's questions tonight if possible and the Department would very much like to hear the public's comments as well.

Mr. Gerald Sobel asked whether staff said earlier during the meeting that the Sea Scout Base had a shaky railing. He commented that he just went over to the Sea Scout Base and checked the railings and didn't find any of them to be shaky. Mr. Moliere responded that the Scouts themselves had a certified public engineer conduct an inspection, which was done using scientific methods. The engineer and the Scouts' representative concluded that the railings were not safe; the Department verified this. The Scouts paid the cost for the inspection.

Mr. Sobel referred to Mr. Wisniewski's earlier comment that the Sea Scout Base has an asbestos problem. He asked whether asbestos is encapsulated and therefore safe.

Mr. Sobel also commented that very tall buildings are under construction. He said that he has sailed in the main channel with 30-knot winds; there's virtually no wind at least 120 ft away from the end of the mall, yet tall buildings continue to be constructed. Mr. Sobel said that he participated in the Del Rey Races and went past each mall and the sailboats just drifted along and when they passed the basin all of the wind was funneled down the basin and the boats heeled over on their sides. Additionally, when going down the main channel the wind fluctuates dead on to behind.

Mr. Sobel said that he believed the Marina was built for recreational boating, not so that there could be a big swindle with grifting and wheelers and dealers taking advantage by developing seaside properties and leasing them for a fortune.

Mr. Wisniewski said that a wind study consultant reviews every project for the impact on sailing in Marina del Rey. Chairman Searcy encouraged interested members of the public to obtain a copy of the study from the Department.

Mr. Rich Ruskin said, "The developer knows to the exact penny what he's gonna charge in rents for these apartments after the building is completed. If you broke it down to $40,000 per unit over the next ten years, that would be a $400 a month increase, which would take their 1-bedrooms from around $1300 to around $1700, which is a 30% increase. You should force them to disclose to you what their intended charges are going to be for rents. That's real simple. They know to the penny since their developers. You should press them and require that they tell you because they know what they're gonna charge. No reasonable businessman is going to develop a project without knowing what they're gonna have."

Mr. Ruskin continued, "Stan Wisniewski, in my opinion, is not doing a good job, nor has he ever done a good job in the Marina. My dad built Neptune Marina nearly 40 years ago. Stan said that they have inspections done by independent contractors, which is ridiculous first of all. The County is responsible

for this, not independents. The docks are the docks that were put in there...everytime I go there I either get a splinter or I step through a broken board. You have not done your job. The County docks where the launch ramp is located are covered with fur crap from one end to the other. The docks are broken, they're splintering and that is your responsibility and you've not done it. You've neglected it along with many of the other things in the Marina that require your response. There are over 7,000 boats in the Marina. We have two pump out stations that are County-run for 7,000 toilets. Now where do you think those 7,000 toilets go to dump their crap? Do you think they go to the pump out stations or do they just pump it out in the Marina? The one that's at the guest dock partly works and usually doesn't work. It barely pumps out...we have the dirtiest Marina in all of the state of California. Mothers Beach is the dirtiest beach around. Mothers Beach or Marina Beach happens to be a windward beach. Oil doesn't collect at a windward shore. It collects at a lee shore. So when you come down to the bottom of the basins over by here, that's why it's covered with grease and covered with dirt. So, instead of spending a quarter of a million dollars coming up with interesting and exciting boat designs for the shuttle program, which was a failure...instead of pumping hundreds of gallons of fuel into the Marina every weekend and instead of wasting our money, why don't you take that little bit of money and use it to clean the Marina so that it is not a toilet like it is right now because that's part of your responsibility Stan."

Ms. Joan Oliveras informed the Commission that the County is losing money. She said that she is one of only two legal liveaboards at her dock; there's 14 other illegal liveaboards living at her dock. This is throughout the Marina. Ms. Oliveras expressed her resentment for having to pay an extra $150 a month while others are able to live free. She said that it is the lessee's problem because he is not doing his job. It goes along with the dirty bathrooms and the poor condition of the docks; it's all hand in hand because the lessees are not doing what they're supposed to be doing.

Mr. Wisniewski responded to the issues that Mr. Ruskin raised. Relative to Marina Beach, Mr. Wisniewski said that there have been occasional closures of Marina Beach because of unclean water. The Department received a grant for approximately $2 million to address the problem. He encouraged members of the public to contact Mr. Chesler if they wish to find out more about the project. As for the water shuttle program, Mr. Wisniewski explained that it was not a failure. A small amount of revenue was generated, which the contractor received. The shuttle had 13,000 plus riders, which the Department would like to increase. As for the pump out facilities, Mr. Wisniewski said that the County was the first to install pump out facilities and is now requiring every developer that renovates his dock to install pump out facilities.

Mr. Wisniewski said that he isn't sure what Mr. Ruskin is referring to at the launch ramp. Mr. Wisniewski explained that there are new water control regulations that prevent the Department from washing the docks and having the debris go into the water; perhaps, the device that is used to clean the docks doesn't perform the job as well as Mr. Ruskin would like, but staff must scrape the material and remove it since the material is no longer allowed to go into the water. As for the transient docks, Mr. Wisniewski said the transient docks are in good shape and he would put them up against the best docks that exist in the Marina, including the new docks at Basin A.

Mr. Wisniewski said that he doesn't take Mr. Ruskin's comments personally since they go with the job of being the Director of Beaches and Harbors. Mr. Wisniewski offered to meet with Mr. Ruskin to discuss his concerns after the meeting.

Mr. Carlos Rodriguez commended the Department's efforts to keep the water clean. He said that there should be a friendlier relationship between boaters that use the guest docks and the park's employees and the Sheriff's Department. Mr. Rodriguez said that many boaters have been displaced within the last few months because the County is building bigger slips for bigger boats. Many of the displaced people were liveaboards who relocated to Ballona Creek, which is a dangerous spot. Mr. Rodriguez said that he lives on his boat at Ballona Creek and was previously docked at basin A, but relocated when the dock had to be repaired. Mr. Rodriguez said that he is a writer and living on his boat helps his creativity. He reiterated the need for friendlier relations between the boaters, the Sheriff's Dept. and Chace Park staff.

Mr. Don Hawar, Bar Harbor liveaboard, questioned whether it would be fair to say that, since there is a 3-7 year waiting list at all other Southern California marinas, it would be hard to attain fair market value. Mr. Hawar also questioned whether fair market value could be considered a conglomeration of prices from all the other marinas, which are much lower than in Marina del Rey. Mr. Hawar said that his rent was increased by 40% and he has been gauged.

Chairman Searcy asked what time period the 40% encompasses. Mr. Hawar responded that he's lived in the Marina four years and his rent was just increased by 40%.

Mr. Hawar said that as a liveaboard boater his only alternative is to move to another marina. All the other marinas have waiting lists and all provide the same thing: a place to tie up, electrical service, possibly water, possibly a phone line. He said that Marina del Rey also offers these services. He questioned whether it is worth double to live in Marina del Rey.

Ms. Dorothy Franklin said, "I have been a resident in Marina del Rey since I purchased my boat almost 20 years ago. I am a legal liveaboard. I have lived at Neptune, at Tahiti, at Marina City Club and now I'm a resident of Bar Harbor. For years, my slip fee was $10.00. It got up to $10.00 per foot plus $3.00 per foot for a liveaboard. I have a 42' sailboat and my rent was $540. Up until December of 2002, my rent was increased to $11.00 per foot in January of 2003 and a 55% liveaboard increase. That made my rent go up to $682.00 in one year. Effective this month, I've had another increase. My rent is now $12.76 per foot plus a 55% liveaboard increase...I'm now paying $831 per month for the same thing that I had in December of 2002. In one year, my rent has gone up $291 per month. I would like to have a review of slip fees."

Mr. Wisniewski suggested that Ms. Franklin speak to Mr. Moliere after the meeting about the issue.

Ms. Franklin continued, "I did get something from Bar Harbor that said for a one-year lease my rent would be $831 per month. I said 'fine, could I have a 2 or 3 year lease since I'm a good resident, I'm here, I'm quiet?' They said, 'no, no. We want the option to be able to raise your rent next year. We will only give you a one-year lease.' Now for a one-year with a liveaboard it's $831 right now. For a 6-month lease, it's $656 per month, which is $13.35 per foot. They also have a month-to-month rent, which breaks down to $13.95. I have done some comparisons of a 40' slip in other marinas and the going rate is $11-$12 or so. I'm paying $12.76 per foot. Fortunately, I will be able to pay off my boat this year. If I still had both payments, I couldn't afford to live on my own boat with the exorbitant amount of rent increase."

Chairman Searcy suggested that Ms. Franklin speak to Mr. Moliere after today's meeting. Commissioner Lesser requested Mr. Moliere to report on the outcome at the March meeting so that the Commission will know how the matter was resolved.

