MARINA DEL REY HARBOR ORDINANCE
SEAWORTHY & LIVEABOARD COMPLIANCE REPORT

	July	August
Liveaboard Permits Issued	6	3
Warnings Issued (Yellow Tags)	0	0
Notices to Comply Issued	0	0

Total Reported Liveaboards By Lessees - 560
Total Liveaboard Permits Issued - 453
Percentage of Compliance - 80

No new Warnings were issued in the month of August.

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

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 August.

Number Of Unseaworthy Vessels Demolished

To date, one hundred and seventy three (173) vessels have been removed from the marina for disposal. Currently, two (2) vessels are ready for disposal and ten (10) are awaiting lien sale procedures.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
MARINA DEL REY STATION
PART I CRIMES- AUGUST 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								1		1
Robbery: Weapon	2						1		1	4
Robbery: Strong-Arm						1	1	2	1	5
Aggravated Assault	2	1						2	1	6
Burglary: Residence	3			1				2	2	8
Burglary: Other Structure		1			1		2	1		5
Grand Theft	10	1	1				1	2		15
Grand Theft Auto	2	1				1	2	3		9
Arson						1	1			2
Boat Theft										0
Vehicle Burglary	2	1					2	4	5	14
Boat Burglary			1							1
Petty Theft	10	4	1		1		2	5	1	24
REPORTING DISTRICTS TOTALS	**31**	**9**	**3**	**1**	**2**	**3**	**12**	**22**	**11**	**94**

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

Source- LARCIS, **Date Prepared –** August 31, 2004
CRIME INFORMATION REPORT - OPTION B

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART I CRIMES- AUGUST 2004

Part I Crimes	MARINA AREA (RD'S 2760-2763)	EAST END (RD'S 2764-2768)
Homicide	0	0
Rape	0	1
Robbery: Weapon	2	2
Robbery: Strong-Arm	0	5
Aggravated Assault	3	3
Burglary: Residence	4	4
Burglary: Other Structure	1	4
Grand Theft	12	3
Grand Theft Auto	3	6
Arson	0	2
Boat Theft	0	0
Vehicle Burglary	3	11
Boat Burglary	1	0
Petty Theft	15	9
Total	44	50

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

Source- LARCIS, **Date Prepared** – August 31, 2004
CRIME INFORMATION REPORT - OPTION B

Los Angeles County Beaches & Harbors

To enrich lives through effective and caring service

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

September 1, 2004

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director

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

MARINA DEL REY

DISCOVER MARINA DEL REY DAY 2004
Sponsored by the Los Angeles County Department of Beaches and Harbors
and Arrowhead Mountain Spring Water
Burton Chace Park
13650 Mindanao Way
Sunday, October 10
11:00 a.m. to 4:00 p.m.

Discover Marina del Rey Day 2004 is a community event that can be enjoyed free of charge to the public featuring games, music, face painting and new this year, a children's marionette show. Visitors that wish to use the popular inflatable games pay $5.00 for a wristband. Food and soft drinks are also available for purchase at the park's new restaurant, Café Lorelei, throughout the day.

Displays and demonstrations will be provided by Los Angeles County health and environmental agencies, as well as safety displays by the Los Angeles County Fire Department and Lifeguard Services, and the Sheriff's Department. The Department of Animal Care and Control will once again bring its popular Adopt-a-Pet program to the event with animals needing a home.

Parking at a reasonable rate is available in County Lot #4 near the venue and in County Lot #5 on Bali Way.

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

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

Saturday, September 11
Toni Imus, playing R&B, Contemporary Jazz and Pop

Sunday, September 12
Otherwise Normal, playing Pop and Rock

Saturday, September 18
Chazzy Green, playing Jazz

Sunday, September 19
Bob Desena Latin Jazz Band, playing Latin Jazz

Saturday, September 25
ASHA, playing Jazz

Sunday, September 26
Susie Hansen Latin Jazz Band, playing Latin Jazz

For recorded information call: 310-823-5411.

BEACH EVENTS

CITY OF LOS ANGELES TRIATHLON
Venice Beach
Sunday, September 12

1.5K swim begins at 6:30 a.m. at Venice Beach north of the Venice Pier between Washington Boulevard and Venice Boulevard, followed by 40K bike race and 10K run, which winds through Hollywood ending in Downtown Los Angeles.

For more information call: Pacific Sports 714-978-1528 or visit website www.latriathlon.com

COASTAL CLEANUP DAY

Heal the Bay
Saturday, September 18
9:00 a.m. to noon

Celebrating its 20th year, Coastal Cleanup Day is a great opportunity for you, your family, friends and neighbors to join together to take care of our fragile marine environment. Show community support for our shared natural resources, learn about the impact of marine debris and how we can prevent it and have some fun!

If you volunteer just one day a year, this is the event!

For volunteer registration and information call: 1-800-HEAL BAY or visit their website at www.healthebay.org

TWILIGHT DANCE SERIES

Santa Monica Pier
Saturday, September 18
4:00 p.m. to 7:30 p.m.

On Saturday evening, September 18, from 4:00 p.m. to 7:30 p.m., KCRW caps off the Twilight Dance Series on the Santa Monica Pier with NEXT UP, KCRW's showcase of independent local artists. This year's featured artists are the pop/Americana musical amalgamation of AM, JESCA HOOP's eccentric brew of traditional roots, the ethereal pop/rock of QUINCY and BLUE-EYED SON's new wave of acoustic rock.

The event is FREE and open to the public.

For information call: Santa Monica Pier at 310-458-8900.

FREE FISHING DAY

Saturday, September 25

The Department of Fish and Game offers a "Free Fishing Day" Saturday, September 25. No fishing license required to fish in California on this day. This is a great, low-cost way to give fishing a try.

For more information visit: www.dfg.ca.gov/licensing/fishing/freefishdays.html or contact The Department of Fish and Game at 916-227-2245.

SW:tm

Los Angeles County
Beaches & Harbors
Caring for Your Coast

To enrich lives through effective and caring service

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

September 8, 2004

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan Wisniewski

SUBJECT: ITEM 4a - APPROVE THE RELEASE OF REQUEST FOR PROPOSALS FOR DEVELOPMENT OF FUEL DOCK FACILITIES ON PARCEL 1S IN MARINA DEL REY

This agenda item pertains to the proposed release of a Request for Proposals for Development of Fuel Dock Facilities on Parcel 1S (RFP). Details relating to the RFP are contained in the attached Board letter and RFP document.

We placed the subject matter on your Commission's August 2004 agenda, however due to lack of a quorum, your Commission was unable to consider the item at that meeting. At that time, your Commission was also presented with a letter from the current Parcel 1S lessee, expressing concerns with both the RFP document and the RFP process itself. We have provided a separate response addressing those expressed concerns as an attachment.

A few modifications have been made to the RFP since it was originally presented to your Commission. The dates of the proposer's conference and for proposal submission have been changed to reflect the delayed consideration of this matter by your Commission. With respect to a water taxi dock, the RFP now states that preference will be given to proposals including an ADA-compliant water taxi dock, but only insofar as such a dock is compatible with the priority fuel dock and larger vessel dock uses.

Your Commission's endorsement of our recommendation to the Board of Supervisors, as contained in the attached letter, is requested.

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

Attachments (2)

SW:kgs

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

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

September 2, 2004

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan Wisniewski

SUBJECT: Response to August 11, 2004 Letter – Ron Warrington Jr.

An item relating to the release of a Request for Proposals for the Development of Fuel Dock Facilities on Parcel 1S (RFP) was placed on your Commission's August 2004 agenda. Due to lack of a quorum, your Commission was unable to consider the item at that meeting and the item is again presented for consideration on your Commission's September agenda.

At your August meeting, Mr. Ron Warrington, Jr., representative of Parcel 1's existing corporate lessee - Marina Fuels & Service, Inc. -, submitted for your records a copy of his August 11, 2004 letter expressing concerns relating to the proposed RFP (attached as Exhibit 1). The concerns expressed by Mr. Warrington may be summarized as follows:

1. In the "Background And Who Am I" section, Mr. Warrington recounts the various virtues of his business operations and its contributions to the Marina, as well as his disappointment at not being offered direct negotiation for a lease extension, rather than the current recommendation that the parcel be subject to the RFP process. He further alleges that the County had long ago decided that smaller businesses are not welcome in the "New" Marina del Rey" and questions the fairness of the RFP process.

2. Mr. Warrington claims that instead of focusing on the boaters' need for a fuel dock, the RFP emphasizes real estate development. He claims the RFP does not address spiraling fuel prices in the Marina; that the County charges "usury rents" resulting in high fuel costs that hurt the local boating community; and, that the County should "take a financial hit" so the price of fuels in Marina del Rey is more competitive with area marinas.

3. He further contends that the RFP has no specific requirements or criteria for operating the fuel dock business and that "...it appears that the County has determined the winner (or at least drafted the RFP to favor certain respondents) before it has even been issued."

The Department has reviewed the issues and has the following comments:

1. While we applaud the contributions made by Mr. Warrington and his family - as we do the countless contributions made by other of our lessees and

businesses in the Marina and its many boaters, residents and visitors - this is not the basis for extending a lease nor is it the sole basis (although good stewardship of a leasehold and provision of benefits to the boating, resident and visitor communities are a consideration) for choosing a lessee.

The lease for the parcel was originally granted in 1961 for a 30-year term and was later amended in 1991 to provide for an extension of the term to 35 years with two additional 5-year options to extend. The lease is due to expire on May 9, 2006. Since the Board's adoption of the Marina del Rey Asset Management Strategy, the County has no history of entering into lease extension negotiations with lessees who have near-term lease expirations. Current policy provides that lease extensions are considered only when lessees have substantial remaining terms on their leaseholds and major redevelopment/new development would not otherwise occur in the near term.

Contrary to Mr. Warrington's assertion, the County does not have a policy to exclude small businesses from the Marina. In fact, the overwhelming majority of businesses in the Marina are small businesses as defined by the United States Small Business Administration. The selection criteria for the RFP are not restrictive as to size of the bidding entity. It does, of course, seek to assess the financial and management capabilities of the proposer and its team.

2. The contention that the RFP focuses on real estate development instead of on boaters' need for a fuel dock is similarly overstated. A fair reading of the RFP makes clear that the primary intended use on the subject parcel is, and will continue to be, a boat fueling facility. In the RFP, it is specifically stated that, "[T]he required improvement for the site is a boat fueling facility, with some adjunct uses possible." The same point is reemphasized in the draft Board letter. The proposer's plan to operate a fuel dock facility will be the key element considered during the evaluation process.

Increasing fuel prices are not unique to the Marina but an emerging phenomenon affecting every aspect of American life today. Mr. Warrington's assertion that the County charges a "usury rent" (6%), thus causing fuel prices in Marina del Rey to be unreasonably high and hurting the boating public, is unfounded. The rental rate for this leasehold was renegotiated with the then Parcel 1S leaseholder, Tosco Corporation, in 2000 for the remaining term of the lease. To the extent that Mr. Warrington feels the rent and/or the rent structure is inappropriate, he will have the right, as all proposers will, to propose an alternative rent rate or structure in his anticipated RFP response.

Mr. Warrington's suggestion that the County should "take a financial hit" so the lessee can realize a greater margin of profit is an attempt at negotiation rather than fair comment. Competing proposals will be evaluated in regard to all aspects of proposed operation of the fuel dock, including proposed County rent, and no deal will be recommended to the Board of Supervisors that does not meet the test of a fair market appraisal.

More importantly, however, is the fact that the fuel prices in Marina del Rey are very competitive with prices at other marine fuel docks in the Los Angeles, Orange and Ventura tri-county area. The results of our recent survey is illustrated on the attached Exhibit A and summarized in the following table.

Harbor	Gas Price	Diesel Price
Average of 7 fuel docks outside MdR	$2.80	$2.00
Marina del Rey	$2.22	$2.00
Marina del Rey variance from average	21% lower	at equilibrium

Note: Survey was conducted during the period August 16-19, 2004

3. Contrary to the assertions contained in Mr. Warrington's letter, we believe the RFP contains appropriate criteria for selection of a developer/operator of the facility. Key elements of the evaluation criteria are called out (e.g., design and construction capability, project management capability, property management capability, and the successful marketing and operating experience of the developer and proposed operator of the project). "Marketing" in this instance, phraseology objected to by Mr. Warrington, clearly relates to such items as proposed hours of operation, the ability to meet the needs of the boating public and presentation and operation of a successful fuel business, the very items Mr. Warrington cites as important considerations. A proposer's conference will be held at which prospective proposers are invited to seek clarification or further information relating to the RFP process and the submission requirements.

The evaluation process is designed so that an independent evaluation committee, composed of individuals with a wide range of expertise in relevant areas (commonly, an economic advisor; the County's chief negotiator/legal advisor; a representative for the Chief Administrative Office; etc.) conducts an analysis of each proposal and interviews with proposing teams. In addition to

its analysis and interviews, the committee also commonly calls on additional outside experts in various fields to review technical matters and/or questions specifically related to the project in question. The process is designed to provide an independent evaluation and recommendation in accordance with published criteria and to allow full presentation and investigation of all aspects of proposals submitted in response to an RFP.

With respect to parcel aggregation, Mr. Warrington cites standard RFP language as somehow providing evidence that the RFP has been drafted to favor certain respondents. In fact, these provisions have been part of all recent Marina RFP's solicitations and aggregation is a concept included in the Board–approved Asset Management Strategy. Historically, these provisions have resulted in several parcel aggregation proposals in response to various RFPs, some of which have been recommended and others which have been rejected in favor of wholly on-site development. We believe it is incumbent upon the County to look at all possible development scenarios in an attempt to solicit the best possible range of proposals to the end that the resulting project provides the maximum benefit to the boating public, the community at large and the County.

One final comment must be made. With respect to Mr. Warrington's claim that he was caught totally by surprise as to the Department's recommendation to release an RFP for a new lease on this property, some months ago, Department personnel received initial inquiries from Mr. Warrington's representative relating to a possible lease extension. His representative was, from the outset, advised that although the County's lease extension policy allowed lessee submission of an extension proposal at any time, all extension proposals were subject to a determination as to whether the County's preferred option might be to allow a lease to run to term, with the property placed back on the market through an RFP process. Moreover, both this representative and Mr. Warrington were told that the Department in all likelihood would recommend pursuing a new lease in this instance due to the near-term expiration of the existing lease.

In summary, we believe that all relevant issues, including those raised in Mr. Warrington's letter, were given appropriate consideration in the drafting of the RFP. We appreciate Mr. Warrington's involvement and encourage him to present a proposal in response to the RFP.

Attachments (2)
SW:kgs

EXHIBIT A
PARCEL 1 – MDR FUEL DOCK

SURVEY OF MARINA FUEL PRICES[1]
Target: Ventura / Los Angeles / Orange Tri-County Area

As of Mid August 2004

Harbor	Fuel Dock Operator	Gas Price[2]	Diesel Price[2]
Channel Islands/ Ventura	Dave's Marine Fuel	$2.65	$1.80
King Harbor/ Redondo Beach	Rocky Point Fuel Dock	$3.19	$2.47
Cabrillo/ San Pedro	Yankovich Co.	$2.86	$1.79
Alamitos Bay/ Long Beach	Alamitos Bay Marine	$2.79	$2.00
Sunset-Huntington/ Huntington Beach	Mariner's Point Fuel Dock	$2.85	$1.95
Balboa/ Newport Beach	Hill's Boat Service	$2.58	$1.80
Dana Point/ Dana Point	Dana Point Fuel Dock	$2.71	$2.20
Average price at above fuel docks:		**$2.80**	**$2.00**
Prices at Marina Fuels & Service, MdR		**$2.22**	**$2.00**
Variance from average:		(21%)	0%

[1] Information obtained by telephone survey between August 16 to 19, 2004.

[2] Prices are per gallon, based on a 50-gallon cash purchase, 87-octane in the case of gasoline.

EXHIBIT 1

Department of Beaches and Harbors

	Info	Act
Director		
Chief Deputy Director		
Deputy Director		
Executive Assistant		
Admin. Services		
Asset Management		
Facilities Property Mtce		
Community Services		
Planning		

Submitted to Toni @ 8/11/04 SCHC mtg for distribution to Commissioners + Mgmt.

Ron Warrington, Jr.
Marina Fuels & Service
1 Bora Bora Way
Marina del Rey, CA 90292

August 11, 2004

Small Craft Harbor Commission
c/o Department of Beaches and Harbors
County of Los Angeles
13837 Fiji Way
Marina del Rey, CA 90292

RE: Parcel 1S Request for Proposal for the Marina del Rey Fuel Dock

Honorable Commissioners:

It is my intention to comment upon the RFP for Parcel 1S which is before you today.

BACKGROUND AND WHO AM I

Marina Fuels and Service has been a Lessee and part of the community in Marina del Rey for approximately 35 years. My father took over the Marina Fuels from a failing operator around 1965, and has served the Marina until his passing two and ½ years ago. Growing up, I worked at the Fuel Dock on weekends and then actually managed the Dock after graduating college from 1981 to 1983. Most recently, I worked with my father putting together the lease option agreements in 2001. I assumed total responsibility for the Fuel Dock in 2002 upon my father's death.

Marina Fuels has been a family-owned and operated business for 35 years, a constant for boaters in the Marina over this time. We take pride in the fact we have always worked hard to meet the boaters' needs and protect their interests. We are a constant team: my cousin, Randy Goslee, has been the site manager for 15 years, and Sue Overton, the office manager has been with us for over 25 years.

Over the years there have been many instances when we have handled many of the marina's special vessels and circumstances: In fact, just recently we offered our site for the water taxi stop to alleviate the pressure on our Marina Harbor neighbors who had compliance complications during their construction – an offer that was gladly accepted until the County decided it cost too much.

In years past I recall my father crawling out of bed at 1 am to respond to rescue boats searching for plane crash survivors – and not returning for 3 days and nights. Also, I remember accommodating the Sea Quest at the Fuel Dock for several months, as they did their research with the Deep Quest – the deepest manned submarine in the world at that time.

The Dock has served as a communications center for boaters heading down the coast to Cabo San Lucas and through the Panama Canal, when safety was a concern for those waters.

