COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS

STAN WISNIEWSKI
DIRECTOR

KERRY GOTTLIEB
CHIEF DEPUTY

May 8, 2003

TO: Small Craft Harbor Commission

FROM: Kerry Gottlieb for Stan Wisniewski, Director

SUBJECT: **COMMISSION AGENDA – MAY 14, 2003**

Enclosed is the May 14, 2003 meeting agenda, together with the minutes from your meeting of April 9, 2003. Also enclosed are reports related to agenda items 3a, 3b and 5a.

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

SW:tlh
Enclosures

Fax: (310) 821-6345
(310) 305-9503 13837 FIJI WAY, MARINA DEL REY, CALIFORNIA 90292
INTERNET: http://beaches.co.la.ca.us/

COUNTY OF LOS ANGELES

SMALL CRAFT HARBOR COMMISSION

(310) 305-9527

Harley A. Searcy, Chairman
Carole B. Stevens, Vice-Chairperson
John C. Law
Russ Lesser
Joe Crail

AGENDA

SMALL CRAFT HARBOR COMMISSION MEETING
MAY 14, 2003
9:30 a.m.
BURTON W. CHACE PARK COMMUNITY BUILDING
13650 MINDANAO WAY
MARINA DEL REY, CA. 90292

1. Call to Order and Action on Absences

2. Approval of Minutes: Meeting of April 9, 2003

3. **REGULAR REPORTS**

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

   b. Marina Special Events — (DISCUSS REPORT)

4. **NEW BUSINESS**

   a. Rules Regarding Ceding of Time for Speakers to Address the Commission — (ACTION REQUIRED)

5. **STAFF REPORTS**

   a. Ongoing Activities — (DISCUSS REPORTS)
      -Board Actions on Items Relating to Marina del Rey
      -Design Control Board Minutes

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

6. **COMMUNICATION FROM THE PUBLIC**

7. **ADJOURNMENT**

PLEASE NOTE:

1. The Los Angeles County Board of Supervisors adopted Chapter 2.160 of the Los Angeles Code 93-031 relating to lobbyists. Any person who seeks support or endorsement from the Small Craft Harbor Commission on any official action must certify that he/she is familiar with the requirements of this ordinance. A copy of the ordinance can be provided prior to the meeting and certification is to be made before or at the meeting.

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

   Department of Beaches and Harbors' Website Address: http://beaches.co.la.ca.us

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

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

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

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

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

Small Craft Harbor Commission
Meeting of April 9, 2003
Minutes

Commissioners Present:	Harley A. Searcy, Chairman Carole Stevens, Vice-Chairperson Joe Crail John C. Law Russ Lesser
Department: of Beaches & Harbors:	Stan Wisniewski, Director Roger Moliere, Chief, Asset Management Division Joe Chesler, Chief, Planning Division Dusty Crane, Chief, Community & Marketing Services Division Gary Brockman, Sr. Real Property Agent, Asset Management Division Ken Slu, Planner, Planning Division
Other County Departments:	Rick Weiss, County Counsel Chief Buck Buchanan, Fire Department Captain Sam Dacus, Sheriff's Department Sgt. Gary Thornton, Sheriff's Department Deputy Paul Carvalho, Sheriff's Department
Also Present:	Beverly Moore, Executive Director, MdR Convention and Visitors Bureau Allan D. Kotin, Allan Kotin and Associates Richard S. Volpert, Munger, Tulles & Olsen

1. CALL TO ORDER & ACTION ON ABSENCES

Chairman Searcy called the meeting of the Los Angeles County Small Craft Harbor Commission to order at 9:34 a.m. in the Burton W. Chace Park Community Room, Marina del Rey.

2. APPROVAL OF MINUTES

Mr. James Sokalski introduced himself and said he is president of the MdR News. He distributed copies of a letter requesting that the Commission postpone adoption of the March 19, 2003 minutes. He said there appears to be inaccuracies in the minutes and audiotapes of the March 19, 2003 were requested, but haven't yet been provided. Mr. Sokalski's April 8, 2003 letter to the Commission states, "It is not unusual to postpone adoption of this Commission's minutes. For example, the minutes for the Commission meetings in November and December 2002, January 2003 and February 2003 were approved at the March 19, 2003 meeting." Commissioner Lesser informed Mr. Sokalski that the reason action on the November, December, January and February minutes was postponed was not due to a misunderstanding,

but because a quorum of the members who actually attended those meetings had to be present to approve the meetings' minutes.