Mr. Al Lehman said, "I was born right over that hill 50 years ago when a congressional bill was passed and the bond issue was passed by my parents and grandparents to make this the recreational marina that it was intended. From day one they changed the floor plan of what the Marina was going to be designed as, to a yacht basin, and have continually for 50 years now taken more and more away from the children that this Marina was intended for...There's something that has transpired that, according to the constitution, cannot really happen. The changing of the recreational marina to what it is now through eminent domain, which was acquired from the bond issue. The intent of the bond issue cannot be changed without the vote of the people. Somehow, you've done it right under our very noses. You are acting like it's okay, well it's not okay. Something had to be violated that's constitutional in the state's legal format to let you do this. We've been telling you this for years and years and you continue to just ignore us, we the people. This is our Marina. I'm gonna ask the governor to look into what's transpired here. The Board of Supervisors knowingly or unknowingly for 50 years has let this happen. There will be an investigation. It's too late to hang people. The acquiring of public land like this during times of war, which we've been through many in the last 50

years, is an act of treason and it's punishable under those laws and we're gonna find out what's happened."

Mr. Mike Greenberg, Bar Harbor resident, informed the Commission that Bar Harbor increased his rent by 10% one year ago and again by 20% only a few months ago; this amounts to 30% in 2 years. Mr. Greenberg asked the reason for the increase. He said that Villa del Mar, which is charging the same rates as Bar Harbor, is better than Bar Harbor and is much newer. Mr. Greenberg said that the Marina is coming to the end of its life and it's being maintained at the lowest level possible, yet his rent has been increased and he doesn't even know why.

Mr. Greenberg requested the standard and the basis for the increase. Chairman Searcy requested Mr. Greenberg to speak to Mr. Moliere about the issue after the meeting. Chairman Searcy also requested Mr. Moliere to report on the matter at the March meeting.

Ms. Suzanne Kite commented that she hasn't attended a meeting in a while but nothing seems to have changed. She said that the same conversation has been going on for 30 years now and the conversation has continued to pertain to slip fees, rents and fair market value. Ms. Kite said that she still doesn't know how fair market value is determined; however, it seems to be whatever the market will bear. Fair market value seems to be whatever the lessees want to charge and they're given carte blanche. She said that there has to be limits.

Chairman Searcy asked whether Ms. Kite has addressed the Board of Supervisors regarding her concerns. Ms. Kite responded that in the 1970s, the Pioneer Skippers Boat Owners Association was very involved and it teamed with the Marina Tenants Association to address the Board. She said that busloads of people attended a Board meeting and there was a lot of coverage from the news stations. Ms. Kite said that there was a strong core group of long-term Marina residents who really cared and were active. She said that she likes Mr. Wisniewski but she doesn't believe that he's doing the job he should be doing.

Commissioner Lesser asked Ms. Kite whether she believes the Marina residents are not getting value for what they're paying. Ms. Kite responded that she doesn't believe people are getting value; however, a lot of people remain in the area because they love living near the water.

Mr. Raymond Collins, Villa del Mar resident, asked whether his 30' boat, which he plans to leave at Dock 77, can be accommodated when the new facility is built. He also asked whether his boat in the new facility will be on a trailer at ground level or high up on a rack and will he have to pay more. Mr. Collins said that his research reveals that there are a limited number of small slips available at anchorages throughout the Marina. Many of the anchorages have 2-3 year waiting lists and the yacht clubs prioritize their own members. Mr. Collins said that a Bar Harbor staff member informed him that all of the small boat slips within the Marina are being eliminated and the staff person offered him an end tie.

Mr. Collins said that when he attended the California Coastal Commission (CCC) meeting in San Francisco recently to oppose the extension of the Deauville project, he expressed his concern that the meeting's location in San Francisco limited public access and showed that the public did not have a right to participate in the proceedings. He said that he made it very clear that the CCC was in direct violation of the public's right to participate and the meeting should have been held closer to the Los Angeles area since the members were addressing issues that pertained to Los Angeles, specifically the Marina. Mr. Collins said that CCC staff told him that the Commission was not in violation of the public's right to participate and the Commission did not have to make every single issue that is on its agenda available to the residents of the area that's being discussed.

Mr. Collins said he knows that the Small Craft Harbor Commission and the Department are trying to do their jobs; however, despite the legitimate evidence presented in opposition to a project, the Commission continues to support the projects.

Ms. Patricia Raye informed the Commission that she attended today's meeting to address the problem with the park's management, specifically Jose Mata. Ms. Raye said that Mr. Mata discriminates and blacklists and he has made her life a living hell for the last 14 months. She told the Commission about a gentleman she knew who had leukemia and a congenital heart disease. The man left his boat at the transient dock and upon returning to his boat discovered that it had been impounded; it was the first of seven impounds. The gentleman recently passed away. Ms. Raye said that, around Halloween, the man's boat sunk because Mr. Mata wouldn't allow the man to stay at the transient dock. Ms. Raye said that the man had not done anything wrong to deserve this treatment. Ms. Raye also said that a deputy sheriff mistreated the man while the man was visiting her at the transient dock.

In conclusion, Ms. Raye said that she has filed an official complaint and has requested an investigation of the park's discriminatory practices.

Mr. Rick Horner said that he wanted to direct the Commission's attention to the city of Santa Monica. He said that the city of Santa Monica is one of the most visited spots in the world but has been mismanaged with its overbuilding. Mr. Horner said that if the Marina has a trend toward building huge rents, condos and 40'-80' boats, the Marina might also find itself with similar problems. He said that he was extremely offended by Mr. Wisniewski's comment that people who don't like what's going on in the Marina should leave.

Commissioner Lesser said that he, rather than Mr. Wisniewski, posed the question of why people remain in the Marina if they feel they're not getting value for the money. Mr. Horner informed Commissioner Lesser that people are here trying to solve the existing problems and it isn't appropriate to tell people to leave if they don't like it.

Mr. Horner said that he made a comment several meetings ago about Pacific Ocean Management's maintenance of bathroom facilities. He said that the management company indicated that it did not have enough money to change the bathroom key used by over 40-50 people who are van aboards and who do not have boats. Mr. Horner said that when a movie actor complained, however, the actor's bathroom key was changed and none of the other boaters were allowed to use it.

Chairman Searcy suggested that Mr. Horner provide the details to Mr. Moliere after the meeting so that the Department could look into the matter.

Mr. Horner said that management's response to his complaint was to raise his rent. Additionally, his new boat registration was lost after he sent it twice to management. Mr. Horner added that he also received a 10-day notice and he must now postpone his out of town trip to handle it. He emphasized that there are problems in the Marina that should be addressed and not vindictively so. He said that people who use the facilities as recreation would like to see their concerns addressed and that, overall, if there is responsible development and concerns are looked at everyone could be happy.

Ms. Carla Andrus read the following:

> It's been almost 2 years since our last night meeting; meetings that are being characterized by many as a dog and pony show. As disheartening as that is, it is true that no proposals that have been made by major developers has been rejected to this date regardless of public comment, questions or concerns. So here we are tonight and you're going to the stations on topics including private leasehold development projects that have already been passed by this Commission. You're taking questions now...

Chairman Searcy interrupted Ms. Andrus to remind her that comments from the public are listened to, reviewed and modifications to plans have been made because of public input. Chairman Searcy emphasized that he doesn't want members of the public to think that the Commission doesn't listen and take their concerns seriously.

Ms. Andrus said that every major development that's been proposed in the Marina has been approved. Mr. Wisniewski informed her that she is incorrect and he cited Vestar as an example of a proposed development project that did not proceed because the County did not want to proceed.

Ms. Andrus continued reading:

> The questions could have come before this ill thought out agenda of urbanizing the Marina. These are public trust lands and they have priority over private entities. It is the public that pays for the infrastructure. It is the public that is to benefit from these lands. That would be the guiding principle in the redevelopment of the Marina. We should have started from there. Besides which placing market value on public land is forbidden by the California constitution. Public land use has priority over private interest. All these concerns are a matter of public record and we are aware that you are tiring of these repetitive questions. Still only substantiated answers will make these questions go away. Throughout this flawed process, you have had an involved and interested public.
>
> You've been given a wealth of questions and those have gone by unanswered in any substantial way. Questions of jurisdiction were not satisfied, empirical data that was to be provided by Mr. Chesler on the decommissioning of oil wells and oil refineries. Where is the information on the sanitary landfills? There are serious questions about the legality of lease extensions; lease extensions that replace the open bidding process required by state lease laws. To add insult to injuries, extended leases have been offered in place of lease defaults followed by the manipulation of an imposed market value. After months, I'm still asking how we justify increased rents on warped docks; docks that should be legally condemned; rent increases on docks scheduled for demolition.
>
> To round off the questions, how much did the County have to pay for the wrongful death lawsuit brought on by these dangerous conditions of the docks? Let's end the dog and pony show. The public is willing to comb the minutes for the questions and concerns of this long process along with the questions asked tonight would be a fine starting place for the public workshops required on our long overdue LCP review. Let's place a moratorium on these development projects until these matters are settled. The only other thing is Mr. Moliere it seems to me, is like the revolving door of this process, of the Department of Beaches and Harbors. I can tell you that I supplied the Commission a tape. Did the Commission ever get to see that?"

Chairman Searcy responded that he has seen the tape.

Ms. Andrus asked whether Chairman Searcy is aware of what's happening at the docks. Chairman Searcy responded that he is aware and inspectors were sent to the docks.