We respond to the community through sponsorship of the very famous Halibut Tournament and the annual Marina del Rey Holiday Boat Parade; we have contributed to and supported many local events and charities such as The Boys and Girls Club of Venice – but, most of all,

> *Marina Fuels has quietly and constantly and without fanfare attended to the daily needs of boaters no matter what the weather, what the holiday, or what our family's own needs have been.*

When I received a phone call just 6 days ago telling me that the County would issue an RFP on our parcel at the end of August, I was both disappointed and surprised. Particularly so because the County knew I have been working diligently to prepare a formal request package, including all the engineering needed for various slip reconfiguration alternatives, a water taxi landing and a promenade, a resolution of a recent slip configuration problem between us and our neighbor as well as all the financial considerations and deal points that the County wanted. In fact, I had been anxiously awaiting a phone call for many, many days that would set the date for lease discussions, discussions which the Department had agreed to in March. Obviously, the County had been dragging its feet for a reason -- it had other plans in mind all along. Apparently, the County had long ago determined that smaller businesses, no matter what their track record, are no longer welcome in the "New" Marina del Rey.

It is interesting that I discovered, only by accident, that this RFP was on the agenda for today. As I mentioned I spoke with the County last Thursday but there was absolutely no mention of this meeting, or any other meetings, raising concerns regarding the fairness of the RFP process.

WHY AM I HERE?

First and most importantly, I am NOT here to bemoan my personal situation but to offer my suggestions and input on this RFP.

Please consider what I have to say very carefully because my comments are concerned with the *BIG PICTURE* for Marina del Rey, and the boating public for which this marina was initially envisioned.

With all due respect to the Director and his staff who, I am certain have carefully considered the aspects of this RFP prior to providing it to you, it is, in my opinion, off base. Like the Entertainment Retail RFP at the launch ramp, this RFP, while addressing certain definitive County goals, does not address *in a primary way*, the need of the boating public. .

THE PROBLEMS

THE FUELING BUSINESS IS A STEP CHILD TO PARCEL DEVELOPMENT

Instead of focusing on the core primary need of Marina del Rey boaters, both private and commercial, to fuel their boats, the County has created an RFP for a real estate development project. Instead of putting out an RFP for the construction and operation of a marine fueling *business* and focusing on the requirements to do so, the RFP emphasizes real estate development.

Without even getting to the RFP itself, the first paragraph of the Department's Board Letter says, the goal of this RFP is (and I quote generally)

> "To replace and expand improvements now located on Parcel 1S and to devote an ADA-compliant space for use by the County's water taxi operation."

In the second paragraph of the Board Letter,

> The proposed redevelopment of the parcel is to further the County's goal of "maintaining and improving boater and visitor-serving uses..."

This theme of "construction and operation of new visitor serving improvements" is continued throughout the "Purpose" section of the Board Letter and not until the middle of 4th paragraph, is it acknowledged that this leasehold is the only in-water fueling station in MdR and that, in addition to other uses and a dedicated ADA water taxi stop, the winning applicant will have to include new concrete docks, and redeveloped underground fuel tanks and systems and dock office and new landscaping.

Despite the stated real estate development goals, the Board Letter (as well as the actual RFP) acknowledges the small size of the parcel and that marine commercial and water uses are the designated uses for the Parcel.

> In summary, it appears to me that providing and operating a vessel fueling business is secondary to the RFP goal of "enlarging the visitor serving uses at this parcel"

THE HIGH COST OF MARINE FUEL IN MdR

There are core problems in MdR involving the current fuel operations that are known to the County and that are not addressed in this RFP. These problems will continue under the next, much longer 60 year- lease, if not addressed in a realistic fashion now.

In our opinion,

> *Until the County acknowledges that providing fuel to boaters at a fair and competitive price should be a primary requirement at Parcel 1S, and not a side business to visitor-serving real estate development, problems will persist.*

The RFP does not address what is widely considered to be spiraling fuel prices in the Marina.

I have tried many times to address this issue with the County, as did Union Oil when Union Oil was the fuel supplier. Over five years ago, I personally demonstrated to the County the out-of-step and antiquated percentage rent method used by the County is very, very seldom used in both the water and landside fuel industry - but to no avail.

At that time we were negotiating our last extension but the County was concerned that we improve the property in exchange for a five-year extension (an investment that, by the way, still has 10 years of remaining life). They would not consider a change in the method of marine fuel percentage rent assessment – despite the effect it could have on the fuel prices.

Further, as recently as March of this year – when the Department of Beaches and Harbors had agreed to renegotiate the lease with me – I again explained that usury rents by the County are creating non-competitive fuel rates and are hurting the boaters. We were assured that the County would review market information on fuel dock lease arrangements. Although we cannot know if this was done, there does not appear to be any change in the County philosophy in this regard.

> *We are very disappointed that this situation does not square with the verbalizing by the County that it cares about Marina del Rey boaters.*

The RFP requires that the MdR fuel business continue to pay the County six percent on its gross sales of fuel.

> This percentage requirement is by far the highest in the entire State of California and can add 10 cents or more per gallon to boaters' fuel costs.

To eliminate this, the percentages need to be assessed on gallonage not dollars, and the percentage rate needs to allow for a reasonable profit for an *essential* but thinly margined business – all while keeping the retail rate competitive.

Reinforcing this fact are our own books, which the County has audited a number of times. Going back just three years, the books show that

The County has made between 120% and 190% more in rent than Marina Fuels made in profit.

While we harbor no ill will, it is important to know that this situation has resulted in our small business absorbing a disproportionate amount of cost to minimize the impact on fuel price to boaters – while the Department of Beaches and Harbors has reaped the rewards of high oil prices. This is not a good basis for a new 60-year lease.

Fuel is essential to boating and, in our opinion, the County should not be looking to the fueling of boats as an easy pot-of-gold.

To make MdR fuel costs competitive with other marinas, the County will have to take a financial "hit", and based on the RFP before you, this is something the County appears unwilling to do.

RFP HAS NO SPECIFIC REQUIREMENTS AND/OR CRITERIA FOR THE FUEL DOCK BUSINESS

Although discussing fueling, and the requirement that it must be included in a proposal, this RFP does not define or focus on the *business* of providing fuel to MdR boaters, despite the fact the Local Coastal Plan states the primary use of Parcel 1S is a fuel dock.

There is only passing non-specific mention of the respondent requirements:

> "The County seeks a development team that will provide the expertise, experience and financial ability to plan, construct and operate fuel dock facilities that incorporate boater-friendly, waterfront-oriented design."

This generic sentence, in our opinion, leaves too much to chance. It does not set a standard for such business components as •Documented experience in constructing, managing and operating a marine fueling business; •Ability to train and staff responsible

staff 365/days/year; •Documented experience and ability to purchase and schedule fueling deliveries and knowledge and experience in handling of industry standard environmental and safety requirements and BMPs.

RFP FOCUS IS ON REVENUE ENHANCEMENT VIA PARCEL DEVELOPMENT

Despite the lack of fuel business criteria, the RFP is quite clear that there are other standards. Based on the clarity set forth in these standards, it appears the winning proposer will be selected according these standards rather then on the business of providing fuel.

Based on these standards, it appears the only way to successfully put forth a winning proposal is to enhance the site by additional development thereby maximizing revenues, which is possible only by aggregating parcels.

> "The County will also entertain proposals that incorporate parcel(s) adjacent to the project site [of which there is only one]...While respondents are encouraged to propose a level of development that is most suited to the success of the overall project, *priority* consideration will be given to plans that both meet minimum build out requirements and maximize utilization of the site area.

According to the RFP among the County's primary evaluation criteria for The Fuel Dock are revenue enhancement and implementability along with several other elements, which will be determined according to

(1) Entitlement Risk
(2) Financial Risk
(3) Creativity and Quality
(4) Design and Construction Capability
(5) Project Management Capability
(6) Property Management Capability
(7) Successful marketing and operating experience of the developer
(8) The marketing image, financial strength and management systems of the project operator.

I would contend that the primary purpose of this site is to fuel boats 365 days a year with competitively-priced, quality fuel, to accommodate the fueling boater in appropriate ways, and to use space on this very small parcel as such is available to create slippage, accept transient boats, provide for a water taxi -- not develop "creative" uses of the parcel, or even maximize the income to the County.

Although we agree that certain build out can occur and is appropriate, the use on this parcel was not an accident. It is a "protected" use in the Coastal Plan. This location is conveniently located for the use of boaters and should focus on this vital primary responsibility.

In our opinion, this RFP has been drafted to virtually eliminate the small, focused fuel business operator as a contender. It has preferential details written into the appendices that favor parcel aggregation.

In short, it appears that the County has determined the winner (or at least drafted the RFP to favor certain respondents) before it has even been issued.

RECOMMENDATIONS

My initial suggestions to the Commission are as follows:

Before approving this RFP for consideration by the Board of Supervisors, we respectfully ask the County rethink the focus and the attendant requirements. For example, consider

(1) Select appropriate evaluation criterion to reflect the primary purpose of the site as a working fuel dock that services the practical needs of boaters
(2) Clearly outline and define the specific criterion and weights to create a more objective evaluation process.
(3) Review actual market lease rates for California Fuel Docks
Note that there are virtually no remaining fuel docks owned and franchised by large oil companies. They have exited the business for a reason.
(4) Eliminate preferential drafting language in the RFP
(5) Include documented fuel dock operating experience and light boat maintenance capability as key elements in evaluation of the respondents
(6) Eliminate unimportant selection criteria
For instance, why is "marketing capability" referenced twice as an important part of the selection criteria? Over the last 35 years, Marketing has never been an important part of selling fuel while the pricing is critical.

CLOSING

We worry that this RFP will encourage over-development of a site that should have, as its goal, the low cost, convenient provisioning of fuel and services to boaters, both local and visiting. It can serve locals or visitors using the Water Taxi but this site should be considered a working fuel dock, not an entertainment venue or a picnicking spot or a water viewing venue. The County is creating those experiences in other MdR locations.

In summary, this RFP should be reconsidered to address the fundamental drafting issues that we have brought to your attention.

A simple recollection of the Vestar project at the County launch ramp should give the Commission pause. In that case, an inappropriate RFP was drafted and after a year of negotiations, the winning bidder walked away.

September 8, 2004

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

Dear Supervisors:

APPROVE THE RELEASE OF REQUEST FOR PROPOSALS FOR DEVELOPMENT OF FUEL DOCK FACILITIES ON PARCEL 1S IN MARINA DEL REY
(4th DISTRICT)
(3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and authorize the release of the attached Request for Proposals for Development of Fuel Dock Facilities on Parcel 1S.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The proposed Request for Proposals (RFP) is intended to seek competitive proposals for redevelopment of improvements on Parcel 1S in Marina del Rey. The solicitation provides for replacement and expansion of improvements now located on Parcel 1S.

In furtherance of the goals of second-generation development contemplated in the Marina del Rey Asset Management Strategy (AMS) adopted by your Board on April 15, 1997, the Department has issued seven previous solicitations for second generation development in Marina del Rey. The proposed redevelopment of improvements on this parcel will continue to further the goal of maintaining and improving boater and visitor-serving uses, a focus of both the AMS and the Marina del Rey Local Coastal Program (LCP).

The subject parcel is currently encumbered with a ground lease that commenced May 10, 1961 with a term of 30 years. On June 18, 1991, an amendment to the lease was approved by your Board, extending the term to 35 years, and providing two additional

extensions of five years each at the option of the lessee. The lessee has exercised both of the 5-year extensions and the lease will expire May 9, 2006. There is no further option to extend.

The redevelopment opportunity for this parcel calls for the redevelopment of certain existing waterside and landside facilities and construction and operation of new visitor-serving improvements, with the most important components being the boat fueling operations. The RFP also encourages the provision of an Americans with Disabilities Act (ADA) compliant water taxi dock, so long as such use is compatible with the priority fuel dock and larger vessel dock uses. The subject leasehold is the only in-water fueling station in Marina del Rey and there is no land-based fueling station in the Marina. The parcel is designated by the LCP for "Marine Commercial" and "Water" uses, which include various marine-related uses as set forth in the LCP.

It is expected that responses to this RFP will include proposals to provide Marina del Rey and visiting boaters a modern boat fueling facility and related uses. The RFP requires inclusion of a modern concrete dock system, redevelopment of the underground fuel storage tanks and appurtenant systems, new fuel dock office and storage space, and improved landscaping around the perimeter of the parcel.

Implementation of Strategic Plan Goals

This recommendation is consistent with the County's Strategic Plan Goals of Fiscal Responsibility and Service Excellence in that the resulting lease will maintain a County stream of revenue and provide modern boater and visitor-serving improvements, to be constructed by the proposer, to further the goals of AMS.

FISCAL IMPACT/FINANCING

Other than budgeted consultant's costs to evaluate responses to the RFP, no County funds are presently contemplated to finance any costs associated with this request. A full financial analysis will accompany any subsequent project recommended to your Board.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

RFP Parcel

This RFP pertains only to Parcel 1S. The current 35-year lease agreement for the parcel has been extended by virtue of two 5-year option terms and will expire on May 6, 2006. There is no further option to extend. The parcel is currently improved with a boat fueling dock and appurtenant improvements, including an administrative office, a small snack and sundry outbuilding, a dry storage building, and a limited number of parking spaces.

Parcel 1S contains approximately 52,989 square feet of water area and approximately 14,769 square feet of land area. It lies within LCP Development Zone 1 and is designated for marine commercial and water uses.

Land Use Designation and Entitlements

It is expected that the successful proposer will benefit from the priority given to boater and visitor-serving uses in Marina del Rey. The RFP requires redevelopment of the existing boat fueling facility and a public pump-out facility. The RFP also encourages the provision of an ADA-compliant water taxi dock, so long as such use is compatible with the priority fuel dock and larger vessel dock uses. Because the area of the subject parcel is comparatively small, it is expected that sufficient entitlements will be available for the range of projects contemplated by the RFP.

Depending on the land use and scope of development proposed for the site, an LCP amendment may nonetheless be necessary to accomplish a given project plan. However, there are few, if any, uses envisioned for this relatively small parcel that would prove to ultimately require such an amendment. Moreover, since the total buildout of all projects, both planned and in negotiation, is well below the aggregate additional entitlements allowed for the Marina, the relatively few added trips that may be associated with the proposed project will in no case exceed the Marina-wide development limits of the LCP. While this project is likely to be favorably received by the California Coastal Commission, the County, in issuing this RFP, will make no representation that any entitlements or regulatory approvals will, in fact, be obtained or that, in obtaining them,

developers may not be subject to a wide range of conditions and requirements not now provided in the LCP.

At its meeting held on September 8, 2004, the Small Craft Harbor Commission voted to _____ the Director's recommendations that your Board approve and authorize the release of the attached RFP. The solicitation has been approved as to form by County Counsel.

ENVIRONMENTAL DOCUMENTATION

This development solicitation does not authorize any development of the involved County property or the development of a particular project. In the event the solicitation yields a proposed development plan, the appropriate environmental documentation will be prepared, consistent with the County's land use entitlement process. Any selected developer will be required to apply for and obtain all necessary land use and coastal development permits.

CONTRACTING PROCESS

An evaluation committee, selected by the Director of the Department, will review proposals submitted in response to the RFP and recommend to the Director a developer with whom to pursue exclusive negotiations in the event it determines a proposal is worthy of such action. The Director, in such event, will then request your Board to authorize exclusive negotiations with a recommended developer for a lease or lease option to design, finance, develop and operate the project.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There is no current impact on other projects and services due to the issuance of this RFP.

CONCLUSION

Approve and authorize release of the attached RFP and forward one adopted copy of this Board letter to the Department.

Respectfully submitted,

Stan Wisniewski, Director

SW:tm

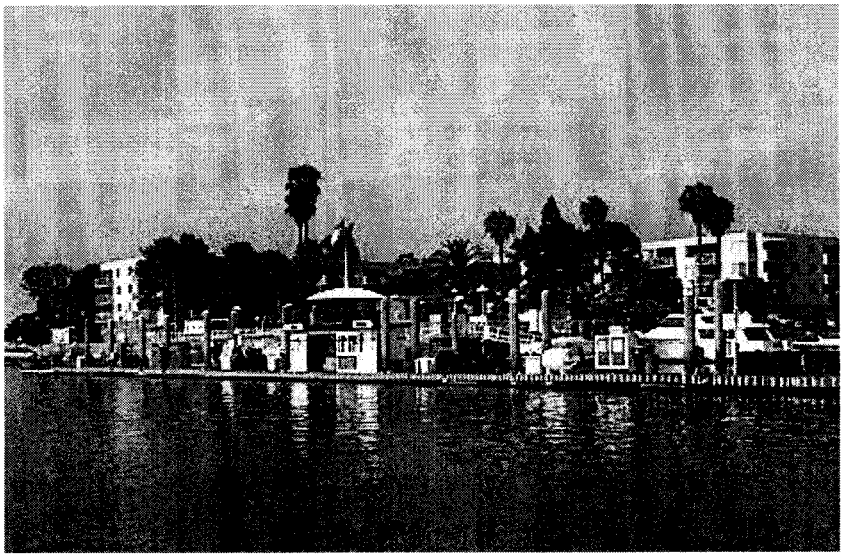
Attachment (1)

c: Chief Administrative Officer
County Counsel

REQUEST FOR PROPOSALS

FOR DEVELOPMENT OF FUEL DOCK FACILITIES ON PARCEL 1S IN MARINA DEL REY

FUEL DOCK



(SAMPLE IMAGE – FOR ILLUSTRATIVE PURPOSES ONLY)

ISSUED BY COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS
MARINA DEL REY, CALIFORNIA
SEPTEMBER 2004

EXECUTIVE SUMMARY

COUNTY OBJECTIVES

The County of Los Angeles seeks proposals for the ground lease and development of new fuel dock facilities on Parcel 1S, Marina del Rey. The primary objective of this project is the redevelopment of the fuel dock parcel and related facilities incorporating a boater-friendly, waterfront-oriented design. Information about this solicitation may be obtained from the Los Angeles County Department of Beaches and Harbors at http://beaches.co.la.ca.us

SITE DESCRIPTION

The Project Site, which consists of Parcel 1S, is ideally located to provide fuel to boaters within Marina del Rey, and is conveniently situated on the main channel at the entrance to Basin A in the southwest quadrant of Marina del Rey. Comprised of one parcel with approximately 1.4 acres of existing land and water area, the Project Site fronts the street at the terminus of Bora Bora Way, off Via Marina.

Five components comprise the site improvements: (1) the fuel dock and appurtenant structure, with adjacent observation platform and office; (2) the fuel delivery systems, including the underground storage tanks and related mechanical devices; (3) related landside improvements, including two smaller buildings housing restroom facilities, equipment and cold storage; (4) additional docks for larger vessels, utility craft and bait storage; and (5) a limited number of parking spaces.