Chairman Searcy told Ms. Andrus, relative to her concern regarding jurisdictional issues, County Counsel prepared a written report on the subject and submitted it to the Commission at a previous meeting and copies were placed on the public information table.

In response to Ms. Andrus' concern regarding the decommissioning of oil wells, Chairman Searcy informed her that at a previous meeting the public was informed where the material could be obtained. However, there were members of the public who did not like the fact that they would need to obtain the information themselves rather than have it provided to them by the Department.

A staff member informed Chairman Searcy that there is material available tonight on the subject of the oil wells. Chairman Searcy requested that the material be placed on the public information table.

Mr. Hans Etter informed the Commission that the gates to Chace Park's handicapped ramp are locked. He read an ordinance that states, "it's unlawful at any time for any person to obstruct the free and easy access to and departure from any portion of any ramp, landing, pier, berth, wharf and other facilities within park borders." Mr. Etter asked why the County keeps the handicapped ramp locked.

Mr. Wisniewski explained that if Mr. Etter is referring to the locked gates to the transient dock, the gates are locked for the security of the patrons that use the facility; anyone using the transient facilities has the ability to unlock the gates.

Mr. Faughnan clarified that the ordinance is applicable to members of the public, not the County itself. He said that the County controls the property and has the right to secure it. The ordinance says that "it's unlawful for any person to obstruct access." This statement refers to members of the public not the County.

Mr. Wisniewski said that he wanted to take the opportunity to point out that Mr. Etter and other speakers at tonight's meeting have abused the transient facilities. They use the transient facilities for month-to-month occupancy; this is not acceptable. There is no blacklist, but the transient docks are for temporary docking and are not meant for permanent use.

Mr. Etter referred to a citation he received for illegally mooring his boat. The citation warned that his boat might be impounded. He said that state law gives him the right to seek refuge; the County cannot deny him refuge and kick him out. Mr. Etter said that he has never abused the docks. He suggested that if the Department wants to go after someone who is breaking an ordinance staff should go after the Fantasea Yachts since they're committing illegal construction activities. Mr. Etter also noted that County employees break a County ordinance when they illegally park in fire lanes and carry tape recorders to record private conversations. He reminded staff that they are public servants that work for him since he's a taxpayer.

In response to the concerns that Ms. Oliveras voiced earlier in the meeting, Commissioner Law requested staff to walk the docks to see what's occurring with the illegal liveaboards.

Additionally, Commissioner Law said that he has heard complaints about the safety of the north jetty and the alignment of the fencing. He requested a status report, particularly if there is a safety issue, at the March meeting.

8. ADJOURNMENT

Chairman Searcy adjourned the meeting at 9:49 p.m.

Respectfully submitted,

Toni Minor, Secretary

MARINA DEL REY HARBOR ORDINANCE
SEAWORTHY & LIVEABOARD COMPLIANCE REPORT

	December	January
Liveaboard Permits Issued	0	2
Warnings Issued (Yellow Tags)	0	0
Notices to Comply Issued	0	0

Total Reported Liveaboards By Lessees - 543
Total Liveaboard Permits Issued - 435
Percentage of Compliance - 80

No new Warnings were issued in the month of December.

No new Notices to Comply were issued in the month of December. There are no active cases.

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 December.

Number Of Unseaworthy Vessels Demolished

To date, one hundred and fifty eight (158) vessels have been removed from the marina for disposal. Currently, six (6) vessels are ready for disposal and eight (8) are awaiting lien sale procedures.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
MARINA DEL REY STATION
PART I CRIMES- FEBRUARY 2004

	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										0
Robbery: Strong-Arm								1		1
Aggravated Assault	1						1	2	1	5
Burglary: Residence		1			2			4	3	10
Burglary: Other Structure	1	1	1				2	1	2	8
Grand Theft	6				1				1	8
Grand Theft Auto	3	2			1		1	2	1	10
Arson										0
Boat Theft										0
Vehicle Burglary	2	1			2	1		1	1	8
Boat Burglary										0
Petty Theft	3				1	2	2	1	2	11
REPORTING DISTRICTS TOTALS	**16**	**5**	**1**	**0**	**7**	**3**	**6**	**12**	**11**	**62**

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

Source- LARCIS, **Date Prepared – March 2, 2004**
CRIME INFORMATION REPORT - OPTION B

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART I CRIMES- FEBRUARY 2004

Part I Crimes	MARINA AREA (RD'S 2760-2763)	EAST END (RD'S 2764-2768)
Homicide	0	0
Rape	0	0
Robbery: Weapon	0	0
Robbery: Strong-Arm	0	1
Aggravated Assault	1	4
Burglary: Residence	1	9
Burglary: Other Structure	3	5
Grand Theft	6	2
Grand Theft Auto	5	5
Arson	0	0
Boat Theft	0	0
Vehicle Burglary	3	5
Boat Burglary	0	0
Petty Theft	3	8
Total	**22**	**39**

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

Source- LARCIS, **Date Prepared** – March 2, 2004
CRIME INFORMATION REPORT - OPTION B

Los Angeles County
Beaches & Harbors
Caring for Your Coast

To enrich lives through effective and caring service

March 4, 2004

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director

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

MARINA DEL REY

OPENING DAY CEREMONIES 2004

Marina del Rey Yacht Clubs
Saturday, March 20 – Sunday, March 21

The yacht clubs of Marina del Rey will be celebrating the opening of the yachting season on March 20 - 21. Contact the clubs for their schedule of events during this weekend.

California Yacht Club:
www.calyachtclub.com
(310) 823-4567

Del Rey Yacht Club:
www.dryc.org
(310) 823-4664

Marina Venice Yacht Club:
www.mvyc.org
(310)822-9082

Pacific Mariners Yacht Club:
www.pmyc.org
(310) 823-9717

Santa Monica Windjammers Yacht Club:
www.smwyc.org
(310) 827-7692

South Coast Corinthian Yacht Club:
www.sccyc.org
(310) 306-2787

MARINA DEL REY OUTDOOR ADVENTURES

Sponsored by the Los Angeles County Department of Beaches and Harbors
Burton Chace Park

Bird Watching Experience Program
Thursdays, March 25, May 20, July 29, September 23 and November 19 at 4:00 p.m.
and
Thursdays, April 22, June 17, August 26 and October 21 at 9:00 a.m.

County-sponsored bird watching walk for adults is a free two-hour walk, which will take place at various sites in the Ballona Wetlands. Meet at the Burton Chace Park office in the lobby. Participation, parking and transportation to tour sites are free.

For program information and registration call: Burton Chace Park at (310) 305-9595.

FISHERMAN'S VILLAGE WEEKEND CONCERTS

Sponsored by Pacific Ocean Management, LLC
Concerts are from 1:00 p.m. – 4:00 p.m.

Sunday, March 14
Swing Syndicate, playing Swing

Sunday, March 21
La Cat, playing Latin Reggae

Sunday, March 28
Caravana, playing Latin Jazz

For recorded information call: (310) 823-5411.

ANNUAL MARINA DEL REY ANGLERS HALIBUT DERBY

Sponsored by the Marina del Rey Anglers
Saturday, April 3 – Sunday, April 4

Competitors vie for great grand prizes at this popular local event. Awards go to those who catch the biggest fish on a rod and reel in the Santa Monica Bay. Fishing starts at sunrise, but the real fun starts at the public weigh-ins held Saturday, April 3, in Burton Chace Park from 2:00 p.m. to 5:00 p.m. and again on Sunday, April 4, from 12:00 noon to 3:00 p.m.

For information: Visit website halibutderby.com or call (310) 827-4855.

BEACHES

SANTA MONICA PIER WEEKEND CONCERTS

Junior Acoustic Music Series
Saturday, March 13

Pier JAMS (Junior Acoustic Music Series), a program dedicated to giving young musicians the opportunity to perform in a high-profile venue, presents the Manhattan Beach Elementary Honor Band, directed by Dawn Farmer, March 13, performing at the Santa Monica Pier's Carousel Deck at 12:00 noon.

For information call: (310) 458-8901.

Sunday Concert Series

The Sunday Concert Series is back again, boasting more than a decade of entertaining crowds at the Santa Monica Pier. The FREE concerts are held, weather permitting, every Sunday afternoon from 2:00 p.m. to 4:00 p.m. through Memorial Day.

March 14
The Brasil-Brazil Show with Ana Gazzola and Sonia Santos
An all-Brazilian extravaganza delivering the style, rhythm and flavor of the country's culture

March 21
Lisa Haley and the ZydeKats
One of the country's best zydeco bands

March 28
West Side Crew
Classic "Oldies but Goodies"

For information call: (310) 396-0897.

SW:mc

Los Angeles County
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

March 2, 2004

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan Wisniewski

SUBJECT: **AGENDA ITEM 5b – HEARING ON PROPOSED DEPARTMENT OF BEACHES AND HARBORS 2003-2004 PARKING, RECREATIONAL VEHICLE AND LAUNCH RAMP FEE INCREASES**

Item 5b on your agenda pertains to our recommendations that the Board of Supervisors approve parking fee increases at County controlled parking lots at the beaches, in Marina del Rey, and at the Dockweiler RV Park. The purpose of this recommended action is to assist in covering the costs of beach and Marina maintenance and operations and to align the County's fees with those charged at similar facilities. The last time beach and Marina del Rey parking lot fees were increased was in May of 1997 and July of 1995, respectively. It is anticipated that the increased fees will generate an additional $1.1 million in annual parking revenue enabling the Department's future absorption of the $1.2 million cut to its 2003-04 adopted budget.

At its February 18, 2004 meeting the Los Angeles County Beach Commission endorsed the Department's recommendations regarding beach parking lot and recreation vehicle parking fees. We respectfully request your Commission's endorsement of the Department's recommendations as to Marina del Rey parking lot and launch ramp fees. The Board will consider the proposed fee increases in a public hearing on March 23, 2004. We will report your Commission's recommendation to the Board of Supervisors prior to the public hearing on this item.

Our staff will be available to discuss the attached Board letter and answer any questions you might have.

SW:KG:ED

Attachment

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

Stan Wisniewski Director • **Kerry Gottlieb** Chief Deputy

Los Angeles County
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

February 23, 2004

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

Dear Supervisors:

**HEARING ON PROPOSED
DEPARTMENT OF BEACHES AND HARBORS
2003-2004 PARKING, RECREATIONAL VEHICLE AND
LAUNCH RAMP FEE INCREASES
(THIRD AND FOURTH DISTRICTS)
(3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:

1. Find that the recommended action is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(8), because the proposed fees are necessary to assist in offsetting the costs of beach and Marina maintenance operations.

2. Approve parking fee increases at County controlled parking lots listed in Attachment A (beaches), Attachment B (Marina del Rey), and Attachment C (Dockweiler RV Park).

3. Expand the parking metered rate of $0.25 per fifteen minutes to all parking lots where meters are/will be installed.

4. Authorize the Director or his designated representative to adjust parking fees and metered rates as necessary to maximize revenue or to make necessary public accommodations, not to exceed the maximum Board-approved fees.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of this recommended action is to increase the parking rates at beaches owned and/or operated by the County and in Marina del Rey in order to assist in covering the costs of beach and Marina maintenance and operations and to align the County's fees with those charged at other parking lots in the vicinity.

The last time beach and Marina del Rey parking lot fees were increased was in May of 1997 and July of 1995, respectively. The Department worked with a consultant (Walker Parking Consultants) to analyze the County's parking fees at its beaches and in Marina del Rey. In order to maximize revenue for the County based on current market conditions of surrounding parking lots, the consultant has recommended that certain of the County's parking fees at beach and Marina del Rey parking lots be increased and that fees be "rounded up" to the nearest dollar to increase cashier efficiency and provide better service to the public. The Department's parking contractor, Parking Concepts, Inc. (PCI), that operates our beach and Marina parking lots also recommends the proposed parking fee increases in order to bring the parking fee structure in line with surrounding parking lot operators.

The proposed fee increases identified on Attachments A, B, and C are consistent with the recommendations of the parking consultant and the parking contractor, as well as the Department's recent surveys of fees charged at comparable beach, marina, and RV facilities. The results of the Department's surveys are documented on Attachments D through G, and all recommended rates are within the ranges of comparables (noted on the bottom of Attachments A, B, and C). It is anticipated that the increased fees will increase gross annual parking revenue by $1.1 million if these fee increases are implemented.

The fees on Attachments A, B, and C are divided between summer and winter rates; summer rates are effective the Saturday before Memorial Day through the last Sunday in September. Also, the proposed beach parking lot fees identified on Attachment A are "per entry, per day" and do not include any reference to different fees when the lots are staffed with a parking attendant versus when the lots are not staffed. In the past, the Department utilized slot boxes at unstaffed beach parking lots, requiring parking lot patrons to pay only $2 at the slot box when a lot was unattended. With the installation of automated fee collection equipment at beach parking lots completed in October 2002, the slot boxes were removed and parking patrons now pay the same rate whether it is collected by an attendant or at the automated fee collection machines.

The Department also recommends that your Board allow parking fees and metered rates to be adjusted as necessary after considering patronage and the need to maximize revenue, not to exceed the maximum Board-approved fees. For example, the Department can charge reduced morning and evening rates at beach parking lots where only one daily rate is approved.

In addition, in June 2001, meters were installed at three Dockweiler State Beach parking lots as part of our pilot automation project to accommodate patrons who visit the beach for a short period of time (e.g., for an exercise program). At that time, a metered rate of $0.25 per fifteen minutes was approved by your Board for use at the three lots. The Department recommends expanding the metered rate previously approved for the three lots to all lots where meters are installed. At present, we are expanding the use of meters to five metered spaces at both Zuma and Will Rogers 3, as well as 31 spaces in the upper lot of White Point.

Implementation of Strategic Plan Goals

Increased parking fees will promote and further the Board-approved Strategic Plan Goal of Fiscal Responsibility, by strengthening the County's fiscal capacity by increasing revenue to assist in funding beach and Marina maintenance.

FISCAL IMPACT/FINANCING

It is anticipated that the proposed fees will increase gross annual parking revenue by $1.1 million as detailed in Attachments A, B, and C. This increased revenue will allow the Department in the future to absorb the $1.2 million cut to its 2003-04 adopted budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Current parking rates for the lots in which increased fees are recommended are detailed in Attachments A, B, and C.

It should be noted that the proposed Marina del Rey parking fees indicated on Attachment B are specified as "per entry, per 24-hour period." This clarification for Marina parking fees previously approved as "per entry" is necessary for enforcement purposes. Parking patrons will be able to continue to park for more than 24 hours in Marina parking lots with the payment of appropriate fees for each 24-hour period (stays over 48 hours require registration). Beach parking fees indicated in Attachment A continue to be "per entry, per day" as overnight parking is not allowed at beach parking lots.

To comply with the requirements of Government Code Sections 66016 and 66018, these fee changes may only be effected after a public hearing. Notice of

this public hearing was given pursuant to the requirements of Government Code Section 66018.

The Department presented its recommended parking fee increases to the Beach Commission at its February 18, 2004 meeting, at which the Commission unanimously endorsed the proposed parking fee rates. The Department intends to present its recommended Marina del Rey lot parking fee increases to the Small Craft Harbor Commission (SCHC) at its next meeting. The outcome of the SCHC's action will be reported to your Board prior to your consideration of this item. The Department must also obtain Coastal Commission approval prior to instituting the fees approved by your Board.

ENVIRONMENTAL DOCUMENTATION

The recommended fee changes are statutorily exempt from the provisions of CEQA pursuant to Public Resources Code Section 21080(b)(8), upon your Board's finding that such fees are necessary to assist in offsetting the costs of beach and Marina maintenance and operations.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

We do not expect a negative impact on beach and Marina parking lot patronage due to the above-recommended actions. There will be no operational impact on either the Department of Beaches and Harbors or our parking contractor.

The addition of selected metered spaces will result in additional service to the public who use the beach for short periods of time.

Respectfully submitted,

Stan Wisniewski

Stan Wisniewski, Director

SW:KG:ED

Attachments

C: Chief Administrative Officer
Executive Officer, Board of Supervisors
County Counsel
Auditor-Controller

County of Los Angeles
Department of Beaches and Harbors
Proposed Parking Lot Fee Increases
Beach Parking Lots
February 23, 2004

PARKING LOT	SUMMER *		WINTER*		ADDITIONAL ANNUAL REVENUE
	CURRENT	PROPOSED	CURRENT	PROPOSED	
White Point Meters **	**$6.00** $0.25/15 min	**$7.00** No Change	$6.00 $0.25/15 min	No Change No Change	$9,900
Torrance Weekends/Holidays					$1,300
6 a.m. to 9 a.m.	$6.00	No Change	$2.00	No Change	
9 a.m. to 6 p.m.	$6.00	No Change	**$4.75**	**$5.00**	
Weekdays	$2.00	No Change	$1.00	No Change	
Dockweiler/Grand Ave, Bluff & 62nd Avenue Meters **	**$6.00** $0.25/15 min	**$7.00** No Change	$5.00 $0.25/15 min	No Change No Change	$15,500
Dockweiler/Imperial	**$6.75**	**$7.00**	$5.00	No Change	$13,300
Washington Blvd. & Rose Avenue Weekends/Holidays					$36,900
6 a.m. to 9 a.m.	$6.00	No Change	$4.00	No Change	
9 a.m. to 5 p.m.	**$9.50**	**$10.00**	**$6.50**	**$7.00**	
5 p.m. to Close	$5.00	No Change	$4.00	No Change	
Weekdays					
6 a.m. to 9 a.m.	$4.00	No Change	$3.00	No Change	
9 a.m. to 5 p.m.	**$6.75**	**$7.00**	$5.00	No Change	
5 p.m. to Close	$4.00	No Change	$3.00	No Change	
Venice Blvd. Weekends/Holidays					$42,000
6 a.m. to 9 a.m.	$6.00	No Change	$4.00	No Change	
9 a.m. to 5 p.m.	**$9.50**	**$12.00**	**$6.50**	**$7.00**	
5 p.m. to Close	$5.00	No Change	$4.00	No Change	
Weekdays					
6 a.m. to 9 a.m.	$4.00	No Change	$3.00	No Change	
9 a.m. to 5 p.m.	**$6.75**	**$7.00**	$5.00	No Change	
5 p.m. to Close	$4.00	No Change	$3.00	No Change	
Range of Comparables (See Attachment D)	Weekends Weekdays	$3.00 to $20.00 $3.00 to $7.00	$3.00 to $20.00 $3.00 to $7.00		

* Proposed fees are per entry, per day unless otherwise specified. Summer rates are effective the Saturday before Memorial Day through the last Sunday of September.