DEVELOPMENT OPPORTUNITY

The County's preferred use of the site is a fuel dock, with some adjunct uses possible. The Marina del Rey Local Coastal Program (the "LCP"), allows uses consistent with the development categories "Marine Commercial" and "Water". These terms are defined in the LCP, and include such uses as yacht slips and docking, boat storage, brokerage and rentals, light marine commercial and other related uses. Although exclusivity is not guaranteed, the parcel is currently the only marine fuel dock in Marina del Rey.

TRANSACTION STRUCTURE

This Request for Proposals process may culminate in the exclusive right to negotiate an unsubordinated ground lease providing for minimum rents and percentage rents. The County will not subordinate its fee interest or rental payments.

SUBMISSION SCHEDULE AND FORMAT

The proposer shall prepare one original and nine copies (except large-scale drawings and exhibits, if included in the package) of a Proposal Package in 8.5" x 11" format. Proposals must be organized following the Submission Requirements section and must include at least the requested information. Responses must be submitted not later than 5:00 p.m. on Monday, November 15, 2004.

PROPOSER'S CONFERENCE

Monday, October 4, 2004 at 9:30 a.m.
Burton W. Chace Park Community Building
13650 Mindanao Way, Marina del Rey, California

Attendance at the Proposer's Conference is not mandatory; however, questions regarding this Request for Proposals and the overall project will only be addressed at this meeting or for a limited time afterward in follow-up correspondence that will be shared with all proposers on record. An information packet containing additional background materials is available for purchase from the Los Angeles County Department of Beaches and Harbors.

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1. PROJECT OVERVIEW

1.1 THE DEVELOPMENT OPPORTUNITY

The County of Los Angeles (the "County"), through its Department of Beaches and Harbors ("DBH" or the "Department"), seeks proposals for the ground lease and redevelopment of improvements to Parcel 1S, Marina del Rey. The County seeks a development team that will provide the expertise, experience and financial ability to plan, construct and operate fuel dock facilities that incorporate boater-friendly, waterfront-oriented design. The new facilities (working name: Marina del Rey "Fuel Dock") are to be developed to provide fuel and related services to the local and visiting recreational boating community.

The required improvement for the site is a boat fueling facility, with some adjunct uses possible. The Marina del Rey Land Use Plan (the "LUP"), a component of the Los Angeles County Local Coastal Program (the "LCP"), allows uses consistent with the development categories "Marine Commercial" and "Water". These terms are defined in the LUP, and include such uses as yacht slips and docking, boat storage, brokerage and rentals, light marine commercial and other related uses.

Although exclusivity is not guaranteed, the current use of the parcel is as the Marina's only public fuel dock. Charter boats, ferries, sportfishing, boat brokerage and rentals are probably not feasible uses as parking is very limited. The LCP also includes provisions for the implementation of a pedestrian promenade along the channel bulkhead. The Department expects that redevelopment of Parcel 1S will include a complete promenade treatment, subject to safety considerations that may result in certain practical limitations. The Department also encourages the provision of an ADA-compliant water taxi dock sufficient for the loading and unloading of passengers onto a vessel of up to 40 feet in length, as long as such provision is compatible with the priority fuel dock and larger vessel dock uses.

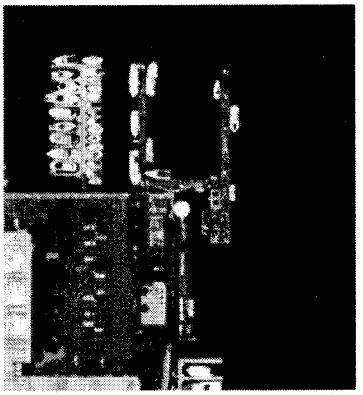


Figure 1. Aerial Photograph of Vicinity of Project Site

1.2 PROJECT SITE

Parcel 1S is situated in the vicinity of the southwest entrance to the harbor. As shown in Figure 1, the Project Site is both functionally and practically dedicated to providing fuel to boaters. Parcel 1S is the site of the current fuel dock, first operated in 1961. The parcel contains a gross area of approximately 1.4 acres consisting of approximately 14,744 square feet of land area and approximately 46,510 square feet of water area. The parcel is accessible from Bora Bora Way off Via Marina and includes just less than 200 feet of water frontage.

Five components comprise the site improvements: (1) the fuel dock and appurtenant structure, with adjacent observation platform and office; (2) the fuel delivery systems, including the underground storage tanks and related mechanical devices; (3) related landside improvements, including two smaller buildings housing restroom facilities, equipment and ice/cold storage; (3) additional docks for larger vessels, utility craft and bait storage; and (5) a limited number of parking spaces. An aerial photograph the vicinity of the Project Site is set forth in Figure 1, and diagrams illustrating the parcels that surround the Project Site parcel are included as Figure 2 and Figure 3.

Figure 2. Parcel Included in RFP: Parcel 1S

1.3 Proposal Evaluation and Selection

The County will consider all proposals against the standards generally set out in this RFP and, to the extent competing proposals are submitted, will judge proposals against each other. Proposers are expected to set forth a plan that maximizes utilization of the Project Site while at the same time also providing the minimum buildout requirements as set forth in Section 3.

Respondents are further encouraged to submit multiple proposals if they have more than one possible development solution. The County will also entertain proposals that incorporate parcel(s) adjacent to the Project Site, provided the proposer can demonstrate control of such parcel(s). While respondents are encouraged to propose a level of development that is most suited to the success of the overall project, priority consideration will be given to plans that both meet minimum buildout requirements and maximize utilization of the site area. The County will enter into negotiations for a ground lease with the selected developer wherein the County will provide the opportunity for development of the Project Site in exchange for rents and certain other consideration.

1.4 PROJECT CONSIDERATIONS

The County manages Marina del Rey pursuant to the goals and objectives set forth in the Marina del Rey Local Coastal Program ("LCP") and the Marina del Rey Asset Management Strategy ("AMS"). The successful proposer is responsible for recognizing the goals of both the LCP and AMS.

Among these goals, and the focus of this RFP, is improved site utilization. Through the provision of a well-located, attractive and efficient fuel dock, the County believes the Fuel Dock project explicitly addresses needs of the boating community.

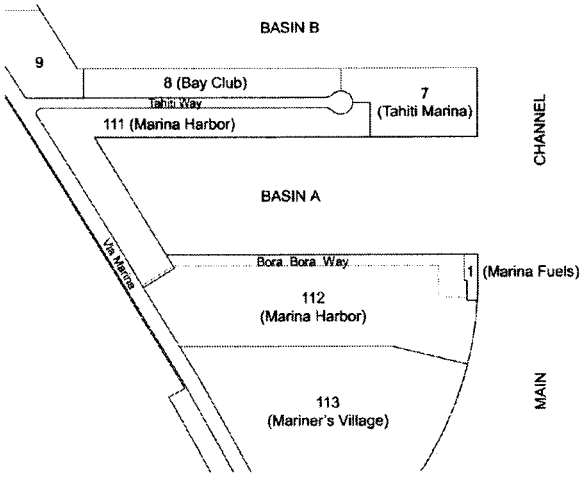


Figure 3. Diagram of Project Site Vicinity

In furtherance of AMS goals, the County contemplates a number of planned redevelopment projects and related public improvements in the vicinity of the Project Site. The scope, funding and schedule of these potential redevelopment projects and public improvements are in various stages of analysis, evaluation and negotiation, and thus details are not yet finalized. Nonetheless, a number of these potential improvements may complement the Fuel Dock Project and therefore discussions of these projects are included for informational purposes.

1.5 TRANSACTION STRUCTURE

The County will accept proposals for a long-term unsubordinated ground lease. The length of the ground lease term will be considered based upon circumstances and demonstrated need for a lease term as it relates to project viability. However, the lease term shall in no event exceed the statutory limit (99 years), and the Department considers 60 years as the reasonable upper limit of recommendable new ground leases for most projects in the Marina.

1.6 SUBMISSION SCHEDULE, FORMAT AND COUNTY CONTACT

Responses are due no later than 5:00 p.m. Pacific Time on Monday, November 15, 2004. The application process and the contents of the application are discussed herein, principally in Sections 3 and 4 and the Appendix.

Submissions are to be delivered to the County Contact:

Delivery Address:
County of Los Angeles
Department of Beaches and Harbors
Attn: Mr. Alexander E. Kalamaros, CCIM
13837 Fiji Way
Marina del Rey, CA 90292

Contact Information:
Phone: 310.577.7961
Fax: 310.821.6345
Email: akalamar@dbh.co.la.ca.us
Internet: http://beaches.co.la.ca.us

2. BACKGROUND AND CONTEXT

2.1 GENERAL BACKGROUND

Marina del Rey is located on the Pacific Coast within metropolitan Los Angeles (Figure 4). The County of Los Angeles (the "County") owns the land and water area that comprises Marina del Rey proper. Marina del Rey (the "Marina") is situated in an unincorporated area of the County. In the late 1950s the Marina was dredged and in the 1960s the Marina was improved with landside and water developments. Most of this land and water area has been developed under ground leases administered by the Department.

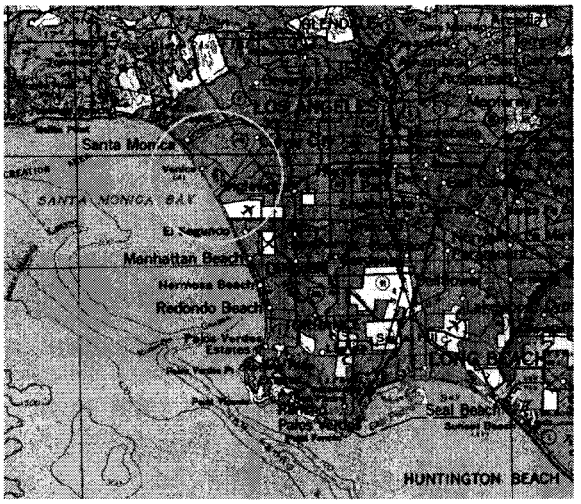


Figure 4. Location of Marina del Rey

Development in the Marina is governed by the LCP, which was certified by the California Coastal Commission in 1996. The Board of Supervisors of the County adopted the AMS in 1997 to reflect the County's objectives and goals in seeking to maintain and enhance the Marina's reputation as a premier recreational boating harbor with attractive residential, shopping and dining facilities and overnight accommodations. In 2001, the County established the Marina del Rey Convention and Visitors Bureau to promote the general guidelines and programs for achieving the visitor-serving objectives of the LCP.

2.2 ONGOING REDEVELOPMENT EFFORTS

The Department has previously issued several other solicitations in connection with the first phase of Marina redevelopment. These solicitations have resulted in negotiations for over twenty new development and renovation projects with a value approaching one billion dollars that collectively total approximately 3,600 apartments, over 1,600 hotel rooms and over 1,500 boat slips. Of the total number of new apartments, approximately 1,700 units will replace apartments that are approximately thirty-years old, and approximately 1900 units will constitute new additions to existing parcels. The new boat slips will replace slips that are approximately thirty-years old, and will utilize the same water area but will provide larger slip sizes, on average, reflecting the demand of the boating community and will provide improved boater amenities. Additionally, a limited amount of new retail, office, restaurant and storage space has been proposed, together with a new 2 + acre park on the Marina's west side.

2.3 OVERVIEW OF MARINA DEL REY

Marina del Rey is one of the largest small craft harbors under unified management in the United States. Of the total approximately 800 acres within the Marina, there are approximately 150 acres of water area and 253 acres of land area under long-term unsubordinated ground leases. Marina del Rey is the home of over 50 major commercial leaseholds and over 300 subleases. Major components of Marina del Rey include the following:

- Approximately 5,300 boat slips;
- Approximately 6,000 rental apartment units;
- 600 luxury condominiums;
- Six hotels with a total of approximately 1,000 rooms; and
- Approximately 1,000,000 square feet of commercial space including office, retail and restaurants.

2.4 ASSET MANAGEMENT STRATEGY (AMS)

In the AMS adopted in 1997 for Marina del Rey, the County addressed some of the critical issues for preserving and enhancing the location's prestigious identity, dealing with second-generation development, and ensuring that when the majority of existing Marina leaseholds recycle, the Marina will be a viable, exciting area capable of continuing to produce substantial revenues for the County, while serving the needs of both the recreational boater and community at large for water-oriented recreation.

The four main elements of AMS are:

- A long-term vision for Marina del Rey that establishes it as a vibrant urban waterfront development;
- Catalytic development projects that will draw people on a regional basis, spur further leasehold development and set a standard for design quality;
- Development mechanisms to encourage leasehold redevelopment proposals consistent with the long-term vision; and
- Other mechanisms to encourage refurbishment and ensure quality maintenance of those leaseholds that will not be redeveloped during the remaining terms of their leases.

There are five characteristics common to successful waterfront developments in the Marina that the County wishes to achieve. These five characteristics are:

- A powerful sense of place;
- An accessible waterfront, both physically and visually;
- An exciting mix of inter-related, water-oriented uses;
- A multi-modal transportation system that facilitates pedestrian activity and alternative modes of travel; and
- A varied, high-quality residential environment.

Consistent with the above goals, increased waterfront access and an enhanced visitor-serving environment are two of the major objectives of this RFP.

2.5 LOCAL COASTAL PROGRAM OVERVIEW: INTRODUCTION TO MARINA ENTITLEMENTS

The Marina del Rey LCP governs development in the Marina. The LCP was adopted by the Los Angeles County Board of Supervisors and effectively certified by the California Coastal Commission in 1996. The last comprehensive amendment to the LCP established the potential for a limited amount of additional development within the Marina based on the capacity of local transportation arteries to handle additional traffic. For planning purposes, this additional development potential is allocated among fourteen Development Zones ("DZs") rather than to individual parcels. Aggregate development in the Marina, as well as development within each DZ, is regulated by the allocation of evening (p.m.) peak hour traffic trips.

Information regarding entitlements as set forth in the LCP is presented here for informational purposes. The LCP specifies maximum buildout, open space requirements, viewshed protection, parking requirements, traffic limitations and other types of entitlement issues. The LCP is available for review at the Marina del Rey Public Library, the DBH office or the Los Angeles County Regional Planning Department ("DRP") and is available for purchase at the DBH office. The LCP maybe be viewed online at: http://beaches.co.la.ca.us/bandh/marina/development.htm

A brief overview of the LCP, DRP, and Coastal Commission requirements is set forth in Appendix E.

2.6 RECENT PRIVATE INVESTMENT IN THE MARINA

There has been a significant amount of recent investment in the redevelopment of leased properties located in the Marina. Since 1990, this has included the following projects:

- Construction of the Ritz-Carlton Hotel;
- Remodel of existing guest rooms at the Marina Marriott Hotel;
- Remodel of Dolphin Marina apartments and replacement of anchorage facility;
- Construction of 128 new Panay Way apartment units;
- Remodel of the Del Rey Yacht Club facilities;
- Replacement of 150 existing slips at the California Yacht Club;
- Remodel of existing Bay Club apartments;
- Remodel of the Red Onion Restaurant into FantaSea Yacht Charters;
- Remodel of Charley Brown's Restaurant into Tony P's Dockside Grill;
- Remodel of Reuben's Restaurant into Harbor House Restaurant;
- Remodel and expansion of Shanghai Red's Restaurant;
- Remodel of The Boat Yard to add ship chandlery;
- Construction of a new boathouse for Loyola Marymount University;
- Remodel of interiors, exterior and landscaping of Oakwood Apartments;
- Construction of 1,052 apartments and new boat slips at Parcels 12 and 15 (in progress);
- Construction of 120 new apartments and new boat slips and remodel of 853 existing apartments at Parcels 111/112 (in progress); and
- Construction of 99 new apartments and new boat slips at Parcel 20 (in progress).

2.7 MARINA GOVERNANCE

Marina del Rey is situated in an unincorporated portion of Los Angeles County and therefore is under the direct jurisdiction of the County Board of Supervisors ("Board"). When the Marina was developed, the Board created the Small Craft Harbor Commission ("SCHC") to oversee activities and recommend leases and policy matters to the Board. The SCHC consists of five members appointed by the Board. The SCHC recommends actions regarding Marina del Rey to the Board, which has the power to make decisions and direct activity.

Ongoing administration is the responsibility of DBH, which oversees all County-owned or controlled beaches as well as all land and water area encompassed by Marina del Rey. Within the Marina, DBH manages and administers over 50 ground leases covering hotel, restaurant, office, residential, retail, harbor, anchorage, parking and concession uses. The Department's scope of activities entails significant asset management responsibility due to the size and complexity of the leasehold and concession interests, which it manages. The County's powers and rights in its governmental capacity are not affected by its leasing to proposers or developers in its proprietary capacity.

2.8 MARINA CAPITAL PROJECTS

The County and various other agencies responsible for the ongoing administration and improvement of the Marina provide capital improvements to the area's infrastructure. These recent and planned investments provide a significant level of support for new development and include the following:

- The U.S. Army Corps of Engineers has jurisdiction over the construction of shoreline structures and other activities in the water areas of Marina del Rey. Between 1994 and 1996 the Corps and the County spent $5.5 million to dredge nearly 300,000 cubic yards of material to maintain the Marina's entrances.
- An additional 700,000 cubic yards of waterway dredging began in 1998 and was completed in 2000 with a total projected cost of $7.7 million.
- A $23.5 million project to reinforce all 758 panels of the Marina seawall was completed in 2000.
- The County is currently in the planning process of Phase I implementation of a Marina-wide landscape and lighting redesign of roadway medians and multiple entry parcels.
- The County is currently planning for the widening of Admiralty Way from four to five lanes between Fiji Way and just west of Bali Way and six lanes from just west of Bali Way to Via Marina.
- The County, along with state and regional traffic authorities, is working on plans to extend the Marina Freeway (State Route 90) from its current terminus at Lincoln Boulevard to a point on Admiralty Way near the public library.
- The County is working on the planned expansion of Chace Park to create a public park over ten acres in area after expansion.

3. PROJECT DESCRIPTION

3.1 ULTIMATE AIM OF THE PROJECT

The ultimate aim of the Fuel Dock project is the provision of a modern dock system with on-the-water fuel facilities designed to serve the recreational and commercial boating community of Marina del Rey. Additional aims include other boater and coastal-dependent uses that will encourage recreational boating and visitation of the retail, restaurant and public facilities in the immediate vicinity. Accomplishment of these goals will allow for the improved integration of the Marina's recreational and commercial areas in furtherance of the AMS goals of creating an exciting, user-friendly attraction to Southern California residents and visitors. The successful Fuel Dock proposal will make effective use of available entitlements, and, through the provision of an essential service to both recreational and commercial boaters, will help strengthen existing transportation infrastructure. By facilitating connections to both the immediate and surrounding areas, the Fuel Dock project will serve to implement the LCP and AMS, and at the same time implement a quality marine setting.

As the County's primary objective of this project is the redevelopment of the fuel dock parcel and related facilities incorporating a boater-friendly, waterfront-oriented design, priority consideration will be given to proposals that most effectively implement this objective. Since the County's preferred use of the site is a fuel dock, proposals that meet otherwise desirable objectives, such as revenue maximization, but do not include a fuel dock component, will be rejected.

3.2 ILLUSTRATIVE PROJECT PLANS

As shown in Figure 2 and in Figure 5, the existing implementation (size, construction, etc.) of fuel dock facilities is relatively constrained, despite its prime location on the main channel in Marina del Rey. It is expected that the successful proposer will respond to this RFP with a plan for redevelopment of the Fuel Dock that will update existing facilities with contemporary landscaping features and an exterior design that complements planned development in the immediate vicinity.

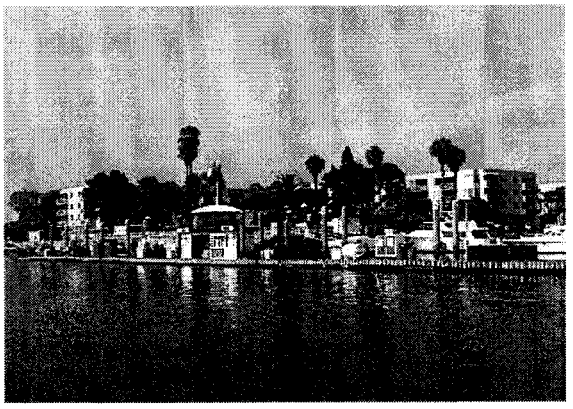


Figure 5. Photo of Project Site

3.3 PROJECT BUILDOUT

Based on preliminary feasibility estimates, it is estimated that the Project Site is suitable for buildout at the scale of the existing facilities. As shown in Figure 6, and as otherwise described in the LCP and the Appendix, the County expects a complete replacement of the existing docks and related landscaping treatments with no reduction in the number or size of slips currently on the parcel. Complete replacement of the underground storage tanks and related fuel delivery systems is not required, however, respondents must demonstrate to the satisfaction of the Department that the existing facilities, including the underground storage tanks and fuel delivery systems, are: (1) up to date with current regulatory requirements; and (2) adequate for the Marina's growing needs for the foreseeable future. In addition, the required facilities include: a short-term dock space for passenger loading; a pumpout station dock; and a guest dock for visiting boats (primarily larger vessels). The Department also encourages the provision of an ADA-compliant water taxi dock sufficient for the loading and unloading of passengers onto a vessel of

up to 40 feet in length, as long as such provision is compatible with the priority fuel dock and larger vessel dock uses. The decision as to whether to replace or retain the restrooms and related facilities currently situated on the land area is left to the respondent, however, it is expected that public restroom facilities will at a minimum be retained and renovated. The added provision of an innovative set of boating-related amenities designed to serve the needs of both the users of the facility and visitors to the area is optional and the decision as to whether to include such amenities is also left to the respondent.

Figure 6. Project Buildout

Land Area	*Water Area*
▪ Complete redevelopment of existing hardscape and landscaping ▪ Demonstration, to the satisfaction of the Department, that the existing underground storage tanks and fuel delivery systems are: (1) up to date with current regulatory requirements; and (2) adequate for the Marina's growing needs for the foreseeable future. Alternatively, complete replacement of underground storage tanks and fuel delivery systems ▪ Housing of related emergency and safety equipment to the extent required by code ▪ Complete promenade treatment (hardscape, fencing, lighting and related fixtures)	▪ Complete replacement of existing docks (pilings, piers, etc.) with new concrete docks ▪ Demonstration, to the satisfaction of the Department, that the existing fuel delivery systems are: (1) up to date with current regulatory requirements; and (2) adequate for the Marina's growing needs for the foreseeable future. Alternatively, complete replacement of fuel delivery systems ▪ Housing of related emergency and safety equipment to the extent required by code ▪ Short-term dock space for sailboats and powerboats in the process of loading passengers ▪ One pumpout station dock ▪ One guest dock for visiting boats (primarily for larger vessels)

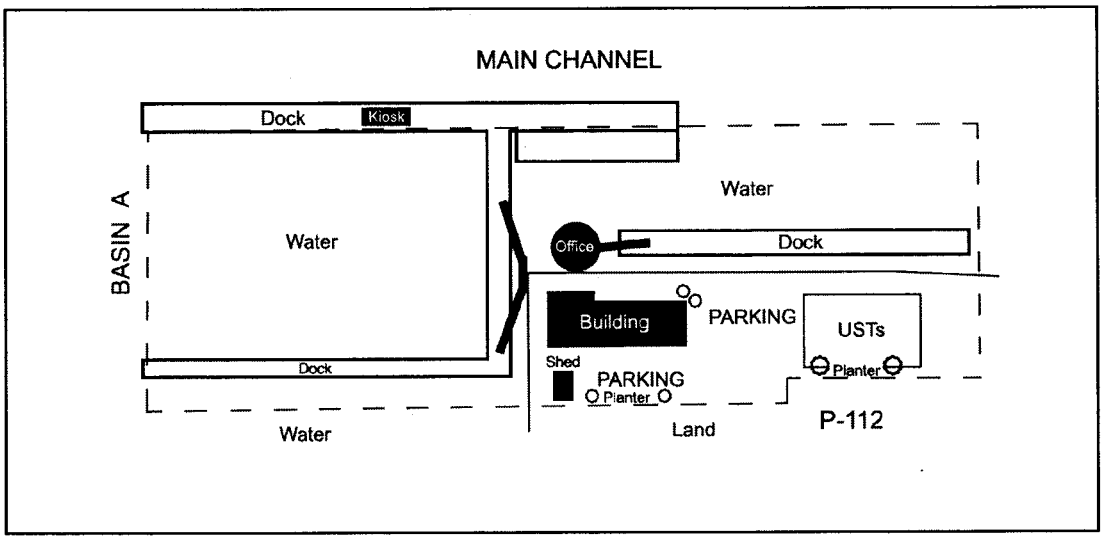
3.4 SITE DESCRIPTION OF SUBJECT PARCEL

A table summarizing the physical description of the subject parcel is included below and is shown in the Appendix. The County is prepared to lease the following parcel for the Fuel Dock project:

- **Parcel 1S,** commonly known as the "Fuel Dock," is currently a fuel dock with anchorage facilities and a small marine retail building (Figure 7). The site contains approximately 14,744 square feet of dry lot area and approximately 46,510 square feet of wet lot area. The lease agreement with the existing Parcel 1S lessee is scheduled to expire May 9, 2006.

  As further described in the Appendix, Parcel 1S lies within Development Zone 1 and is designated a marine commercial facility. The County intends to continue this utilization of this parcel.

Figure 7. Diagram of Existing Improvements on Subject Parcel



3.5 DESCRIPTION OF ADJACENT AND NEARBY PARCELS

- **Parcel 112**, Marina Harbor, is located to the east and south of Parcel 1S, and is the only parcel that abuts Parcel 1S. Parcel 112 (and the adjacent Parcel 111, which together comprise Marina Harbor as a whole) contains approximately 600 apartments and 200 boat slips. Portions of this parcel are currently undergoing construction, including dock replacement and renovations, addition of a new apartment building at the southeast corner of Bora Bora Way and Via Marina, and renovations of existing apartments. While the landside construction may be completed in 2004, the dock work is scheduled to be phased in over several years. Parcel 112 is a stop on the 2004 Marina del Rey Water Taxi program. This parcel contains approximately 692,183 square feet of dry lot area and 350,974 square feet of wet lot area.

- **Parcel 7**, Tahiti Marina, is located directly north of Parcel 1S across Basin A. It contains approximately 150 luxury apartments and 200 boat slips. This parcel contains approximately 218,423 square feet of dry lot area and 266,550 square feet of wet lot area.

- **Parcel 56S**, Fisherman's Village, lies directly east of Parcel 1S across the main channel. Parcel 56S contains commercial docks and approximately 32,000 square feet of restaurant and specialty retail space. This parcel is planned for redevelopment. The Design Control Board has approved in concept a preliminary plan to combine Parcels 55, 56S and W into a single leasehold, projected to contain approximately 48,000 square feet of restaurant and specialty retail space, along with expanded marine commercial uses. This parcel is one of the main commercial boating centers in Marina del Rey, where sportfishing, whale watching, Catalina passage, dinner cruises, boat rentals and other charters are located. This parcel is a stop on the 2004 Marina del Rey Water Taxi program.

- **Parcel 113**, Mariner's Village, lies several hundred feet to the southwest of Parcel 1S. Parcel 113 contains over 900 apartments in 26 apartment buildings. In addition to its primary residential use, this parcel contains retail space, tennis courts, beach volleyball courts, a viewing tower, a waterfront walkway and other amenities primarily serving its residents. This parcel contains approximately 958,820 square feet of dry lot area and no wet lot area.

- **Parcel 52R and GG**, known as Dock 52 and the County Trailers, respectively, is located on Fiji Way adjacent to the public boat launch area with water frontage on Basin H. The County is in exclusive negotiations for the development of the Boat Central project on these two parcels. Boat Central is planned to contain approximately 300 dry-stack and mast-up storage spaces and a small boat repair shop. It is anticipated that the additional vessel storage space made available by the Boat Central project may increase the demand for fuel and boater amenities in the Marina.

- **Parcel 125I**, the Marina City Club and Fantasea Yacht Charters, is located on the north side of Basin E and is home to large-scale commercial charter boats, over 100 apartments, approximately 600 high-rise condominiums and approximately 300 boat slips.

3.6 LOCAL MARKET DESCRIPTION

Situated on the southwest corner of the Main Channel and Basin A in Marina del Rey, Parcel 1S enjoys high visibility from the water and faces high boating traffic. The 17 local marinas in Marina del Rey contain over 5,000 boat slips ranging in size from 25 feet to 100 feet including both recreational and commercial vessels. The Fuel Dock is the primary fuel source for many of the local recreational boaters commercial boating operations. In addition to fuel sales, boaters and customers of commercial vessels have varying needs for their boating outings that may be provided for at the Fuel Dock.

In Marina del Rey, there are approximately 20 commercial vessels in operation, ranging in capacity from 20 persons to over 200 persons. These commercial vessels provide daily services including Catalina charters, dinner cruises, sportfishing tours, whale-watching charters, special events, and on the water film production, among others. Commercial boating operations generate a significant level of revenue generating activity each year in Marina del Rey.

Boaters all over the west coast, as well as some international boaters, stop at Marina del Rey for refueling and for various purposes, including recreational and commercial purposes such as purchasing boat chandlery, boat repairs, or simply to put into harbor. The closest public fuel dock to the south is located approximately 15 miles away in King Harbor, while the closest public fuel dock to the north is located approximately 60 miles away in the Channel Islands Marina.

3.7 SITE UTILIZATION

The primary land use regulations for Marina del Rey are contained in the LCP, which is comprised of the Marina del Rey Land Use Plan and the Marina del Rey Local Implementation Program. In 1996, the California Coastal Commission and the County of Los Angeles approved a comprehensive amendment to the LCP. Currently, the LCP permits principal uses on the subject Parcels shown in the Appendix.

3.8 SUGGESTED GUIDING PRINCIPLES FOR PROJECT DESIGN

- Based on the information previously described, including the LCP and the AMS, and a strong desire to create the best possible project, the following principles are suggested for the Fuel Dock project design: Vision consistent with AMS and LCP
- Facilities that encourage project use by recreational and commercial boaters
- Emphasis on physical environmental quality
- Secure and comfortable layout
- Facility and operation evokes a sense of quality and value
- Water-oriented, visitor-serving auxiliary uses
- Appropriate transportation linkages

In addition to these examples of guiding principles, respondents are advised to review Section 5 of this RFP, which includes a brief explanation of the criteria on which proposals will be judged.

3.9 AVAILABILITY OF PROJECT ENTITLEMENTS

Entitlements for the Fuel Dock project are expected to be available by virtue of the priority given to boating uses in Marina del Rey. The availability of entitlements is made likely through the expected replacement of the existing fuel dock and anchorage facilities and its proximity to existing boating and transportation infrastructure.

3.10 LCP AMENDMENT

An LCP amendment is not likely required and the availability of marine commercial entitlements is not expected to pose an obstacle to project completion. While proposals that simply replace existing fuel dock operations are not expected to require an LCP Amendment, due to the requirements for regulatory approvals by the Marina del Rey Design Control Board ("DCB"), the County Department of Regional Planning ("DRP"), and the California Coastal Commission ("CCC"), as well as recommendation by the Small Craft Harbor Commission ("SCHC") and approval of the Los Angeles County Board of Supervisors, respondents are advised to consult with the Department of Regional Planning to assess the complexity, scope and length of time it may take to achieve the approvals needed to complete their particular projects. Respondents should consider a time estimate in accordance with requirements of the various regulatory bodies including the DCB, SCHC, DRP, CCC and the Board.

3.11 NO AVAILABILITY OF PUBLIC FINANCING

While some form of public-private partnership is anticipated, the County may reject proposals that require public financial participation. Respondents should clearly specify any projected contingency, need or desire for public financing related to submitted proposals.

3.12 PROPOSALS THAT INCLUDE PARCELS REQUIRING LEASE EXTENSIONS

In cases where a respondent chooses to submit a proposal that includes one or more existing leaseholds, additional requirements will apply. These requirements are covered in detail in the Appendix.

3.13 CONFIDENTIALITY

Details of the proposals submitted in response to this RFP will remain confidential and will not be released to others prior to the Director's recommendations being presented to the Small Craft Harbor Commission. To preserve confidentiality, some information may be marked "CONFIDENTIAL" or "PROPRIETARY" and the County will recognize such designation to the extent permitted under the Public Records Act (see the "Notice to Proposers Regarding the Public Records Act" set forth fully in Appendix).

4. OVERVIEW OF TERMS

The County will only accept proposals for a long-term, unsubordinated ground lease. Following are terms and conditions, which should be incorporated in the proposals.

4.1 RENT

Base minimum rent shall be generally equivalent to 75% of projected rent generated from percentage rent. Percentage rents shall be based on gross revenue per a schedule established in each ground lease, subject to adjustment over the term of the lease. In the following Figure 7, examples of percentage rents by use category are presented.

Figure 8.
Examples of Percentage Rents by Use Category for Properties in Marina del Rey

Use Category	*Range*		*Prevailing Rate*
	Low	*High*	
Gasoline/Fuel Sales	6.0%	6.0%	6.0%
Sales of Live Bait	3.0%	5.0%	4.0%
Ship Chandlery – Retail	2.0%	6.0%	4.0%
Rental of Recreation Equipment	10.0%	10.0%	10.0%
Boat Storage (landside)	10.0%	27.0%	20.0%
Hotel/Motel Rooms	7.5%	8.0%	7.5%
Restaurant (Average of Food & Beverage)	3.5%	5.0%	3.5%
Apartment	9.0%	12.5%	10.5%
Slips	22.5%	33.0%	25.0%
Retail	1.5%	4.0%	2.0%
Office	7.5%	12.5%	11.0%
Vending/Telephone Commissions	25.0%	25.0%	25.0%
Cocktail Lounge	10.0%	10.0%	10.0%
Commissions - Service Enterprises	20.0%	20.0%	20.0%
Valet Parking Fees	5.0%	7.5%	7.5%
Parking Fees	20.0%	20.0%	20.0%
Miscellaneous sales	1.0%	5.0%	5.0%

4.2 ADDITIONAL LEASE TERMS

The County will require that the following additional terms, among others, be incorporated into any ground lease:

- Participation by the County in the proceeds from the transfer/sale of the leasehold interest based upon the higher of: (a) a fixed percentage of the sale price, or (b) a fixed percentage of net profit from the sale;
- Participation by the County in proceeds from the refinancing of the leasehold interest based upon a fixed percentage of refinance proceeds not reinvested in the leasehold or used to retire existing financing;
- Late payment charges for any type of rent or payment due to the County including a fixed percentage of the amount due plus interest;
- Provisions for County assignment consent and recapture rights;
- Periodic adjustment of minimum and percentage rents to market levels;
- Disclosure of beneficial ownership;
- Maintenance standards and liquidated damages for failure to adhere to these standards;
- General liability insurance coverage and periodic insurance requirement readjustment;
- Security deposit;
- Promenade required by LCP (waterfront parcels);
- Designated dockmaster required for anchorage parcels; and
- Fund for removal of improvements at termination of lease.

4.3 PROPOSER'S RESPONSIBILITIES

The selected development team will be responsible for payment of all costs and expenses in connection with the project including, but not limited to: costs associated with securing necessary entitlements and environmental documentation; ground clearing, site preparation and construction of new buildings; maintenance; underground utilities; insurance and taxes; permits and inspection fees; costs and mitigation fees associated with the development; and architectural, environmental, engineering and other related work. Developer will be responsible for all brokerage fees, if any. The County will not pay any broker's fees or finder's fees.

The selected developer or development team will be required to:

- Select the multi-disciplinary team;
- Obtain all necessary entitlements and permits;

- Coordinate, manage and facilitate the review of the project by the DCB, the Regional Planning Commission, the County's Board of Supervisors, the California Coastal Commission and the local community, as well as assist DBH in responding to community issues or concerns that may arise;

- Manage the work effort of the entire development team, the architect, the general contractor, and construction manager (if any) during construction;

- Subsequent to completion, manage the daily operations of the commercial facilities in a professional manner to maintain high standards of operational quality, including contractual agreements with experienced operators if necessary to do so; and

- Market the development.

In summary, the selected development team will be required to address the multitude of issues and complete the multitude of tasks required to develop and operate the proposed development.

4.4 PROPERTY CONDITION/SITE CONDITION AND RESTRICTIONS

Environmental investigations, tests, reports or remediation through various governmental agencies may be required for redevelopment of the Project Site. A due diligence period, if necessary, will be provided during negotiations between the County and the selected developer. All costs of any such investigation will be borne by the selected developer. Rights of review and approval of the results of such investigations, if required, will be given to the selected developer. If the selected developer, acting in good faith, disapproves the results of such investigation, negotiations with the County may be terminated prior to the end of the due diligence period. If not terminated, the responsibility for clean-up of contamination or toxic materials will rest with the selected developer and will not be the responsibility of the County.

4.5 ENTITLEMENT ISSUES

A major element in the application and development process will be treatment of entitlement issues, since modification of existing entitlements through an LCP amendment will be required. A brief overview of LCP/Regional Planning/Coastal Commission Requirements is set forth in Appendix E.