** Meters are installed for short-term use at selected lots:
- Grand Avenue - Five metered spaces
- Bluff Lot - Five metered spaces
- White Point Upper Lot - 31 metered spaces
- 62nd Avenue - All spaces; the daily rate is only charged on selected days as needed for traffic control (e.g., Fourth of July).

County of Los Angeles
Department of Beaches and Harbors
Proposed Parking Lot Fee Increases
Beach Parking Lots
February 23, 2004

PARKING LOT	SUMMER *		WINTER *		ADDITIONAL ANNUAL REVENUE
	CURRENT	PROPOSED	CURRENT	PROPOSED	
Will Rogers 1					$3,100
Weekends/Holidays					
6 a.m. to 9 a.m.	$6.00	No Change	$4.00	No Change	
9 a.m. to 5 p.m.	**$9.50**	**$10.00**	**$6.50**	**$7.00**	
5 p.m. to Close	$5.00	No Change	$4.00	No Change	
Weekdays					
6 a.m. to 9 a.m.	$4.00	No Change	$3.00	No Change	
9 a.m. to 5 p.m.	**$6.75**	**$7.00**	$5.00	No Change	
5 p.m. to Close	$4.00	No Change	$3.00	No Change	
Will Rogers 3					$90,700
Weekends/Holidays					
6 a.m. to 9 a.m.	$6.00	No Change	$3.00	No Change	
9 a.m. to 5 p.m.	**$8.00**	**$10.00**	**$6.00**	**$7.00**	
5 p.m. to Close	$5.00	No Change	$3.00	No Change	
Weekdays					
6 a.m. to 9 a.m.	$3.00	No Change	$3.00	No Change	
9 a.m. to 5 p.m.	**$6.00**	**$7.00**	$5.00	No Change	
5 p.m. to Close	$3.00	No Change	$3.00	No Change	
Meters **	$0.25/15 min	No Change	$0.25/15 min	No Change	
Will Rogers 5	**$6.75**	**$7.00**	$5.00	No Change	$500
Topanga	**$6.00**	**$7.00**	**$4.75**	**$5.00**	$9,000
Surfrider	**$6.00**	**$7.00**	**$4.75**	**$6.00**	$26,700
Pt. Dume	**$6.00**	**$7.00**	**$4.75**	**$6.00**	$54,600
Zuma Beach	**$6.00**	**$7.00**	**$4.75**	**$6.00**	$143,600
Meters **	$0.25/15 min	No Change	$0.25/15 min	No Change	
Nicholas Canyon	$6.00	No Change	**$4.00**	**$5.00**	$4,500
				Total	$451,600
Range of Comparables (See Attachment D)	Weekends	$3.00 to $20.00	$3.00 to $20.00		
	Weekdays	$3.00 to $7.00	$3.00 to $7.00		

* Proposed fees are per entry, per day unless otherwise specified. Summer rates are effective the Saturday before Memorial Day through the last Sunday of September.

** Will Rogers 3 and Zuma each have five metered spaces for short-term use.

Attachment B

County of Los Angeles
Department of Beaches and Harbors
Proposed Parking Lot Fee Increases
Marina del Rey Parking Lots
February 23, 2004

General

PARKING LOT	SUMMER*		WINTER*		ADDITIONAL ANNUAL REVENUE
	CURRENT	PROPOSED	CURRENT	PROPOSED	
Marina Lots 5, 7, 8, & 12	**$2.00**	**$5.00**	**$2.00**	**$3.00**	$68,300
Marina Lots (Beach) 9, 10, 11, & 13	**$5.00**	**$6.00**	**$2.00**	**$3.00**	$117,600
Marina Lot 2 (Launch Ramp) Entry w/Boat Auto	**$5.00** **$2.00**	**$7.00** **$5.00**	**$5.00** **$2.00**	**$7.00** **$5.00**	$58,300
Marina Lot 4 Near Launch Ramp	**$2.00**	**$5.00**	**$2.00**	**$5.00**	$67,300
View Park	$0.25/30 min	No Change	$0.25/30 min	No Change	$0.00
Chace Park	$0.25/30 min	No Change	$0.25/30 min	No Change	$0.00

Special

PARKING LOT	CURRENT YEAR-ROUND	PROPOSED YEAR-ROUND	
Fisherman's Village (2 hours free w/ validation)	**$.075 each ½ hr ($6.00 max)**	**$1.00 each ½ hr ($8.00 max)**	$72,300
Fisherman's Village Overflow	**$2.00/entry**	**$5.00/entry**	**
		Total	$383,800

Range of Comparables (See Attachment E)	General Metered	$3.00 to $20.00 $0.25/10 min to $2.00/30 min
Range of Comparables (See Attachment F)	Launch Ramp	$3.00 to $15.00

* Proposed fees are per entry, per 24-hour period unless otherwise specified. Summer rates are effective the Saturday before Memorial Day through the last Sunday of September.

** Additional revenue cannot be estimated. The overflow lot is used as needed.

Attachment C

County of Los Angeles
Department of Beaches and Harbors
Proposed Dockweiler RV Park Fee Increases
February 23, 2004

LOCATION	SUMMER *		WINTER*		ADDITIONAL ANNUAL REVENUE
	CURRENT	PROPOSED	CURRENT	PROPOSED	
Front Row w/hook-up	**$25.00**	**$32.00**	**$22.00**	**$28.00**	$ 92,600
Middle Row w/hook-up	**$25.00**	**$30.00**	**$17.00**	**$26.00**	$ 85,300
Back Row ** w/hookup w/out hookup	**None** **$15.00**	**$28.00** **$25.00**	**None** **$12.00**	**$24.00** **$20.00**	$ 65,800
Extra Car	$6.75	No Change	$5.00	No Change	0
Pets	**$1.00**	**$2.00**	**$1.00**	**$2.00**	***
More than 4 guests	**$0.00**	**$2.00/person**	**$0.00**	**$2.00/person**	***
Reservation Fee	$7.00	No Change	$7.00	No Change	0
Cancellation Fee	**$0.00**	**1st day's fee if not cancelled within 7 days.**	**$0.00**	**1st day's fee if not cancelled within 7 days.**	***
				Total	$ 243,700
Range of Comparables (See Attachment G)	$18.00 to $61.00		$18.00 to $50.00		

* Summer rates are effective the Saturday before Memorial Day through the last Sunday of September.

** There are presently no hookups in the back row. There will only be hookups once the Capital Project is completed in Spring 2005.

*** Additional revenue cannot be estimated at this time.

Attachment D

County of Los Angeles
Department of Beaches and Harbors
Fee Survey – Beach Parking Lots
November 2003

PARKING LOT *	SUMMER **	WINTER **
Doheny State Beach ***	$5.00	$5.00
Crystal Cove State Beach ***	$5.00	$5.00
San Clemente & San Onofre State Beaches ***	$5.00	$5.00
Corona Del Mar	$6.00	$6.00
City of Del Mar	$1.50/hr	$1.50/hr
City of Huntington Beach	$7.00	$7.00
Huntington State Beach ***	$5.00	$5.00
Bolsa Chica State Beach ***	$5.00	$5.00
City of Seal Beach	$2.00/hr ($6.00 max)	$2.00/hr ($6.00 max)
Cabrillo Beach	$7.00	$7.00 weekdays-no charge
City of Rancho Palos Verdes - Abalone Cove	$5.00	$5.00
City of Hermosa Beach - Structure	$1.00/hr ($16.00 max)	$1.00/hr ($16.00 max)
City of Los Angeles – Venice Beach	$11.00 – weekends $ 7.00 - weekdays	$7.00 – weekends $5.00 – weekdays
City of Santa Monica – North Beach	$7.00 – weekends $6.00 – weekdays	$5.00
City of Santa Monica - Central Beach	$8.00 – weekends $7.00 – weekdays	$5.00
City of Santa Monica – South Beach	$5.00	$5.00
City of Santa Monica – Pier	$7.00 – weekends $0.75/ ½ hr-weekdays ($5.00 max)	$7.00 – weekends $0.75/ ½ hr-weekdays ($5.00 max)
Malibu Pier (State Park)	$3.00	$3.00
Paradise Cove (Malibu – Privately Owned)	$20.00	$20.00
Leo Carrillo State Beach ***	$5.00	$5.00
Pt. Mugu State Park ***	$5.00	$5.00
Range Weekends Weekdays	$3.00 to $20.00 $3.00 to $7.00	$3.00 to $20.00 $3.00 to $7.00

* Parking lots are listed geographically from south to north.
** Fees are per day, unless otherwise specified.
*** The State of California will raise daily parking rates at each State Beach on July 1, 2004 to $12.00, except for Crystal Cove State Beach, which will be $10.00.