Respondents should be aware that respondents might be subject to a wide range of conditions not contemplated in this RFP in connection with obtaining entitlements for a proposed project. As circumstances dictate, DBH will participate in DCB, LCP, Regional Planning and other necessary regulatory proceedings, however, while the County is a necessary co-applicant, sponsoring and obtaining LCP amendments and/or other regulatory approvals is the sole responsibility of the successful proposer.

4.6 APPLICATION PROCESS

4.6.1 Detailed Response Information

Proposers must submit by 5:00 p.m. Pacific Time on Monday, November 15, 2004, in the form set forth in Appendix G, "Contents of Proposal."

The proposal should be sent to the County Contact as described in Section 1, to the following address:

County of Los Angeles Department of Beaches and Harbors
Attn: Alexander E. Kalamaros, CCIM
13837 Fiji Way
Marina del Rey, CA 90292

4.6.2 Response Schedule

Release of RFP	September 2004
Developer's Orientation (9:30 a.m. at Burton W. Chace Park Community Building, Marina del Rey)	October 4, 2004
Proposals Due	November 15, 2004
County schedules interviews	To be determined
Evaluation Committee issues recommendation to Director	To be determined
Director recommends selection of entity with which to negotiate exclusively	To be determined
Small Craft Harbor Commission reviews Director's recommendation	To be determined
Board of Supervisors selects entity with which to negotiate exclusively	To be determined

5. PROPOSAL SUBMISSIONS AND REVIEW

5.1 DEVELOPER ORIENTATION CONFERENCE

Prior to submitting a proposal in response to this RFP, interested potential respondents should attend the Developer Orientation Conference. At this meeting, DBH staff will provide an overview of this RFP. DBH's economic and legal consultants, as well as representatives from the Regional Planning Department and the Department of Public Works will be invited to answer questions regarding this RFP. If the applicant chooses to proceed with a project, the proposal submittal process outlined in Sections 4 and 5 and the Appendix should be followed. Proposals in response to this RFP will be due to the County no later than the submittal deadline set forth in Section 1.6.

Notwithstanding a recommendation of a department, agency, individual, or other entity, the Board of Supervisors retains the right to exercise its judgment concerning the selection of a proposal and the terms of any resultant agreement, and to determine the proposals, if any, which best serve the interests of the County. The Board is the ultimate decision-making body and makes the final determinations necessary to arrive at a decision to award, or not award, a new lease or lease extension.

5.2 PROPOSAL PACKAGE

Proposers must submit 10 copies, in 8.5" x 11" three-ring loose-leaf binders with up to five graphic exhibits in 11" x 17" format, folded to fit within the 8.5" x 11" three-ring format. **All pages must be numbered.** The sealed envelope must state "RFP Submittal." Proposals submitted by electronic mail or facsimile will not be accepted. Proposals are due by 5:00 p.m. Pacific Time on the submittal deadline date set forth in Section 1.6 to the County Contact as described in Section 1. DBH reserves the right to request additional information during the RFP review period.

5.3 CONDITIONS AND LIMITATIONS

5.3.1 General

This RFP does not represent an offer or commitment by the County of Los Angeles to enter into an agreement with a proposer or to pay any costs incurred in the preparation of a response to this request. The responses and any information made as part of the responses will not be returned to proposers. This RFP and the selected proposer's response to this RFP, may, by reference, become a part of any formal agreement between the proposer and the County resulting from this solicitation.

The proposer shall not collude in any manner or engage in any practices with any other proposer(s) that may restrict or eliminate competition or otherwise restrain trade. Violation of this instruction will cause the proposer's submittal to be rejected by the County. The prohibition is not intended to preclude joint ventures or subcontracts that are identified in the proposal.

All proposals submitted must be the original work product of the proposer. The copying, paraphrasing, or otherwise using of substantial portions of the work product of another proposer is not permitted. Failure to adhere to this instruction will cause the proposal to be rejected.

The County has sole discretion and reserves the right to reject any and all proposals received with respect to this Request for Proposals and to cancel the Request for Proposals at any time prior to entering into a formal lease agreement.

The County reserves the right to request clarification of the RFP or additional data without changing the terms of the RFP.

5.3.2 Gratuities

It is improper for any County officer, employee or agent to solicit consideration, ion any form, from a Proposer with the implication, suggestion or statement that the Proposer's provision or the consideration may secure more favorable treatment for the Proposer in the award of a contract or that the Proposer's failure to provide such consideration may negatively affect the County's consideration of the Proposer's submission. A Proposer shall not give, either directly or indirectly or through an intermediary, consideration, in any form, to a County officer, employee or agent for the purpose of securing favorable treatment with respect to the award of a contract.

A Proposer shall immediately report any attempt by a County officer, employee or agent to solicit such improper consideration. The report shall be made either to the County manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (213) 974-0914 or (800) 544-6861. Failure to report such a solicitation may result in the Proposer's submission being eliminated from consideration.

Among other items, such improper consideration may take the form of cash, discounts, service, the provision of travel or entertainment, or tangible gifts.

5.3.3 Lobbyists

Each County Lobbyist or County lobbying firm as defined in Los Angeles County Code Section 2.160.010 shall fully comply with County Lobbyist Ordinance, Los Angeles County Code 2.160. Failure on the part of any County Lobbyist or County lobbying firm to fully comply with the County Lobbyist Ordinance shall constitute a material breach of this Agreement upon which County may immediately terminate or suspend this Agreement.

5.4 DEVELOPMENT COMPONENTS

Please identify each of the major components of the proposed development, *e.g.* anchorage, waterfront promenade, etc. Proposals must include detailed, parallel information for each of these components.

5.5 SUBMITTAL OF ALTERNATE PROPOSALS

Respondents may desire that alternative RFP proposals on a given parcel(s) receive consideration in the event their primary proposal is rejected. The County will consider such provided the respondent's alternate proposal is submitted in a separate document and is labeled with the subtitle "ALTERNATE PROPOSAL." Alternate Proposals:

- Must be completely self contained;
- May not include references to any outside documents; and
- Must be turned in on the same submission schedule as all other proposals.

5.6 OVERVIEW OF CONTENTS OF PROPOSAL

In general, all proposals will have nine required sections as shown below and in the order as set forth in the Appendix. The sections are set forth here in summary format.

- SECTION 1 - DEVELOPMENT CONCEPT
- SECTION 2 - PROJECT TIMETABLE AND CRITICAL ENTITLEMENT ISSUES
- SECTION 3 - COST ESTIMATE
- SECTION 4 - FINANCIAL PROPOSAL AND PROJECTIONS
- SECTION 5 - DEVELOPMENT TEAM INFORMATION, PAST EXPERIENCE (FOR EACH COMPONENT) AND FINANCIAL INFORMATION
- SECTION 6 - STATEMENT OF FINANCIAL QUALIFICATIONS AND RESPONSIBILITY OF DEVELOPER
- SECTION 7 - DISCLOSURE OF BENEFICIAL OWNERSHIP
- SECTION 8 - OTHER REQUIRED FORMS
- SECTION 9 - ADDITIONAL REQUIREMENTS FOR PROPOSALS WHICH INCLUDE LEASE EXTENSIONS

5.7 EVALUATION COMMITTEE

The evaluation of the proposal responses will be conducted by an "Evaluation Committee" selected by the Director of Department of Beaches and Harbors. The Evaluation Committee may include DBH staff members, representatives of other County agencies and departments and/or non-County personnel who may have demonstrated expertise in pertinent development fields.

The Evaluation Committee will rank and recommend proposals to the Director who will, in turn, make his recommendations to the Small Craft Harbor Commission ("SCHC") and to the Board of Supervisors. Neither the Director, nor the SCHC, nor the Board is bound by the recommendations of the Evaluation Committee. The Los Angeles County Board of Supervisors has the ultimate authority and responsibility for selection of a developer, if any, for proposed development on the Project Site and any related parcels.

5.8 EVALUATION CRITERIA

The County's primary evaluation criteria are: (1) revenue enhancement, (2) implementability, (3) implementation of AMS, including consideration of impact on and/or enhancement of usability by recreational boaters, (4) upgrading the west side of the Marina, and (5) creativity. The objective is to enhance the Marina as a desirable location and provide a cohesive theme for new private development and public facilities as well as to improve the County's revenue flow. Implementability means that the County must be satisfied that the responding development team has the ability and determination to fully complete the project in an expeditious manner. The County will consider:

- Entitlement risk;
- Financial risk;
- Creativity and quality;
- Design and construction capability;
- Project management capability;
- Property management capability;
- Successful marketing and operating experience of the developer and, if applicable, the operator of the project;
- The marketing image, financial strength and management systems of, if applicable, the operator of the project;
- Extent to which existing lessee has complied with all terms and conditions of its lease;
- Compatibility with the goals and objectives of the Marina del Rey Asset Management Strategy, including boater and water orientation and visitor-serving objectives, and related non-monetary public benefits; and
- Experience in public/private projects.

5.9 EVALUATION PROCESS

The initial review will compare all proposals for compliance with the submission requirements. Any proposals with significant omissions may be rejected and the proposers will be notified of their failure to comply with the requirements of the RFP process. The County reserves the right to request that proposers bring their submissions into compliance within a very short time period after notification.

A detailed, point-by-point comparison will be made of all complete proposals. Requests for clarification may be sent to certain proposers. Proposers may be asked to attend an interview by the Evaluation Committee.

Based on the evaluation criteria, the proposals will be rated by the Evaluation Committee, which will recommend the selected proposer to the Director, who will in turn make his recommendations to the SCHC and the Board of Supervisors.

5.10 FINAL AWARD BY BOARD OF SUPERVISORS

Notwithstanding a recommendation of a department, agency, commission, individual, or other person, the Board of Supervisors retains the right to exercise its judgment concerning the selection of a proposal and the terms of any resultant agreement, and to determine which proposal, if any, best serves the interests of the County. The Board is the ultimate decision-making body and makes the final determinations necessary to arrive at a decision. The Board reserves the right to reject any and all proposals.

APPENDIX A

DEPARTMENT OF BEACHES AND HARBORS

POLICY STATEMENT

Leasehold Term Extension - Marina del Rey

The County's policies and official goals/objectives with regard to granting lease extensions to Marina del Rey leaseholders are:

1. Redevelopment and making the properties economically and physically competitive (e.g., competitive with the new hotels, condominiums, slips and retail buildings in the new Playa Vista project and other new Westside projects). Redevelopment will be rigidly defined to differentiate it from deferred maintenance, refurbishing or extensive redecoration.

2. Redevelopment of leasehold uses to ensure long-term economic viability of the improvements, increased County revenue, and enhancement of public facilities.

3. It is understood that the Local Coastal Plan (LCP) restricts some leaseholds from redeveloping to higher density, or modifying existing land use. The County will consider sponsoring, in concert with the affected leaseholders, an amendment to the LCP when:

   - The proposed project and amendment will trigger redevelopment.

   - Redevelopment may be an upgrade of facilities such as providing larger units, not just higher density.

   - The proposed redevelopment will enhance the County's revenue stream and create public facilities.

   - All proposed leasehold LCP amendments have been sufficiently reviewed and processed appropriately which will include public hearings. The County is desirous of combining all LCP amendments into one planning amendment and environmental assessment, but at appropriate intervals may consider sponsoring additional amendments when they will ensure leasehold viability and increased County rent.

4. Receipt of fair consideration by the County for the extension (in addition to fair market rent).

   - The County will require a lease extension fee equal to the value of granting the extension.

   - The County will require a guarantee that redevelopment will commence promptly and within a specific, prescribed time frame.

   - Redevelopment of a leasehold interest satisfactory to the County will entitle the lessee to a rent credit of part of the lease extension fee for a limited, prescribed period of time. Assurance of the County's continuity of annual rental income flow will be paramount in determining the timing of the partial credit.

- The purpose of the extension fee and redevelopment requirements is to provide each lessee with an incentive to redevelop.

- Only where redevelopment is not physically or legally possible, will the County consider alternative requirements for lease extension if the leasehold's current use meets the objectives and permitted uses of regulatory agencies and, in the County's judgment, the facilities meet appropriate building codes and economic and physical viability is ensured during the extended lease term.

5. Ensuring payment of fair market rents commensurate with the new value of the lease including its extension.

6. Securing County financial participation in sale, assignment or refinancing of leasehold interests.

7. Payment for County administrative costs associated with lease extension and other lease related costs.

8. Staging of rental arrangements and physical redevelopment to ensure continuity of County rental income flow.

9. Retention of 50 percent of the additional funds resulting from lease extension to upgrade physical infrastructure of the Marina.

10. Processing a master LCP amendment covering as many parcels as possible.

The department understands that if a lease term extension is granted, certain property or possessory interest taxes may be increased due to reassessment of the leasehold. The role of the department is to act as a traditional landlord and it will only take into account fair economic rent and the direct rental revenue paid to the County. The County will not adjust rent or in any way agitate or modify future rent adjustments due to higher property or possessory interest taxes that may result from a lease extension.

Certain regulatory procedures (i.e., LCP requirements) must be resolved prior to entering into a binding agreement for lease extension containing higher leasehold land use density or leasehold land use modifications.

BASIS FOR POLICY STATEMENT

1. Purpose

The purpose of this Policy Statement is to provide a standard basis for discussing lease term extensions and to ensure that the County will receive fair economic value for such extension and for its leased property within Marina del Rey.

It is anticipated that lease term discussions on Marina del Rey leaseholds will be requested by various lessees as the remaining term in the original lease declines. These requests may arise because of the lessees' desire to refinance, sell, assign, or redevelop the leasehold. In some cases there may be an insufficient remaining term of the lease to maximize these desires.

Redevelopment is considered by the County to be the primary justification for a lease term extension.

2. Basic Assumptions

2.1 Policy Assumptions

- Redevelopment of the leaseholds should be coupled with any lease extension commitments.
- Environmental assessment may be required.
- The County is not obligated to agree to lease extensions for any or all lessees.
- No redevelopment increasing leasehold land use density or leasehold land use modifications will occur without mitigating traffic options such as a bypass.
- Lease extension discussions will be expensive and time consuming to the County.
- A preponderance of leaseholds will not be able to significantly intensify use or density under the land use provisions of the current LCP.
- The Assessor will reassess the property with an extension.

3. Prerequisite for Lease Extension

2.2 The lease term extension must be tied to a commitment acceptable to the Director and Board of Supervisors to redevelop the property. A major purpose of this policy is to ensure that the improvements will be modernized and of sufficient quality to remain attractive, competitive, and physically and economically viable during the extended term of the lease.

- County must conclude that redevelopment is feasible under existing regulatory control on a case-by-case basis or that land use modification can be accomplished through an amendment of the LCP. In either case, the County will require fair consideration for a lease extension.

- Redevelopment must enhance the County's income stream, and public facilities.

2.3 No long term extension containing the higher leasehold land use density or leasehold land use modifications will be offered until the Marina del Rey bypass or other traffic mitigation measures are approved by the appropriate regulatory agencies.

4. Amendment to the Local Coastal Plan (LCP)

4.1 The County will consider sponsoring an amendment to the LCP.

If the County is successful in its attempts to amend the LCP, part of the lease extension fee paid by the lessee may be credited against future rent when redevelopment occurs.

5. Conditional Parcels

These policies may be withheld or modified with respect to those parcels for which other policies or lease extension amendments have been executed, those properties which have recently been redeveloped and meet appropriate building codes and quality standards which ensure viability of the facilities or meet objectives of regulatory agencies.

CRITERIA CONTEMPLATED FOR INCLUSION IN REQUESTING LEASE EXTENSION

MARINA DEL REY

1. All requests for lease term extension are to be submitted in writing to the Director of the department and shall include documents describing the lessee's existing financial statement and condition, value of the property, purpose for lease term extension, construction scheduling for redevelopment, and total construction costs and economic projections.

2. Application Fee

Upon application for the lease extension, in addition to any other compensation payable such as retroactive rent, increases in base rent, etc., the lessee shall pay to the County a single application fee for its administrative costs, associated with review of the project for economic feasibility, environmental assessment and legal assistance as well as County staff time.

3. Economic Terms

3.1 Minimum Rent

Minimum rent shall be adjusted periodically based on prior total annual rent paid to the County.

3.2 Fair Market Rental Rates

A revision of all percentage and minimum rent to reflect fair market value as of date the extension is granted. Where applicable, the payment of retroactive rent will be made by the lessee based on the new fair market rental rate percentages. The newly adopted arbitration clause clarifying dispute resolution mechanisms will be added to those leases not already including it.

3.3 Lease Extension Fee

The County will receive an extension fee commensurate with the value of granting the extension.

3.4 Participation in Sale or Transfer of the Leasehold

The County will participate in the proceeds from the sale or transfer of leasehold interest so as to: 1) assure adequate compensation for administrative costs incurred by the department; and 2) share in profits from these leasehold sales or transfers.

3.5 Participation in Refinancing

The County will receive an appropriate share of proceeds from refinancing which is not used for leasehold improvements in the Marina.

3.6 Administrative Costs

In addition to the above economic terms, the lessee shall agree to pay for various offsetting or special administrative costs including, but not limited to:

3.61 Environmental studies.

3.62 Late rental payment penalties, including audit deficiencies.

3.63 Increased security deposits.

3.64 Increased minimum rental payments.

3.65 Increased County insurance requirements, including business interruption insurance.

3.66 Costs for County lease assignment reviews.

4. Time Frame for Lease Extension

Will be tied to resolving transportation requirements established in the LCP.

APPENDIX B

Adopted 3/21/95

PROCESS FOR MANAGING LEASE EXTENSION PROPOSALS

The Board of Supervisors of the County of Los Angeles (Board) has approved an amendment to the Marina del Rey Local Coastal Plan (Amended Plan) allowing for an increase in development density in Marina del Rey. The Amended Plan divides the Marina into 14 Development Zones (DZs), each containing several leaseholds, with development potential being allotted by DZs, rather than by individual parcels. The Amended Plan must be reviewed and approved by the California Coastal Commission (CCC) to become effective.

In order to encourage timely redevelopment during this process, the Department of Beaches and Harbors (Department) is willing to enter into negotiations for extending the terms of current ground leases with interested lessees and/or other interested parties, but will not submit a "Memorandum of Understanding for Lease Extension" (MOU) to the Board until after the CCC's adoption of the Amended Plan. Two or more lessees may compete for development potential within a given DZ.

All lease extension negotiations will require the payment of an application fee to fully cover the Department's costs to analyze the applicant's proposal. Once general agreement is reached, an MOU will be prepared for submission to the Small Craft Harbor Commission (SCHC) for review and to the Board for approval. The MOU will outline the basic terms to be further negotiated as a part of a lease extension amendment (Lease Extension Amendment).

Upon Board approval of this MOU, the lessee will pursue a Coastal Development Permit (CDP) and other entitlements through the Department of Regional Planning (DRP). Once these entitlements are issued, the Department will enter into good faith negotiations with the lessee for a Lease Extension Amendment that will be based upon the terms set forth in the MOU.

In order to provide an opportunity for all interested parties, the Department will require each applicant to abide by the following process:

PROCESS

Informal Meeting

Prior to submitting a formal proposal, the lessee should request meetings with the Department and the DRP's "One-Stop" processing center. The Department will outline the County's financial/planning goals for Marina del Rey, and the DRP will clarify whether or not the proposed project is within the parameters of the Amended Plan and will help the lessee understand the various steps and procedures required by the permit process. No fees will be assessed by either department for these initial meetings.

Proposal Submission

If the lessee chooses to proceed with the Project, ten copies of a proposal shall be submitted to the Department. The proposal shall be responsive to the Board-approved Marina del Rey Lease Term Extension Policy (Attachment 2). In addition, the applicant shall submit:

A. A description of the proposed project.

B. A description of the entitlements required to complete the project. If the required entitlements are in excess of the development potential for the DZ, the applicant shall detail its plan for securing increased entitlements. It should be noted that if an applicant's proposal requires further substantial amendments to the Amended Plan, an MOU will not be forwarded to the Board prior to approval of these additional amendments to the CCC.

C. The basis for leasehold valuation.

D. Evidence of financial and physical feasibility of the proposed project.

E. The Department's initial fee of $10,000 as a deposit against its costs of reviewing, negotiating and preparing the MOU and Lease Extension Amendment documents. This fee is payable upon submission of a proposal. Additional funds may be required to ensure that all of the Department's costs are recovered. Any unexpended funds will be refunded to the applicant.

MOU Negotiation

Once the proposal is received, the Department will review the proposal and coordinate the appropriate meeting(s) between the lessee and County staff and/or its consultants to clarify the terms of the proposal – primarily its financial, planning, and legal aspects. Upon clarification, the Department will negotiate in good faith to reach agreement on an MOU that the Department can recommend to the SCHC and the Board.

Notice to Other Lessees

Upon receipt of any proposal requesting development potential permitted under the Amended Plan, the Department will notify all other lessees in the affected DZs that such a proposal for use of that potential has been received. If any other lessee has an interest in submitting a competing proposal, the Department should be notified in writing within 30 days so that the Department can schedule initial meetings with the interested party.

It is the intent of the Department to select the best proposal for use of the development potential within each DZ. Therefore, the Department may negotiate simultaneously with two or more lessees seeking the same entitlement within the same DZ, but only one MOU will result from such negotiations.

Rejected Proposals

If the Department rejects a proposal, it will forward its comments to the Board by memorandum, with copies going to the SCHC and the applicant. The applicant's proposal and a summary of analyses performed by staff or outside consultants will be attached to the memorandum.

Process After MOU Execution By the Board

After the Board and applicant have executed an MOU, the applicant should secure a CDP and all required entitlements. Once all permits and entitlements are secured, the Department will enter into good faith negotiations on a Lease Extension Amendment based on the MOU. The proposed Lease Extension Amendment will be forwarded to the SCHC for its review and to the Board for its consideration. If the Department and lessee cannot agree upon the terms of the Lease Extension Amendment, or if the Board rejects such Lease Extension Amendment, the Department may reopen negotiations with other interested parties.

Parcels Not Currently Under Long Term Leases

After the Amended Plan is approved by the CCC, the Department will seek lessees for development of certain Marina del Rey parcels not currently under long-term leases. If the same development potential within a DZ is sought by a prospective as well as a current lessee, the Department will recommend an MOU to the SCHC and the Board with the party which it determines offers the best overall proposal to the County.

APPENDIX C

Coordination with Lease Extension Proposals

DEFINITION OF A "COMBINED PROJECT"

Certain proposals may include plans for combining RFP parcels and existing leaseholds into a single development project. Such a project is termed a "Combined Project." A Combined Project is a project that aggregates one or more RFP parcels together with one or more other parcels with existing leases into a single, unified development project. In order to clearly distinguish proposals that contain a Combined Project, all respondents submitting a Combined Project must label any response document with the subtitle "COMBINED PROJECT."

ADDITIONAL REQUIREMENTS FOR PROPOSALS THAT INCLUDE LEASE EXTENSIONS

If applicable, please provide the following information for proposals that include development on parcels for which a lease extension is requested.

- Proposed extension fee, which should be calculated in accordance with current County policy. For further explanation, please refer to Item 4 of the document titled POLICY STATEMENT: Leasehold Term Extension - Marina del Rey, incorporated as Appendix A.

- Detailed plan for any existing structures that are to remain or are to be rehabilitated, including assurances that the leasehold will maintain a strong competitive position in the market for these existing or rehabilitated facilities for the duration of any extended lease.

- Lease extensions and associated new leases must have a common expiration date.

- Rent structure on retained or reconstructed improvements, if any.

- Evidence of site control: if proposing entity is in any way different from current lessee, even if lessee is a partial owner, please provide a copy of any contractual arrangement as well as the amount and character of consideration to current lessee.

- County Recovery of Lease Extension Costs

  The County will recover its processing costs and costs of any required appraisal in accordance with the provisions of AMS and its adopted lease extension policies. For further explanation, please refer to the document titled Process for Managing Lease Extension Proposals, dated 3/21/95 and incorporated as Appendix B.

SINGLE, UNIFIED PROPOSALS MUST INCLUDE BOTH RFP AND RELATED LEASE EXTENSION DATA

Respondents submitting a Combined Project are not required to submit separate RFP and lease extension proposals and should file a single, unified proposal.

While respondents should submit a single, unified proposal for their Combined Project and thereby eliminate duplicating information that overlaps in the RFP and lease extension proposal, respondents must assure that all necessary project and financial data are included.

The following checklist identifies key sections in the RFP document and related lease extension information that will assist the respondent in assembling the required information.

- Appendix A, Policy Statement: Leasehold Term Extension – Marina del Rey
- Appendix B, Process for Managing Lease Extension Proposals
- Appendix C, Coordination with Lease Extension Proposals
- Related lease extension information, namely:
    a) Identification of leased properties
    b) Proposed ownership and operation
    c) Lease extension terms proposed
    d) Summary of key elements in associated response to RFP

RESPONSIBILITY FOR LEASE EXTENSION DOCUMENTATION

While an effort has been made in this document to identify the major technical elements needed in the response to this RFP, all lease extension respondents should read all applicable documents in their entirety and are responsible for meeting all requirements set forth in the County Lease Extension Policy, which is included as an attachment to this RFP.

TIMING OF LEASE EXTENSION EXPIRATION

Lease extensions and associated new leases must have a common expiration date.

TREATMENT OF RETAINED LEASEHOLD IMPROVEMENTS

As a general rule, the County expects full redevelopment of all leaseholds for which lease extensions are granted or development proposals are awarded. Neither existing land nor water improvements are to be retained. All existing improvements, whether situated on parcels subject to this RFP or on adjacent or nearby parcels as a part of a Combined Project response to this RFP, should be completely replaced with new or fully reconstructed improvements.

However, if any existing structures are to remain, the respondent must provide the same detailed information for each class of retained improvements. Any proposal to retain leasehold improvements must explain how the respondent plans to assure the County that these structures will remain competitive for the full duration of the lease term.

SUBMITTAL OF ALTERNATE PROPOSALS

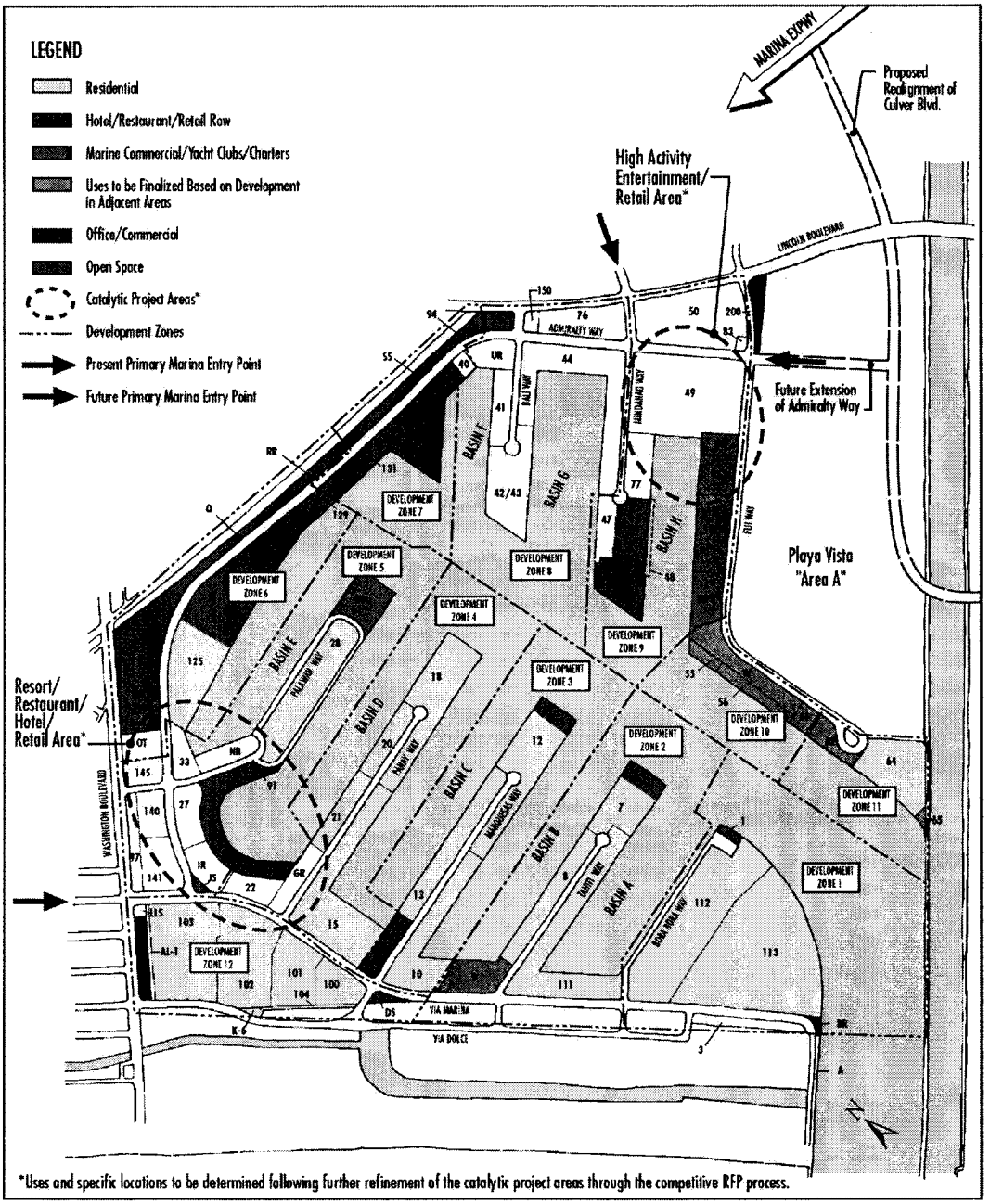
Respondents may desire that alternative RFP proposals on a given parcel(s) receive consideration in the event their Combined Project is rejected. The County will consider such provided the respondent's alternate proposal is submitted in a separate document and is labeled with the subtitle "ALTERNATE PROPOSAL." Alternate Proposals:

- Must be completely self contained;
- May not include references to any outside documents; and
- Must be turned in on the same submission schedule as all other proposals.

APPENDIX D

Asset Management Strategy (AMS) Map

Marina del Rey Asset Management Strategy
Land Use Designations and Development Zones



Note: Per the Local Coastal Program, all new projects located on waterfront parcels shall provide public pedestrian promenades adjacent to bulkheads. Development Zone 13 contains only the parkway along Fiji Way. Development Zone 14 contains parcels 51 and 200. Development Zones 13 and 14 are not diagramed above. 02/13/01

APPENDIX E

Entitlement Matters

Overview of Marina del Rey Entitlements

A major element in the application and development process will be treatment of entitlement issues, since modification of existing entitlements through an LCP amendment will likely be required. A brief overview of LCP/Regional Planning/Coastal Commission Requirements is thus set forth below.

Respondents should be aware that respondents might be subject to a wide range of conditions not contemplated in this RFP in connection with obtaining entitlements for a proposed project. As circumstances dictate, DBH will participate in LCP, Regional Planning and other necessary regulatory proceedings, however, while the County is a necessary co-applicant, sponsoring and obtaining LCP amendments and/or other regulatory approvals is the sole responsibility of the successful proposer.

The March 1996 LCP Amendment for Marina del Rey marked several changes in the land use regulation of the Marina. Broadly speaking, these changes addressed four critical issues. They are as follows:

(1) Height limitation zones were established to limit development on individual parcels;

(2) View corridor requirements were established so that views of the water would be preserved;

(3) Entitlements for additional development were, with only a few exceptions, allocated among a series of 12 Development Zones (DZs) rather than assigned to individual parcels; and,

(4) Aggregate development in the Marina as well as development within each DZ was regulated by the allocation of p.m. peak hour traffic trips with a total of 2,750 such traffic trips being allocated to all additional development within the Marina. The allocation of trips and traffic planning was the primary factor in using DZs as a device for allocating additional entitlements.

Prospective Entitlement Processing

Proposals that are fully consistent with the existing designations and regulations contained in the LCP will require review by the Design Control Board for design features, as well as issuance of a Coastal Development Permit and all other normal ministerial and other reviews and approvals associated with obtaining a building permit and other code compliance. However, depending on the specific nature of the proposal, other discretionary land use entitlements, such as a Conditional Use Permit, may be required. Any project that requires a change in the LCP will require an LCP amendment. Prior discussions with representatives of the Los Angeles County Regional Planning Department familiar with the LCP indicate that projects requiring the interchange or movement of entitlements from adjacent DZs may not present the same challenge in achieving approvals as may be required for more extensive changes. Land use changes to marine commercial uses, which are likely the emphasis of any changes involved in the project, are likely to be viewed favorably in light of Coastal Commission policies so long as high priority uses (e.g. boating, public parking, etc.) are protected or relocated. The process by which such

amendments would be processed is outlined below and involves approval by both the California Coastal Commission and the County of Los Angeles.

Outline of General Entitlement Process

- Review by DBH Design Control Board
- Prepare Application(s) for Entitlements including Coastal Development Permit
- Submit to Los Angeles County Regional Planning Department
- Environmental and Permit Review Process
- Public Hearings at Los Angeles County Regional Planning Commission
- Planning Commission Decision
- Additional Public Hearing/Board of Supervisors Decision
- Additional Public Hearing/Coastal Commission Decision
- Additional Review by DBH Design Control Board

County Role in Seeking Modifications to Zoning or LCP

Selected applicants with proposal concepts that require amendments to current zoning and/or the LCP will have the responsibility for obtaining such amendments. The County, in issuing this RFP, makes no representations that such modifications will in fact be obtained or that, in obtaining them, the developer may not be subject to a wide range of conditions and requirements not described in the LCP.

DBH will make available its best understanding of the origins of the policies embodied in the current LCP and zoning and prior interpretations of these policies in connection with earlier entitlement processing, and will, to the extent that DBH does not see any conflict with its long term asset management growth objectives, consent to and support the required applications in the entitlement process. In addition, DBH will identify key staff members with whom to consult at both the California Coastal Commission and the Los Angeles County Department of Regional Planning.

Any assistance provided by the County in its proprietary capacity shall be without prejudice to exercising its powers and rights in its governmental capacity.

LCP/Regional Planning/Coastal Commission Requirements

The RFP references the requirements regarding entitlements imposed by the LCP, including the required reviews by the County's Design Control Board, Regional Planning Department, reviews associated with code compliance and building permit issuance and the involvement and review by the California Coastal Commission in appropriate circumstances.

The RFP makes it clear that applicants are responsible for obtaining all necessary entitlements and permits from appropriate County and/or state agencies and that any proposal that requires an LCP amendment should be discussed with a representative of the Regional Planning Department familiar with the LCP.

The provisions of the LCP regarding allocation of entitlements, view corridor requirements, building height limitations and limitations on both aggregate development in the Marina and development within each DZ are also discussed and an outline of the general entitlement process is presented.

In addition, applicants should be aware that the LCP, planning agencies and other state, regional and/or local authorities might impose a variety of other conditions and/or fees related to proposed development projects. In appropriate cases, these matters may include, but are not limited to the following:

- Traffic impact fees
- School impact fees to Los Angeles County Unified School District
- Fish & Game Department fees
- Mitigation monitoring fees
- Sewer impact fees
- Park impact fees
- Hostel impact fees (hotel/motel development)

The LCP also imposes an "Improvement Phasing Schedule for Internal Category 1 Improvements" which provides that certain specified road improvements must occur in phases coinciding with new development so that no new development is occupied before construction of improvements which would mitigate the same amount of impact such development has on traffic within Marina del Rey.

In addition, the LCP imposes an "Improvement Planning Schedule for certain Sub-regional Traffic (Category 3) Improvements". In general, these provisions require that if the traffic trips generated by new or intensified Marina development, along with other previously approved development, exceed 50% of the total anticipated additional external trips to be generated by new or intensified Marina development, additional development that generates external trips shall not occur until certain traffic improvements which mitigate those trips has been approved and funded by the appropriate agencies.

To date, only minimal new development has been fully approved. However a number of new development proposals are either in negotiation and/or have entered the entitlement process. If a substantial number of the projects currently in negotiation are eventually granted entitlements at their maximum requested levels, the 50% limit may be attained and any new projects that may generate additional external trips will not be permitted to move forward until the above reference traffic improvements have been approved and funded.

The requirements discussed in the preceding two paragraphs relating to required Category 1 and Category 3 traffic improvements are independent of other LCP requirements and all new developments, regardless of their status relating to the 50% threshold or other traffic improvement or phasing requirements, are still subject to all provisions regarding payment of traffic impact fees and other appropriate conditions and/or fees relating to proposed projects.

Potential proposers are advised to consult with Regional Planning Department representatives familiar with the LCP in order to asses the terms and conditions which may be imposed upon construction and occupancy of proposed development and for advice regarding any permits, fees or other requirements which may impact their projects.