Attachment E

County of Los Angeles
Department of Beaches and Harbors
Fee Survey – Harbor and Marina Parking Lots
November 2003

HARBOR/MARINA *	FEES **
Port of San Diego	
Metered	$0.25/15 min ($2.00 max)
Fishing Boat Landing	$1.00/hr ($5.00 max)
Lane Field	$12.00 - weekends $7.00 - weekdays
City of Del Mar	$0.25/10 min ($4.00 max)
Newport Beach Balboa Pier Structure	$0.50/20 min ($7.00 max)
Dana Point Harbor	$5.00
Newport Dunes (Lagoon)	$8.00
Long Beach Rainbow Marina - Shoreline Village	
Metered	$0.25/15 min
General	1.00/30 min, first hr; $2.00/30 min, after first hr ($8.00 max)
Preferred	$12.00
Redondo Beach – King Harbor	
Basin 3 – Commercial	$2/hr ($20.00 max)
Pier and Plaza Structure	$0.50/20 min ($5.00 max - summer weekdays, $7.00 max - summer weekends, $5.00 max - winter weekends, $3.00 max - winter weekdays)
Ventura Harbor	First hour free $1.00 the 2nd hour $2.00 the 3rd hour $3.00 the 4th hour
Santa Barbara Harbor – Stearns Wharf	$2.00 each hour ($20.00 max)
Range	Metered $0.25/10 min to $2.00/30 min General $3.00 to $20.00

* Harbor/Marinas are listed geographically from south to north.
** Fees are per day and year-round, unless otherwise specified.

Attachment F

County of Los Angeles
Department of Beaches and Harbors
Fee Survey – Launch Ramp Fees
November 2003

LAUNCH RAMP *	FEES **
Dana Point Harbor	$10.00
Newport Harbor	$15.00
Huntington Beach	$7.00
Long Beach – Granada/Ocean and Claremont/Ocean	$8.00
Los Angeles Cabrillo Launch fee with parking Parking only	 $9.00 $7.00
Ventura - Channel Islands and Port	$3.00 ***
Range	$3.00 to $15.00

* Launch ramps are listed geographically from south to north.
** Fees are per day, year-round, and include launching and parking, unless otherwise specified.
*** Ventura County is prohibited from charging launching fees under a financing agreement with the State; therefore, fees are for parking only.

Attachment G

County of Los Angeles
Department of Beaches and Harbors
Fee Survey – RV Parks
November 2003

RV PARK *	SUMMER **	WINTER **
Chula Vista RV Park	$45.00 - $61.00	$39.00 - $50.00
More than 4 guests	$3.00 per person	$3.00 per person
Extra Car	$3.00	$3.00
Pets	$1.00	$1.00
Bolsa Chica State Beach RV Park	$22.00 - $26.00	$22.00 - $26.00
Reservation Fee	$7.50	$7.50
Cancellation Fee	$7.00	$7.00
Golden Shore RV Park	$38.00 - $45.00	$38.00 - $45.00
More than 4 guests	$2.00 per person	$2.00 per person
Cancellation Fee	$10.00	$10.00
Malibu Beach RV Park	$36.00 - $59.00	$26.00 - $47.00
More than 4 guests	$4.48	$4.48
Extra Car	$2.00	$2.00
Jalama Beach County RV Park	$18.00 - $25.00	$18.00 - $25.00
Pets	$3.00	$3.00
Pismo Sands RV Park	$37.00 - $40.00	$35.00 - $40.00
More than 2 guests	$2.00 per person	$2.00 per person
Pismo Coast Village RV Park	$42.00	$30.00 - $37.00
Range	$18.00 to $61.00	$18.00 to $50.00

* RV Parks are listed geographically from south to north.
** Fees are per day, unless otherwise specified.

Los Angeles County Beaches & Harbors

To enrich lives through effective and caring service

March 4, 2004

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan Wisniewski

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

BOARD OF SUPERVISORS ACTIONS ON ITEMS RELATING TO MARINA DEL REY

At its February 17, 2004 meeting, the Board of Supervisors approved and authorized the Chairman to sign the first amendment to the option agreement and joint escrow instructions for Leases No. 6734, Parcel 44U and No. 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 full use of Parcel 77W and a portion of Parcel 44U.

At its February 24, 2004 meeting, the Board of Supervisors approved the Mitigated Negative Declaration (MND) for Phase II of the Marina Beach Water Quality Improvement Project, and authorized the Department's application for the remainder of the Clean Beaches Proposition 13, Coastal Nonpoint Source Program Grant in the amount of $1,750,000.

At its March 3, 2004 meeting, the Board of Supervisors approved and instructed the Chairman to sign the Consent to Assignment of Lease for Parcel 102S (Kingswood Village Apartments), Marina del Rey, from Kingswood Village-Marina to Archstone-Smith Operating Trust; the Board also approved and instructed the Chairman to sign the Option to Amend Lease Agreement granting the right to extend the term of the Parcel 102S ground lease by 20 years.

Each of the Board actions was considered and recommended by your Commission.

DESIGN CONTROL BOARD MINUTES

The draft minutes for the Design Control Board meeting of February 19, 2004 are attached.

SW:tlh
Attachment

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Stan Wisniewski Director ● **Kerry Gottlieb** Chief Deputy

Los Angeles County
Beaches & Harbors
Caring for Your Coast

To enrich lives through effective and caring service

March 4, 2004

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan Wisniewski

SUBJECT: **STAFF REPORT – HARBOR ORDINANCE PROVISIONS REGARDING LIVEABOARDS**

At your Commission's February meeting you requested that the Department review a complaint from a liveaboard tenant at Mariner's Bay Marina (Parcel 28) who indicated that the lessee has allowed a number of illegal liveaboards at her dock location and that the illegal liveaboard tenants' abusive behavior was a threat to her and other slip tenants. She also complained that the female boater bathroom in her area was dirty and had long had a damaged lock, and that the dock was in a poor condition. After the meeting, staff met with her to determine further details, reviewed the premises inspection reports, visited the dock, and interviewed the dockmaster and a Sheriff's deputy to help evaluate her complaints.

The complainant provided staff with identification numbers to 11 boat slips in which she believed the tenants were illegal liveaboards. Staff met with the lessee's dockmaster and other representatives to relay the information provided and to attempt to verify the status of the slips in question.

The availability of liveaboard status is governed by County Code Section 19.12.1110 (copy attached) and requires that no person may, within a County harbor use any vessel as an abode in excess of three days within any one-week period without: a) first having authorization from the person in charge of the mooring facility and; b) having obtained a liveaboard permit from the harbormaster.

While the lessee's dockmaster evidenced his belief that several of the complained of parties may have been violating liveaboard rules and policies, he indicated he had so far been unable to establish that this was the case to the degree of certainty necessary to take action. Our staff shared with the dockmaster a number of techniques and also suggested marina policies for curbing abuse of livaboard rules that had proven successful in other marinas and the lessee has increased its level of scrutiny of suspected abusers of the liveaboard regulations.

While it is clearly in the interest of both the lessee marina operators and the County to ensure enforcement of liveaboard regulations, obtaining sustainable proof of such activity is very often a difficult matter unless the case involves one of sustained

consistent occupancy. Numerous instances of two or three-day weekend use and/or sporadic use over several days in locations that may be spread across large marina areas, provide difficult circumstances for establishing violations. However, the lessee is taking a series of actions intended to determine whether any of the tenants may indeed be an illegal liveaboard. We will continue to monitor the situation to ensure that this issue is properly resolved.

Regarding the alleged abusive behavior of illegal liveaboards, the dockmaster and Sheriff's department were not aware of any excessive reported incidents occurring at the dock. The Sheriff's deputy further stated that he had no knowledge of any recent complaints. Our prior premises inspection reports do not support the allegation that the female boater bathroom, which is the subject of this complaint, had a history of being neglected or was excessively cited for maintenance deficiencies. After further discussion, the complainant conceded that the bathroom was "getting better." The lessee has, nevertheless, committed to an increased maintenance schedule for the boater bathroom in question. Neither our premises inspector nor the lessee had any knowledge that a female bathroom door lock was damaged or inoperable. Presently the door lock is functioning properly.

Although the lessee continues to provide appropriate maintenance to the dock in question, it has acknowledged that the dock should be replaced, and is in process of obtaining a Coastal Development Permit to effect the replacement. Until a permit is secured, lessee will continue to service and maintain the dock to keep it safe for occupancy.

Please let me know if you would like additional information.