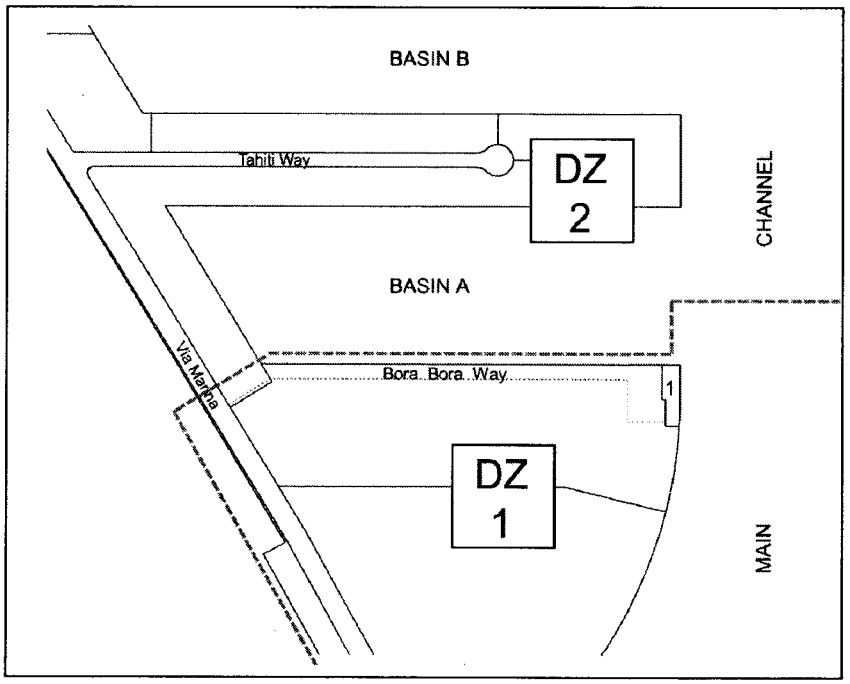
Development Zones Affected by the Project

Depending on the proposed development program, the amount of entitlements necessary to complete a proposed project may vary. As shown in Figures E-1 and E-2 below, one or more development zones may be impacted by the Fuel Dock project.

Figure E-1

Alternative Scenario	*Development Zones Affected*
1S	DZ-1
Nearby parcels	Possibly DZ-2

Figure E-2. Development Zones Potentially Affected by the Project



Height Limits and View Corridor on Subject Parcel

As shown in Figure E-3, and in the LCP, current site-specific land use limitations and restrictions on the subject parcel limit the height of the Fuel Dock project to 25 feet, with no view corridor bonus available.

Figure E-3. Height Limits on Subject Parcel

Parcel	*Height Limit – Base Case (20 percent view corridor)*	*View Corridor Bonus Available?*	*Height Limit – Maximum Case (40 percent view corridor)*
Parcel 1S	25 feet	No	25 feet

Land Use Designation, Total Area and Entitlement Matters Relating to Subject Parcel

As shown in Figure E-4 below, the total project area consists of approximately 0.3 acres of land area, together with approximately 1.1 acres of water area, for a total area of approximately 1.4 acres.

Figure E-4. Existing Land Use Designation (Zoning) and Area of Subject Parcel

Parcel	*Land Use Designation*	*Land Area*	*Water Area*	*Total Area*
1S	Marine Commercial, Water	14,744 sf (0.338 acres)	46,510 sf (1.068 acres)	61,254 sf (1.406 acres)

The current zoning for Parcel 1S is designated as "Marine Commercial" and "Water."

Existing and Required Facilities

The County envisions a project designed to serve the needs of the users of the Fuel Dock itself, both recreational and commercial boaters, as well as visitors to Marina del Rey. To this end, it is expected that a public pump out station dock, a short-term dock space for passenger loading and a guest dock for visiting boats (primarily larger vessels) will be provided. The Department also encourages the provision of a water taxi dock, as long as such provision is compatible with the priority fuel dock and larger vessel dock uses. If provided, the public water taxi dock must comply with the provisions of the Americans with Disabilities Act, and must be sufficient for the loading and unloading of passengers onto a vessel of approximately 40 feet in length. In this manner, the Fuel Dock project will serve both the needs of its primary customers, as well as visitors to Marina del Rey. In addition, other facilities (such as public restrooms) will also be required to include accommodations for disabled boaters as a matter of conformance to the Americans with Disabilities Act, thereby encouraging the use of the facility by the most diverse population possible. The County considers these important features to help activate public access to the waterfront and stimulate connections to other Marina public facilities and leaseholds.

Boater and Visitor Amenities

Benefits to both the successful respondent and visitors to Marina del Rey may also be derived through the provision of related, and perhaps innovative, boater and visitor amenities. Such amenities have the potential to increase the attractiveness of the Fuel Dock project to both the general public and regulatory agencies charged with the responsibility of encouraging increased boater access and visitation to the Marina. Examples of such amenities include bicycle racks. While bicycle racks are not particularly innovative, and are not a required component of project buildout, the provision of bicycle racks serves

the dual purpose of both accommodating visitors to the Marina, and encouraging non-vehicular transportation, both of which are important considerations included in both the AMS and LCP.

Parking

As described in the LCP, development that eliminates existing public parking spaces will need to replace each of those parking spaces elsewhere in the vicinity. As there are presently no public parking spaces on Parcel 1S, Parcel 1S is expected to be exempt from this requirement. However, a certain number of parking spaces are expected to be necessary to comply with County zoning regulations, and clearly, for the effective everyday use of the parcel. The limited number of existing parking spaces provides space for the needs of employees, delivery vehicles, and other visitors to the gas dock. While the exact number of parking spaces is left to the respondent, it is expected that at least a portion of these existing parking spaces will be retained in this regard.

Promenade Requirements on Subject Parcel

In general, the LCP requires that a 28-foot wide pedestrian promenade be provided and maintained along the bulkhead. More specific design recommendations for a promenade can be found in draft design guidelines, "The Marina Walk," which is contained in the information packet available for purchase from DBH. In some instances, however, the width of the promenade may be adjusted, depending on various circumstances. One such circumstance relates to the presence of marine commercial facilities in the subject leasehold.

Parcel 1S, the subject parcel, includes marine commercial facilities (the underground storage tanks and fuel delivery systems) that may mitigate the need for implementation of the full 28 feet of promenade width that is otherwise required by the LCP. Nonetheless, the Department expects the successful respondent to implement a complete promenade treatment (including hardscape, fencing, lighting and related fixtures) along that portion of the approximately 200 feet of subject parcel frontage, subject to safety considerations and LCP provisions. Proposers are advised to consult with representatives of the County's Regional Planning Department and the County's Fire Department as to the extent of promenade treatments that will ultimately be required.

Fairway Access

The successful Respondent will ultimately put forth a plan for new docks, and therefore must assure that the limited area between water parcels is properly designed. In the case of the Fuel Dock, it should be recognized that there is limited space between the water areas of Parcel 1S and that of Parcels 111/112.

Docks adjacent to the boundary line between two adjoining water parcels held under separate lease have special restrictions, including, but not limited to:

- No main walks shall be built adjacent to a parcel boundary line.
- The minimum fairway clearance between a parcel boundary line and a main walkway side-tie shall be equal to the length of the largest vessel to be berthed on the side-tie dock, but in no case shall it be less than 30 feet.
- The fairway required between the end of slip fingers and parcel boundary shall be ½ multiplied by (1.75 multiplied by the longest slip). However in no case shall the slip lengths, for purposes of calculation of the fairway width, be less than 30 feet.

Potential proposers are advised to consult with the Planning Division of the Department to assure compliance with the relevant Marina del Rey architectural specifications and minimum standards.

APPENDIX F

Aerial Photograph of Marina del Rey

APPENDIX G

Contents of Proposal

SECTION 1 - DEVELOPMENT CONCEPT

a) Overall Approach

Please submit a brief (one page maximum) narrative description of your vision and approach to the development of the proposed Fuel Dock project. The description should include summary statements of the key design features, operational strategies, target markets and financial assumptions needed to successfully construct and operate the Fuel Dock project.

b) Design Description

Please submit a summary building program and description of the improvements to the Fuel Dock Project Site. Development teams should submit a narrative description of the buildings and other uses on the site, the locations of the building(s) and other uses, the estimated square footage devoted to each building and the approximate building footprints.

c) Preliminary Site Plan

Please submit a preliminary site plan that visually illustrates the Design Description as described above. While a detailed and precise completed site plan is not required at this time, a preliminary site plan is necessary to properly evaluate each proposal.

d) Design Graphic

Please submit at least one graphic image, in color, of the exterior of the proposed Boat Central facility. The graphic may be in the form of a draft perspective, elevation, or other form of pictorial rendering that will demonstrate the visual character of the design and the resulting building mass. While a detailed and precise completed elevation is not required at this time, a preliminary design graphic is necessary to properly evaluate each proposal.

SECTION 2 - PROJECT TIMETABLE AND CRITICAL ENTITLEMENT ISSUES

The proposal should include a general, but complete development timetable showing the various planning and entitlement steps, construction duration, estimated starting period and any future phases contemplated. A general outline of the entitlement process is provided in the Appendix. As to acquiring the entitlements necessary for execution of the proposed development plan, please provide a narrative description of the issues the proposer has identified as critical. Also, please be sure that the timetable of approximate dates for obtaining these entitlements is realistic – in requesting both the narrative and timetable, the goal of the County is to assess the proposer's understanding of the entitlement process rather than solicit an impossibly tight schedule for this process.

SECTION 3 - COST ESTIMATE

For each component of the proposed development, please include an estimate of development costs and a consolidated cost estimate.

SECTION 4 - FINANCIAL PROPOSAL AND PROJECTIONS

Please provide a description of proposed lease terms including a suggested minimum and percentage rents for the entire project and the basis for periodic adjustments of minimum rents and percentage rents. Also provide preliminary development pro formas and estimates of the operating and projected County revenues for the first 10 years of project operation. Please submit this information in the format specified in the Appendix, which is also available online. Developers may use Microsoft Excel or a similar program to model their financial projections. The County appreciates receiving both financial projections and cost estimates on disk (or by email) in addition to the hard copy format submitted with the proposal.

SECTION 5 -DEVELOPMENT TEAM INFORMATION, PAST EXPERIENCE (FOR EACH COMPONENT) AND FINANCIAL INFORMATION

a) Identification of Development Team

As more specifically described below, the name, address, and principal contact for the development team should be provided. Should your proposal include a joint venture, similar information should be submitted for other key members of your development team, including financial partners and other team members. Please include an organizational chart reflecting the roles and responsibilities of the Development Team. Resumes of key team members, any relevant brochures describing your company and its operation, history and projects, as well as other relevant information for the key members of your team, should also be included in your submission.

Specifically, your submission should include the following information:

Lead Development Team

Provide an overview of your firm including the number of years you have been in business, the firm's development focus, parent company relationship, the number of professionals and location offices in the Los Angeles region for the County's project, and the identity of key members of the lead development firm.

In addition, you should illustrate the organization of the lead development firm for your proposed team and provide resumes of managing partner and project manager for the County's project and a description of the role of the top three members of your firm.

Describe in detail the level of commitment the proposed executive in charge and project manager for the County's project. It is imperative that all respondents identify the executive in charge and project manager for this project and specify the duration of the development and predevelopment phases.

The Proposed Multi-Disciplinary Team

The County does not require the lead developer to formalize its relationship with each team member, but to provide one to three alternatives that your firm is likely to contract with if selected. This includes at a minimum:

- Architect and Construction Company or Design/Build Firm
- Facility Operator

Optional team members may include:

- Civil Engineer
- Traffic Planner
- Landscape Architect
- Financial Consultant
- Marine Consultant
- Property Manager

b) Experience with developments similar to the project proposed

Please indicate the following information for three recent projects with which the lead developer has been involved:

- Project name;
- Location;
- Size and configuration (e.g., number of units, amenities, parking, etc.);
- Approximate cost;
- Date opened;
- Approximate current market value, occupancy rate and average monthly storage rental rate;
- Ownership pattern (e.g., build and hold; build and sell; develop only; etc.);
- Financing structure; and
- References for private and public sector parties involved in the project, including phone numbers.

To the extent that the lead developer expects the County to rely on the credentials of any certain team member other than the prime developer, please provide the information requested above for those team members. The specific project references should preferably be ones on which the team member worked with the lead developer.

The proposer may wish to mark some information, such as financial statements, as "CONFIDENTIAL" or "PROPRIETARY." As such, it will be treated by the County in accordance with the California Public Records Act, as detailed in the Appendix.

SECTION 6 - STATEMENT OF FINANCIAL QUALIFICATIONS AND RESPONSIBILITY OF DEVELOPER

Please indicate the following information:

- Name, address, telephone and fax numbers of the responsible party;
- Is the developer a subsidiary of, or affiliated with, any other corporation, corporations, partnerships or firms? If so, please specify. If the developer is a subsidiary, please indicate the extent to which the parent entity will guarantee performance by the subsidiary;
- Names and addresses of three financial references, including a primary bank;
- Has the developer entity or its officers, principal members, shareholders or investors, or any of its parent, subsidiary or affiliated entities or other interested parties been adjudged bankrupt, either voluntary or involuntarily, within the past ten years? If so, explain; and
- Is there pending litigation against the developer entity or its officers, principal members, shareholders or investors, or any parent, subsidiary or affiliated entities or other interested parties other than minor personal injury suits involving claims under $250,000? If so, explain.
- Financial statements for the previous three years for the proposed entity with whom the County will contract.

SECTION 7 - DISCLOSURE OF BENEFICIAL OWNERSHIP

The developer must indicate the names of all beneficial owners of 5% or more of the proposed lessee entity; corporate names will not suffice.

SECTION 8 - OTHER REQUIRED FORMS

Proposer must complete a Financial Information Release Authorization form, a Firm/Organization Information form and a CBE Sanctions form as provided in the Appendix.

SECTION 9 - ADDITIONAL REQUIREMENTS FOR PROPOSALS WHICH INCLUDE LEASE EXTENSIONS

Respondents wishing to submit proposals that include existing Marina del Rey leaseholds must provide an additional, separate section that includes information as described in Appendix C, "Coordination with Lease Extension Proposals."

APPENDIX H

Financial Information Release Authorization

Contact Person
Financial Institution
Address

Dear _____,

(Proposer's or appropriate name) has submitted a proposal to the County of Los Angeles to enter into an option and or ground lease for the purpose of development of certain real property in Marina del Rey, California. As part of the screening process, the County may need to contact you about our banking relationship. I (we) authorize you to provide the County or its consultants with the information they require, with the understanding that all information provided will be kept confidential to the extent permitted by law.

Sincerely,

_____

APPENDIX I

CBE Forms

(attached)

LOS ANGELES COUNTY COMMUNITY BUSINESS ENTERPRISE (CBE) PROGRAM

FIRM/ORGANIZATION INFORMATION

INSTRUCTIONS: All proposers responding to this solicitation must return this form for proper consideration of the proposal. The information requested below is for statistical purposes only. On final analysis and consideration of award, contractor/vendor will be selected without regard to gender, race, creed, or color. Categories listed below are based on those described in 49 CFR ' 23.5.

I. TYPE OF BUSINESS STRUCTURE:_____
(Non-profit Corporation, Partnership, Sole Proprietorship, etc.)
If you are a non-profit, please skip sections II thru V and fill in the name of the firm and sign on page 2.

II. TOTAL NUMBER OF EMPLOYEES IN FIRM (including owners): _____

III. RACE/ETHNIC COMPOSITION OF FIRM (Partners, Associate Partners, Managers, Staff, etc.). Please break down the above total number of employees into the following categories:

	OWNERS/PARTNERS/ ASSOCIATE PARTNERS		MANAGERS	STAFF
	Male	Female		
Black/African American				
Hispanic/Latino				
Asian or Pacific Islander				
American Indian/Alaskan Native				
Filipino American				
White				

IV. PERCENTAGE OF OWNERSHIP IN FIRM Please indicate by percentage (%) how ownership of the firm is distributed.

	Black/African American	Hispanic/Latino	Asian or Pacific Islander	American Indian/ Alaskan Native	Filipino American	White
Men	%	%	%	%	%	%
Women	%	%	%	%	%	%

V. CERTIFICATION AS MINORITY, WOMEN, DISADVANTAGED, AND DISABLED VETERAN BUSINESS ENTERPRISES Is your form currently certified as a minority, women-owned, disadvantaged or disabled veteran business enterprise by a public agency? (If yes, complete the following and attach a copy of your proof of certification.)

	M	W	D	DV	
Agency _____	____	____	____	____	Expiration Date
Agency _____	____	____	____	____	Expiration Date
Agency _____	____	____	____	____	Expiration Date

LEGEND: M = Minority; W = Women; D = Disadvantaged; DV = Disabled Veterans

CBE SANCTIONS

It's the policy of the County of Los Angeles Board of Supervisors that it is unlawful for any person to knowingly submit fraudulent information with the intent of receiving CBE certification and its concurrent benefits for which they are not entitled.

1. A person or business shall not:
   a. Knowingly and with the intent to defraud, fraudulently obtain, retain, attempt to obtain or retain, or aid another in fraudulently obtaining or retaining or attempting to obtain or retain, acceptance or certification as a minority or women business enterprise, or both, for the purposes of this article.
   b. Willfully and knowingly make a false statement with the intent to defraud, whether by affidavit, report, or other representation, to a County official or employee for the purpose of influencing the acceptance or certification or denial of acceptance or certification of any entity as a minority or women business enterprise, or both.
   c. Willfully and knowingly obstruct, impede, or attempt to obstruct or impede, any county official or employee who is investigating the qualifications of a business entity which has requested acceptance or certification as a minority or women business enterprise, or both.
   d. Knowingly and with intent to defraud, fraudulently obtain, attempt or obtain, or aid another person or business in fraudulently obtaining or attempting to obtain, public moneys to which the person or business is not entitled under this article.
2. Any person or business who violates paragraph (1) shall be suspended from bidding on, or participating as contractor, subcontractor, or supplies in, any county contract or project for a period of three years.
3. No County agency with the powers to award contracts shall enter into any contract with any person or business suspended for violating this section during the period of the person=s or business= suspension. No awarding department shall award a contract to any contractor utilizing the services of any person or business as a subcontractor suspended for violating this section during the period of the person=s or business suspension.

I acknowledge, that the undersigned, on behalf of himself or herself individually and on behalf of his or her business or organization, if any, is fully aware of the above policy of the County of Los Angeles and I declare under penalty of perjury that the foregoing Firm/Organization Information is true and correct.

Name of Firm _____

Signature _____

Title: _____ Date: _____

APPENDIX J

Notice to Proposers Regarding The California Public Records Act

RESPONSES TO BECOME PUBLIC RECORDS

Responses to this RFP become the exclusive property of the County of Los Angeles. At such time as the Department recommends a proposer to the Board of Supervisors and such recommendation appears on the Board agenda, all materials submitted in response to this RFP become a matter of public record and shall be regarded as public record except as indicated below.

DESIGNATION OF CONFIDENTIAL INFORMATION

The County will recognize as confidential only those elements in each proposal which are trade secrets as that term is defined in the law of California and which are clearly marked as "TRADE SECRET", "CONFIDENTIAL," or "PROPRIETARY." Vague designations and blanket statements regarding entire pages or documents are insufficient and shall not bind the County to protect the designated matter from disclosure.

COUNTY NOT LIABLE FOR REQUIRED DISCLOSURE

The County shall not in any way be liable or responsible for the disclosure of any records if they are not plainly marked "TRADE SECRET," "CONFIDENTIAL," OR "PROPRIETARY," or if disclosure is required by the California Public Records Act or by an order of any court of competent jurisdiction.

APPENDIX K

Project Summary Form

(attached)

In reviewing proposals submitted in response to this RFP, Department staff and Consultants will prepare a comparison chart summarizing the proposals. This form is intended as an aid to the Department in completing such a chart. Final wording in the comparison chart will be that of the Department and its consultants.

The following worksheets are provided to illustrate the format that respondents will be required to submit with their completed proposals. The Department will provide a set of completed worksheets at the Proposer's Conference. Current electronic versions of these forms will be available for download at the Department's web site at:

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

Completed electronic files must be submitted to the County on disk as well as in hard copy format.

APPENDIX L

Financial Worksheet Formats

(attached)

The following pro forma financial worksheets are provided to illustrate the format that proposers will be required to submit with their completed proposals. The Department will provide a set of completed worksheets at the Proposer's Conference. Current electronic versions of these forms will be available for download at the Department's web site at:

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

Completed electronic files must be submitted to the County on disk as well as in hard copy format.

LOS ANGELES COUNTY
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

September 1, 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

There were no Marina-related Board actions during the month of August.

DESIGN CONTROL BOARD MINUTES

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

EVICTION LAW FOR LIVEABOARDS

During your August 11, 2004 meeting, a member of the public expressed his unsupported concern that dockmasters may be evicting people without reasons and suggested that there was a new law requiring that, in the case of evicting a liveaboard tenant, landlord must give 60 day's written notice rather than 30 days. County Counsel will report, as requested, on the eviction law as it applies to liveaboards.

SW:tm
Attachment

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

DRAFT

MINUTES
OF
MARINA DEL REY
DESIGN CONTROL BOARD

August 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 Jackie Ignon, Fourth District, Vice-Chair Tony Wong, Fifth District
Member Absent:	Katherine Spitz, Third District
Department Staff Present:	Kerry Silverstrom, Chief Deputy Director Roger Moliere, Deputy Director Joseph Chesler, Chief, Planning Division Julie Carpenter, Planner LaTrina Hancock-Perry, Secretary
County Staff Present:	Kevin Johnson, Regional Planning Tom Faughnan, County Counsel
Guests Present:	Donald Klein, Coalition to Save the Marina Miriam Tate, Miriam Tate Company Patrice Goldberg, Archstone - Smith Aram Chahbazian, Thomas Cox Architects Mike McKay, HRP Landscape Architects Aaron Clark, Armbruster & Goldsmith LLP John Santry, Legacy Partners Gin Wong, Gin Wong Associates Edward Czuker, EMC Financial Corp. Jim Goodell, PPV, Inc. David Von Oeyen, Field Devereaux David De Lange, Coalition to Save the Marina

1. **Call to Order & Absences**
Ms. Cloke called the meeting to order at 2:12 p.m. Mr. Abelar led the Pledge of Allegiance.

2. **Approval of Minutes – Meetings of March 25, 2004, April 15, 2004, and July 15, 2004**
Mr. Wong (Abelar) moved to approve the minutes of March 25, 2004 as submitted. Motion passed unanimously.

Mr. Wong (Ingon) moved to approve the April 15, 2004 minutes with the corrections submitted by the Board. Motion passed unanimously.

Mr. Abelar (Ignon) moved to approve the July 15, 2004 minutes as submitted. Motion passed unanimously.

3. **Confirmation of Past Actions – DCB Reviews #03-016-C, #04-002, #04-007, #04-008, #04-012 and #04-013**

A. DCB #03-016-C – Parcel 102 – Archstone
Ms. Ignon (Abelar) moved to approve this review as submitted. Motion Passed unanimously.

B. DCB #04-002 – Parcel 50 – Marina del Rey Sportfishing at Fisherman's Village
Mr. Abelar (Ignon) moved to approve this review as submitted. Motion passes unanimously.

C. DCB #04-007 – Parcel 50 – Marina Waterside
Mr. Abelar (Ignon) moved to approve this review with corrections made by the Board. Motion passed unanimously.

D. DCB #04-008 – Parcel 61 – Shanghai Red's
Mr. Wong (Ignon) moved to approve this review as submitted. Motion passed unanimously.

E. DCB #04-012 – Parcel 18 – Chart House at Dolphin Marina
Ms. Ignon (Wong) moved to approve this review as submitted. Motion passed unanimously.

F. DCB #04-013 – Parcel 44 – The Cove at Pier 44
Ms. Cloke (Wong) moved to approve this review with the changes that the applicant applied to the proposed signage. Motion passed unanimously.

4. **OLD BUSINESS**

A. **Parcel 102 – Archstone Communities – DCB #03-016-D**
Approval of partial painting of buildings per DCB #03-016-B approved color palette prior to completion of paint application.

Miriam Tate and Patricia Goldberg informed the Board that the top four floors of the tower building are to be white, but the applicants only had the top two floors painted for the Board to look at.

Public Comment
None

Ms. Ignon (Abelar) moved that DCB #03-016-D be approved as submitted with the understanding that the top four floors of the building will be painted white.

5. NEW BUSINESS

A. Parcels 10& FF – Neptune Marina – DCB #04-014
Consideration of demolition and new construction of Neptune Marina apartments (526 units) and anchorage (161 slips plus 7 end ties).

John Santry, the applicant, introduced himself and others that are working on the project. The project was explained in detail to the Board. Renderings were provided.

Ms. Cloke requested more information, which can be furnished at a later date, regarding the garage for the building and how it will be handled architecturally. Ms. Cloke also asked for an explanation regarding the public parking trade with Parcel FF, how this issue was addressed, and how the size of the public park was determined.

Aaron Clark explained to the Board that Parcel FF is currently zoned as open space, but is approved with what is called an underutilized public parking lot. Mr. Clark advised the Board that the applicant's main focus would be to prove this to the Coastal Commission and to the Department of Regional Planning. Mr. Clark advised that there was a study conducted by Crane and Associates to find out the usage of the space in terms of public parking. The report is currently being finished. Mr. Clark explained that the surrounding residents are using the open space because there is not much parking available in the area. Mr. Clark explained that the applicant plans to contribute to the Coastal Improvement Fund, which is set up in the Local Coastal Plan (LCP) for contributions towards public park uses, and is administered by the County. Mr. Clark explained the applicant's goal is to use the fund, which Legacy Partners would contribute to, to institute the public shuttle parking program on high use days for parking. This too will require Coastal Commission and County approval, but will serve the use.

Ms. Cloke asked what happens to the open space part of Parcel FF. Mr. Clark advised that the applicant wants to transfer part of the open space to Parcel 9 and contribute a portion of the hotel to service the park area, which will also be included on the hotel portion of the site.

In response to Ms. Cloke's question Mr. Clark advised that the apartments would be 60 feet tall and the hotel would be 225 feet tall.

Mr. Clark also advised that a cursory wind and shade study has been completed on the hotel park and there will not be negative impacts on sailing or birds. A shade and shadow study does show a minor impact on portion of the park, but there are no negative or lasting impacts to the residences that will be built at the location. It was also noted that the applicant is paying for the construction of the park.

Ms. Ignon asked if the number of parking spaces being eliminated would be matched in the parking structure. The applicant advised that the LCP requires if parking is removed and will be replaced with a park, 50% of the parking must be replaced.

Ms. Cloke wanted to ensure that non-residents be aware of the availability of parking spaces at the park. The applicant advised there would be wayfinding signage that would direct visitors and others to the parking area.

Ms. Cloke asked if the landscape architect had a chance to look at the new Urban Design Guidelines for the Marina. The architect explained to the Board that they are working on selecting the palette that works effectively and give the effects that will blend in with character of the area. Ms. Cloke advised the applicant to think about signature street trees for the project and have that information ready for the Board when they return.

Ms. Ignon questioned the planter height for a portion of the project and asked if it was a typical height and asked if it could be lowered. The applicant advised the section depicts the area of the motorcourt and that there would be room for a canopy tree in that area.

Board Comments

Mr. Abelar asked if there is a minimum boat slip replacement requirement. Mr. Chesler advised that there is not a requirement to replace boat slips that have been removed. Ms. Silverstrom added that there would be as many boat slips as possible depending upon market trends.

Ms. Cloke asked if Staff received any public comments from the Small Craft Harbor Commission Meetings regarding the boat slips. Ms. Silverstrom advised that there was general concern expressing that the boaters needs be met.

Ms. Cloke stated that the Board would like more discussion on the size of the public park, the height of the buildings and issues with shade, shadow and the sun.

Ms. Cloke asked Staff to explain the Public Improvement Fund and how it works. Ms. Silverstrom advised the Board that the applicant would pay into a fund that would not be used until it reached a level that would allow for public infrastructures, improvement projects and mass transit. There is no obligation for the applicant to have a project in process at the time.

Public Comments

Mr. David De Lange, Coalition to Save the Marina, submitted a letter objecting to this project.

Ms. Cloke (Ignon) moved to conceptually approve this project with the following conditions:

- **The applicant must recommend to Regional Planning to examine the issue of square footage for the park replacement. The Board prefers a replacement ratio of 1 for 1;**
- **The applicant must do a sun, shade and wind study which will examine the impact on sailing and the impact of the park users; and**
- **Fully examine the possibility of a shuttle. The Board supports this concept, but if it can't be realized, the replacement of public parking is preferred.**

The applicant must return to the Board with detailed plans for:

- **Landscape palette, signage and the lighting design;**
- **Architecture materials and colors;**
- **Podium levels of the building;**
- **Waterfront promenade, including public amenities, lighting seating and any other plans for the promenade.**

Motion passed unanimously.

B. Parcel 9 – Woodfin Suite Hotel and Vacation Ownership – DCB #04-015

Consideration of the development of a 20-story building, including 178 suite Woodfin Suite Hotel on the first eleven floors and 108 luxury timeshare units on floors twelve through twenty, a parking structure and a 2 acre park.

Mr. Gin Wong presented the proposed concept of the hotel to the Board. Renderings and other informational items were used to convey the ideas of the proposed project.

Public Comments

Mr. David De Lange, Coalition to Save the Marina, submitted a letter objecting to this project.

Ms. Cloke advised the applicant that she did not notice the 40% view corridor and did not want to proceed with discussing the project. She was concerned that the proposed park for this project is being counted for another proposed project. Mr. Clark advised the Board that the projects independently support each other. Ms. Cloke advised that the intent of the LCP is to keep a certain amount of open space. Mr. Clark advised the Board that the applicant would like for the DCB to allow them to proceed to the Department of Regional Planning and to the Coastal Commission to make their case regarding the benefits of having the park. Ms. Cloke asked what the relationship between the two projects is and was concerned that two different projects are claiming the same view corridor. Ms. Cloke advised the applicant that there is supposed to be a certain amount of open space in the Marina as designated. Mr. Clark advised the Board that only one applicant is claiming each view corridor in which the applicant will ask the Coastal Commission to amend the LCP to allow the proposed project to continue.

Ms. Cloke suggested that this item be continued and will be heard after item 5C on the agenda to give the Board time to think about the applicants request and because of time constraints for one of the DCB Commissioners.

Staff showed the Board the revised signage for DCB #04-013, The Cove, which shows the changes that the Board requested.

C. Parcels 33 & NR – Marina Beach Mixed Use: The Waterfront – DCB #04-016
Consideration of a mixed-use project, including 292 apartments, approximately 78,000 square feet of commercial space, 10,000 square feet of recreation and observation space and 865 parking spaces.

Ms. Cloke asked Staff to mention all the discretionary reviews that would be needed for this project. Ms. Carpenter advised that Parcel 33 is zoned visitor-serving commercial with a waterfront overlay zone. Parcel NR is for parking. In order for each parcel to have this mixed-use project, a plan amendment will have to be approved by the Regional Planning Commission, Board of Supervisors (BOS) and the Coastal Commission.

Mr. Edward Czuker explained the proposed project to the Board. Mr. Von Oeyen also explained the project in detail using slides, material boards and renderings.

Public Comments
Mr. David De Lange, Coalition to Save the Marina, submitted a letter objecting to this project.

Ms. Ignon asked if this project was maxed-out on their height requirements. Mr. Von Oeyan advised that the project is maxed-out on the 45-foot high building, which is located along the water. Ms. Carpenter added that the proposed 8-story building exceeds the current height limit of 45 feet on Parcel 33.

Ms. Cloke asked the applicants if there is an existing relationship between how much exterior space there should be for each residential development in the Marina. Mr. Von Oeyen explained the floor plan for the project to the Board, which helped to answer her question.

Ms. Cloke was concerned about the amenities for families for this project. She noticed less landscape and more hardscape and wanted an explanation regarding the view corridors. Mr. Zucker explained the public amenity spaces and other activity available for the residences for the proposed project. Mr. Von Oeyen showed the Board view corridor through the building, which is accessible to the public to see the view of the water. Mr. Von Oeyen explained where the landscape areas are located, concourse level, and suggested a possible expansion of landscape if needed.

Mr. Kevin Johnson, explained in detail for the Board the LCP issues for this project regarding open space and advised the Board that there is no requirement that a certain ratio of open space has to be provided for any interior space.

Ms. Cloke (Ignon) moved to approve in concept a mixed-use development to include mid-rise and low-rise buildings, the galleria, promenades, and other amenities as delineated in the site plan. The applicant must return to the Board with the following information:

- **Delineation of the relationship between landscape and hardscape emphasizing landscape to the maximum extent possible; and**
- **Materials, lighting and signage, which all must be presented to the Board before further approvals are obtained.**

Motion passed unanimously.

5:07 p.m. Commissioner Wong had to leave the meeting.

5B. (Continued)

Parcel 9 – Woodfin Suite Hotel and Vacation Ownership – DCB #04-015

Ms.Cloke asked the applicant to discuss the issue regarding the open space for the Hotel and the open space for the Neptune Marina project and propose a resolution of the problem.

Mr. Clark explained that the applicant is requiring an LCP amendment to rezone Parcel FF from open space to residential. The applicant believes that on the merits of this project their request will be granted. Mr. Clark suggested that the Board note their concerns in writing as an advisory to the Planning Commission and articulate any concern on real or perceived "double-dipping" of view corridors among these projects. Mr. Clark explained that the applicant is responding to the Request for Proposal (RFP) as issued by the County Department of Beaches and Harbors.

The applicant advised the Board that the RFP is directing them to build apartments on Parcel FF and move a park to Parcel 9U, which in the applicant's term sheet, requires that they fulfill their lease obligations in order to get an extension. Ms. Silverstrom explained to the Board that the RFP allows movement of uses across the Parcels and Beaches and Harbors is fully supportive of this approach. Ms. Silverstom explained that this request is two projects creatively dealing with the open space issue, and having a public park built at private expense at a superior location. The Department is asking for the Board to express their concerns and allow the applicant move forward to advocate for this change.

Ms. Cloke advised Staff that because the County is a joint applicant in this project, there must be a review body that does not work for the County, which is the reason for public commission boards. Ms. Cloke expressed that her concern is that two different projects are counting the same plot of land as their open space and view corridor, which is reducing the overall percentage of open space. Ms. Silverstrom and Mr. Clark explained that Parcel 10 is not relying on the view corridor because of re-zoning the northerly portion of the project.

The applicant also added that the public park is being built with private money and will be maintained by the applicant.

Ms. Ignon asked when would the shadow studies be completed and was concerned that a significant portion of the park will be in shadow and may not be usable when the weather is cooler. Mr. Clark advised that there are shade impacts to the park, but that the park will be

usable all year round. The applicant advised they would have the shadow study at the September 2004 meeting.

Ms. Cloke (Ignon) moved to continue this item until the September 16, 2004 meeting and address the following concerns of the Board:

- **The applicant must have a completed shadow sketch study for the public park;**
- **Submit an analysis of the total open space requirements in the plan as to how the park will affect it (open space zoning analysis);**
- **Would like to see a building of the same massing but want it to look more marina-like, not like an office building;**
- **Re-think how to use the waterfront edge to make sure the parking structure is clad in the same materials as the hotel (not so "garage-looking"); and**
- **Further study of the footprint of the parking garage structure.**

Motion passed unanimously.

6. Staff Reports
All items were presented to the Board as informational items.

7. Comments from the Public
None

8. Meeting adjourned at 5:40p.m.

Respectfully Submitted,

La Trina Hancock-Perry
Design Control Board Secretary

Los Angeles County
Beaches & Harbors
Caring for Your Coast

To enrich lives through effective and caring service

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

September 2, 2004

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan Wisniewski

SUBJECT: **ITEM 6b – WEST NILE VIRUS CONCERNS**

Item 6b on your agenda is in response to a matter raised during the public comment period of your August 2004 meeting as to what measures should be taken in Marina del Rey to prevent the spread of West Nile Virus. Particular concern was raised about the Oxford Flood Control Basin.

According to the Los Angeles County West Vector Control District, the Oxford Flood Control Basin does not have active mosquito infestation. We're further advised that mosquitoes cannot breed in large open bodies of water, particularly those that are both choppy and deep, as the Oxford Basin is. The only location in the Oxford Basin where mosquitoes might breed is along the edges where there is thick vegetation, but the Basin has mosquito fish that forage along those very edges.

Of note, the Oxford Basin does have midges due to its mud bottom and midges appear in body structure quite like mosquitoes. Midges do not present a danger, however, as they do not bite.

For further information, the public is encouraged to contact the following:

- **Los Angeles County West Vector Control District**
  Tel: (310) 915-7370 Web: http://www.lawestvector.org
- **Los Angeles County Agricultural Commissioner/Weights & Measures**
  Tel: (626) 575-5472 Web: http://acwm.co.la.ca.us
- **Los Angeles County Health Department-Environmental Health Division**
  Tel: (626) 430-5200 Web: http://lapublichealth.org/eh

SW:kgs