Attachment (1)

SW:rm

Title 19 AIRPORTS AND HARBORS

Chapter 19.12 HARBORS

19.12.1110 Use of vessel as place of abode -- Restrictions.

A. No person shall, within a county harbor, waterway or maritime facility, use any vessel, floating home, houseboat or any other floating facility as an abode in excess of three days within any one-week period unless such person shall first have authorization by the lessee, agent, manager or person in charge of such facility for a liveaboard status, and secondly, have obtained a liveaboard permit from the harbor master. The liveaboard permit shall establish compliance by such vessel, floating home, houseboat or other floating facility with the following:

1. Compliance with the requirements for seaworthiness as described in Section 19.12.1060 of this code, unless otherwise exempted or temporarily excused by the provisions of that section;

2. Installation of a federally approved marine sanitation device or self- contained portable toilet which has been demonstrated to the satisfaction of the harbor master to prohibit the overboard discharge of treated or untreated excrement, sewage, or other waste matter or contaminant of any kind while within the Marina del Rey Small Craft Harbor.

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

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

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

D. Regardless of the length of occupancy:

1. A person living aboard any vessel, floating home, houseboat or other floating facility using the harbor, waterway or maritime facilities shall not use the toilet fixtures of any vessel, floating home, houseboat or other floating facility unless such use will not violate the

provisions of Section 19.12.1100 of this code;

2. Toilet fixtures of any vessel, floating home, houseboat or other floating facility which is used as an abode may be sealed by the harbor master unless such fixtures can be operated in compliance with Section 19.12.1100 of this code so long as the vessel, floating home, houseboat or other floating facility remains in the harbor;

3. The owner of any vessel, floating home, houseboat or other floating facility not equipped with approved and acceptable devices for the neutralization or storage of contaminants shall post notices that the toilet facilities aboard shall not be used while the vessel, floating home, houseboat or other floating facility is moored in or using the waters of the harbor, waterway or maritime facility.

E. The director and/or harbor master may promulgate such additional regulations in connection with vessels used as abodes as may be necessary to insure the maintenance of sanitary and sightly conditions and the preservation and protection of the public health, safety, peace, welfare and convenience in the use of any county harbor, waterway or maritime facility, or portion thereof. A violation of any part of such regulations shall be cause for revocation for use of vessel, floating home, houseboat or floating facility as an abode, and it shall be unlawful for any person to live aboard such vessel, floating home, houseboat or floating facility until such violation has been corrected to the satisfaction of the director. (Ord. 99-0016 § 4, 1999; Ord. 95-0043 § 5, 1995: Ord. 86-0039 § 44, 1986: Ord. 10783 § 2, 1973: Ord. 9359 Art. 7 § 705, 1967.)

Los Angeles County
Beaches & Harbors
Caring for Your Coast

To enrich lives through effective and caring service

March 4, 2004

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan Wisniewski

SUBJECT: **STAFF REPORT - SUMMARY OF COMMENTS – FEBRUARY 10, 2004 EVENING MEETING OF THE COMMISSION**

At your last Commission meeting, you asked that we provide a summary of the comments received following your Commission's evening meeting of February 10, 2004. At the conclusion of the regular business meeting, the Department made available information at separate stations, relating to the following topics:

1. Urban Design Guidelines
2. Park and "Parkette" Projects
3. Model - Marina Development
4. Individual Leasehold Development Projects
5. Traffic Mitigation Projects
6. Water Shuttle

Each station was staffed by County personnel and consultants who were available to answer questions and discuss the topics presented. Available staff and consultants at the stations, in addition to the Department's executive staff, included eleven supervisory and staff personnel from the Department's Asset Management and Planning Divisions, three representatives from EDAW, the Department's urban design consultant, as well as three representatives of the County's Department of Public Works traffic division. In addition, a number of materials were prepared and available, including materials relating to the regulatory and leasing processes, traffic mitigation, and project and public space design, as well as a model illustrating current Marina projects under development.

Our two primary goals were: 1) to make available in-depth information relating to Marina design, development, traffic and other topics of interest to the public, having on hand knowledgeable staff and consultants from the variety of disciplines relating to the various topics to discuss and answer questions and; 2) to solicit the input, questions, comments and suggestions of the public relating to the topics.

The public was invited to visit any or all of the stations where we provided pre-printed comment/question forms that they could choose to drop off at the meeting or to deliver with written comments or questions by February 23, 2004.

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Stan Wisniewski Director • **Kerry Gottlieb** Chief Deputy

Your Commission requested that we provide a summary of the questions and comments received as a result of the workshops. As only four comment/question forms were deposited at the workshops, rather than provide a summary, all four are attached to this report. In addition, on February 24, 2004, the Department received one additional letter containing a variety of comments. The letter is also attached and the Department is preparing a response.

Attendance at the various stations was relatively sparse and within approximately 30 minutes, no further members of the public remained. The personnel manning the workshop stations also report relatively few questions or comments from those members of the public who did visit the various workshop stations.

Please let me know if you would like additional information.

Attachments (5)

SW:rm

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March 4, 2004

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan Wisniewski

SUBJECT: **STAFF REPORT – NORTH JETTY IMPROVEMENTS**

At your Commission's meeting of February 10, 2004, you asked that we report on conditions at the north jetty of the Marina del Rey Entrance Channel and the status of any proposed improvements. The north jetty extends some 3,220 linear feet along Marina del Rey Main Channel. The current fencing, although meeting applicable building codes at the time of its construction, does not meet current code that calls for a more protective barrier with openings not in excess of 4 inches. Due to the corrosive beach environment, a number of sections require intense maintenance in order to maintain their integrity. It is, therefore, our intention to move forward with a plan to replace the fencing and to also complete additional improvements to the jetty.

We have already procured Coastal Commission permit approval for replacement of the fence and for other improvements to the area. The proposed project would resurface the entire jetty walkway, replacing post and cable fencing with plastic-coated metal railing, similar to that found at the Main Channel view piers. This will also involve installation of concrete curbing to allow secure placement of fence posts and replacement of benches. In addition to providing a safer and more pleasing pedestrian experience, the project would bring the entire length of the walkway into compliance with current building codes.

We are now working to secure the additional materials and fencing necessary to accomplish the project. It is our intent to expedite construction and we will provide a project schedule at the next meeting of your Commission.

Please let me know if you would like further information.

SW:rm

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Stan Wisniewski Director ● **Kerry Gottlieb** Chief Deputy

DRAFT

MINUTES
OF
MARINA DEL REY
DESIGN CONTROL BOARD

February 19, 2004

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 Jackie Ingon, Fourth District
Members Absent:	Tony Wong, Fifth District
Department Staff Present:	Stan Wisniewski, Director Joe Chesler, Chief, Planning Division Julie Cook, Planner LaTrina Hancock, Secretary
County Staff Present:	Tom Faughnan, County Counsel Kevin Johnson, Regional Planning
Guests Present:	Mike Ishikawa, VTBS Architects Al Udwin, Archstone Smith Gustaf Soderbergh, VTBS Architects Candice Thomas, LightVision Jack Hollander, Jack Hollander & Associates Alan Fleischacker, Mark David Levine Design Group Michael Pashaie, Marina Beach Shopping Center

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1. Call to Order & Absences

   Ms. Cloke called the meeting to order at 2:10 p.m. Mr. Abelar led the pledge of allegiance. **Ms. Ignon (Abelar) moved to excuse Mr. Wong from this meeting. Motion passed unanimously.**

2. Approval of Minutes from January 15, 2004

   The minutes were held until the end of the meeting.

DRAFT

Ms. Cloke welcomed Stan Wisniewski, the Director of Beaches and Harbors, to the Design Control Board Meeting. Mr. Wisniewski commented that with the redevelopment that is occurring in Marina del Rey, it is important that the Department take a more focused and involved role with the DCB as future issues of redevelopment arise. Mr. Wisniewski researched why past Directors of the Department never attended the DCB meetings, and apparently, it was since most of the issues that came before the DCB were signage, repainting and similar issues that could be handled by the Planning Chief. Mr. Wisniewski stated that it is important for him to stay tuned in to the Board's needs, so that he can match their needs with the goals of the lessees and the County. He also noted that if he will be unable to attend a meeting, Ms. Kerry Gottlieb, the Chief Deputy Director, would attend.

3. Old Business

A. Parcel 97 – Marina Beach Shopping Center - (DCB #02-009-B)
Resbmittal for approval of post-entitlement design details, including a lighting plan, simplified and warmer color palette, landscaping (additional shade trees and a replacement planting for the azaleas only) and signage. All other items were approved at the September 2003 meeting.

Jack Hollander, architect, described the project's color palette, noting that the color board elevation was enlarged so that the changed colors could be clearly defined. At the last meeting, the Board had questions on the building base color (now lightened) and the fascia that was too light (now replaced with a darker color).

** For the record, Ms. Spitz arrived to the meeting at 2:20 pm*

Allen Fleischacker, landscape architect, responded to the Board's request to change some of the landscape issues. To lower the water requirement, all of the azaleas were removed from the project and flax and one row of birds of paradise were added. Deciduous cassias were removed, evergreen shade trees have been added and additional Washingtonians, robustas, and palm trees will be planted along the parkway. Ms. Cloke asked for the applicant to show the Board on the updated plan where the new landscape has been added to the project.

Candice Thomas, lighting consultant, responded to the Boards comments regarding reduced lighting. Ms. Thomas explained that the fluorescent back lighting for the façade has been removed and overall lighting has been reduced to a minimum. Lights will be turned off at 11:30 pm, but this can be adjusted. Ms. Cloke asked Ms. Thomas to explain the illumination and location of the lights in the updated lighting plan.

Ed Gardner, signage consultant, responded to the Boards concerns regarding the building logo, which will be placed on all the buildings except the center building, which will have a clock. The monument sign will be an aluminum structured, text-coated sign to match the stucco on the building. The only portion of the sign that will be illuminated are the letters themselves. Mr. Gardner showed the Board two signs; 1) copper brown paint background with patina letters; 2) patina background with copper letters. Mr. Gardner also showed the board samples of copper letters which would be much more expensive and would eventually fade and have to be replaced. Michael Pashaie assisted Mr. Gardner in explaining the signage proposal, noting that the new signage would contain channel letters, in which the Board has to decide whether they would be backlit, frontlit or both. Mr. Pashaie stated that if copper veneer were used, the color of the signs would eventually change. The monument signs would only read Marina Beach Shopping Center with push through letters.

Public Comments
None

Board Comments/Questions
Landscape - Ms. Spitz expressed concern about the small trees selected as shade tress, noting that the applicant may have trouble finding the tree specimen. Overall, the Board liked the landscape changes that were made.

Lighting – Numerous lighting concerns were mentioned, including 1) the lights being on for too long; 2) the dome lights and the up-lights may affect the apartment building behind the shopping center; 3) desire to eliminate the spotlights on the pennants; and 4) Fixture 1 should be coordinated with the business hours. The sconce lights received favorable comments. It was noted that fountain lights need to stay on all night for public safety. Kevin Johnson, Regional Planning, commented that he believes there is a standard condition of the coastal permit requiring all lighting to be directed downward. Mr. Aaron Clark stated that as long as the lights do not spill offsite, the applicant should be okay with the lights as proposed.

Signage – The Board agreed that the blade sign with the copper brown paint and the patina lettering with a patina colored mounting arm was preferred.

Ms. Cloke (Ignon) moved to approve the applicants submittal with the following conditions: 1) Landscaping approved as submitted, except the coral trees must be 13 ft high with a 13 ft canopy (dimensions to be verified by staff); 2) Except for security and sconce lighting, all lights must be turned off when the business with the latest hours closes for the night; 3) Eliminate the dome and pennant lights and use a more linear light for even lighting of the building frontage; 4) Any offsite light spillage impacting residential neighbors must be rectified; 5) Blade sign will be painted copper brown with

patina colored lettering and arm holders; and 6) Tenants will have a choice of burgundy, dark blue and green for signage, which will need to be submitted to the DCB for approval.

Ms. Spitz (Ignon) moved to approve as submitted, the blade sign, store sign, which is backlit, and the monument sign. The blade sign will be painted copper brown with patina lettering and patina colored arm holders. Tenants will have a choice of burgundy, dark blue and green for lettering, which matches metal channel #7 for their signage. Each tenant sign will have to come back for individual approval. Motion passed unanimously.

**5 minute break at 3:25pm*
** back in session at 3:33pm*

B. Parcel 102 – Kingswood Village – (DCB #03-016)
Resubmittal for approval of major exterior renovations for the garden style apartments, the tower building, the clubhouse, the main entry and landscaping.

Ms. Cook advised the Board that at noon today, a resident of Kingswood Apartments dropped of a petition, with 19 signatures, opposing the proposed apartment changes. All of the DCB members were given copies. Ms. Cook also reminded the Board that there was a workshop at the Small Craft Harbor Commission night meeting held last week and the residents main concern was that they are happy with the way that the building and grounds are now and oppose a change in ownership and improvements that they believe will increase the rent.

Ms. Cloke asked Mr. Wisniewski to inform the Board about the project discussion at the Small Craft Harbor meeting. Mr. Wisniewski replied that the discussion related to two issues, 1) assignment of the leasehold from the existing lessees to Archstone, and 2) a 20 year lease extension that is needed to facilitate the redevelopment plan that is before the Board today. Much of the discussion related to the concerns that with the improved project, rent will increase; existing tenants should be given some type of special treatment in terms of limited rent increases in the future.

Mr. Wisniewski advised that the current policy is a market driven policy in which the Department reviews rental rates throughout Marina del Rey and if a tenant has a concern, they can come to the Department, fill out a form which will be reviewed and responded to pursuant to lease section 16. When the renovations are completed, rent would increase at the Kingswood Apartments. Ms. Cloke asked if there is a rent control ordinance in the Marina. Mr. Wisniewski replied that there is a rent review procedure that the Department uses. Ms. Cloke asked whether the Archstone lease amount is significantly different to the lease amount of the previous lessee, in a way that would require an increase. Mr. Wisniewski

replied that Archstone is making a large investment and will have an additional 20-year lease to ensure that they can get a fair return.

Al Udwin, architect, commented on the proposed project and introduced the design team. Gustaf Soderbergh, architect, commented on the revised color choices for the project.

Marianne Liggett, landscape architect, noted that the vehicular entrance to the project would contain Archstone signature date palms, 25 ft in height, located at the center of the project. The proposed grass is the drought tolerant evergreen *dwarf tall preque*. The project will use permeable paving to recharge the ground water and also to allow air to go into the soil for the tree roots. Clarifiers will be installed in the parking garages. The applicant will provide disposal baggies and receptacles for residents with pets. This project will also have a main entry fountain. Landscape lighting will be subtle and understated. The palm tress will be uplit, the shredded pole fixtures along the vehicular road lights will face down and have a particular lens that makes them only illuminate the roadway. There are also low-level pedestrian lights within the project. There will be a new gazebo for additional shade and be bar-b-que's for the residents to use.

Mike Ishikawa, clubhouse architect, explained that the remodeling phase would include new designs for the garage and pedestrian entrances, which will be separated. The new entrance will include an elevator to the clubhouse. The proposed clubhouse will allow a skylight to penetrate through both levels of the building adding much light. The beams for the clubhouse ledge area will be reduced and the railings replaced.

Mr. Soderbergh discussed the proposed changes for the tower, which included reducing the use of ornamental foam for the tower building.

Ms. Cloke asked the applicant to use the color boards and show the Board exactly what colors will be on the proposed building.

Public Comments
None

Board Questions/Comments
Mr. Abelar asked Mr. Ishikawa some questions regarding the proposed beam shortage for the clubhouse. Ms. Ignon asked the difference between Sheet 11A and 11B of the applicants submitta, to which Mr. Ishikawa replied that the final proposal for the clubhouse is Sheet 11A.

Ms. Cloke remained concerned that the proposed colors for the project are not "Marina" colors. Mr. Wisniewski suggested to the Board for Staff to have the applicant meet with EDAW, the Department's urban design consultant, to try to

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come up with colors that can be endorsed as a color statement in the Marina. Mr. Wisniewski suggested for the Board to approve everything they could today and have the applicant return at a later date for color approval.

Ms. Ignon (Abelar) moved that the proposal be approved as submitted in terms of structural design of the buildings and the landscape with the exception of lighting. Color, signage, and lighting will be continued. Motion passed unanimously.

C. Approval of DCB Review #04-001
Conditions of Sign Approval – Club Nautique at Holiday Harbor – Parcel 21
Mr. Wisniewski advised the Board that no action is required for this item. **Ms. Cloke (Ignon) moved to approve DCB Review 04-001 as submitted. Motion passed unanimously.**

4. New Business
A. None

5. Staff Reports
A. Temporary Permits Issued by Department
Mr. Wisniewski advised the Board that Staff provided a written report of the only temporary banner that was issued this month. Ms. Cloke suggested that all future applicants submit a drawing with their application.

B. Update on Development of Urban Design Guidelines.
Mr. Wisniewski advised the Board that due to miscommunication, the Urban Design Guidelines would not be presented at today's meeting. Mr. Wisniewski commented that EDAW would submit the draft guidelines the first week of March; the guidelines will be distributed to all involved. The Urban Design Guidelines will be an agenda item at the March meeting so the public will know that the Department is looking for input on this subject.

C. Ongoing Activities
- Board Action on Items Relating to Marina del Rey
Ms. Cloke asked for the status of the Mothers Beach Grant Application. Mr. Wisniewski advised the Board that it is on the Board of Supervisors agenda for February 24, 2004. Mr. Wisniewski also introduced the new Assistant Chief Deputy of the 4th Supervisors District, Rick Velasquez. There is also a new Chief Deputy, Kirk Pederson.

- Small Craft Harbor Commission Minutes - included in packets
- Marina Del Rey and Beach Special Events – included in packets

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Mr. Wisniewski advised the Board that each of the items in 5C are new to the Board Agenda and expressed he felt that it is important for the DCB to know what each of the other Commissions are doing. The Board agreed to have the minutes of the other Commission included in their packets until further notice.

Ms Cloke requested a presentation of the Marina del Rey Model at the next meeting.

Mr. Abelar also asked for a status report of Parcel 44, Waikiki Willies, at the next meeting.

6. Public Comments
None

2. Approval of Minutes – Meeting of January 15, 2004
Minutes held until the March 2004 meeting.

Meeting adjourned at 5:00 p.m.

Respectfully Submitted,

La Trina Hancock-Perry
Design Control Board Secretary