Chairman Searcy requested Mr. Rick Weiss, Principal County Counsel's, opinion on postponing action on the minutes. Chairman Searcy said his common sense approach is that since specific corrections aren't offered, the Commission has several options, one of which is to postpone the minutes' adoption. The other option is to adopt the minutes and amend them when the Commissioners receive specific information regarding their errors, inaccuracies and inconsistencies. Mr. Weiss referred to Mr. Sokalski's letter and said it appears the author is requesting the opportunity to review material to see if there are any errors. He said the letter doesn't purport to indicate there are specific errors. Mr. Weiss explained that the purpose of the minutes is to be accurate. The minutes are not a verbatim script of a meeting. He said it is within the Commission's right to adopt the minutes and amend them if an error is later revealed. Chairman Searcy asked whether the audiotapes are available at this time. Mr. Wisniewski asked Toni Minor, the recording secretary, the status of Mr. Sokalski's request for the audiotapes and Ms. Minor informed him that she would provide Mr. Sokalski with the tapes once copies are made by the Internal Services Department.

Mr. John Davis informed the Commission that he doesn't see any errors in the minutes, but hasn't had a chance to review the audiotapes either. He requested the Commission to postpone adopting the minutes until citizens are able to listen to the audiotapes and compare them to the minutes to ensure the minutes' accuracy. Chairman Searcy asked Mr. Davis whether he would like copies of the audiotapes as well. Mr. Davis responded that he would like copies and said he would be glad to pay the regular purchase price for them. Chairman Searcy suggested that Mr. Davis provide staff with information on how to contact him when the audiotapes are available. Mr. Davis complimented the recording secretary on the minutes' quality. He said he's seen the "minutes of this Commission improve 200% in the last year. At one time, we had nothing more than a blurb. Someone said one sentence when indeed they spent three minutes speaking to you. So, compliments to the secretary and I hope that this is an indication of how the record will be maintained in the future. And so far as I see in my testimony, I don't detect any errors."

Commissioner Law moved and Vice-Chairperson Stevens seconded a motion to approve the minutes of March 19, 2003. The motion passed with Chairman Searcy, Vice-Chairperson Stevens, Commissioner Lesser and Commissioner Law voting in favor. Commissioner Crail abstained.

3. REGULAR REPORTS

a. Marina Sheriff's Department Report

--- Crime Statistics

Captain Dacus informed the Commissioners that he is replacing Lt. Barron at today's meeting because Lt. Barron has retired from the Sheriff's Department. Captain Dacus invited everyone to a barbeque in Lt. Barron's honor that will be held noon today at the Sheriff's station. He said he had intended to introduce the new Harbor Master to the Commissioners. Captain Dacus

selected Ms. Tracy Edmonds to replace Lt. Barron. He said Ms. Edmonds is an owner of two small boats and a diver with good community relation skills and knowledge about boating and waterways.

Captain Dacus reported that overall crime remains primarily the same as last month. There is a reduction in grand theft and an increase in burglaries. Several burglaries occurred because people didn't lock their property. He said there is concern for the summer enforcement team that has been very instrumental in the area. Captain Dacus recently received word that he has to reduce his staff, however, he will proceed with his plans to deploy a summer enforcement team. The team may not have the same configuration as last year, but Captain Dacus said he is working with Beaches and Harbors to ensure a sufficient number of officers are present at special events to provide the same type of coverage that was available last year.

Chairman Searcy said Lt. Barron would be missed after his 35 years of service.

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

Deputy Paul Carvalho reported that this month's report shows there wasn't much activity relative to issuing notices to comply or warnings for unseaworthy vessels. He said this was done rather intentionally because the Department is inundated with boat impounds at the docks and until they can be eliminated, staff is trying not to accumulate anymore vessels. The Property and Evidence Unit has applied for a grant from the Department of Boating and Waterways. Deputy Carvalho said he anticipates that it won't be much longer before a bid goes out for a contractor for the boats' disposal. Chairman Searcy asked the timeframe involved. Deputy Carvalho estimated the entire process would take approximately two months. He explained that once the Department receives grant approval, it will issue the bid for a disposal service and once a proposal is chosen, there will be progress in eliminating the boats. Deputy Carvalho added that staff is also pursuing other avenues to remove the boats.

b. Marina Special Events

Mr. Wisniewski reported the California Yacht Club's Sunset Series begins on April 16 and it's always a lot of fun and a delightful experience. The Santa Monica Bay Halibut Derby will occur this weekend, April 12-13, which is a huge event for the Marina and lots of fun. There's also a Sunset Series Sailing Seminar on April 9 at the California Yacht Club. He said the Marina Special Events Report also identifies weekend concerts at Fisherman's Village. The lessees sponsor these concerts.

4. OLD BUSINESS

a. Deauville Marina Development Project

Mr. Wisniewski reported that, at the March meeting, the Commissioners requested a timeline identifying the stages of the Deauville (Parcel 12) and Bar Harbor (Parcel 15) project. The Commissioners were given a report that includes a chronology of both the lease extension negotiation process as well as the regulatory process that is germane to the Parcel 12/15 project. He said the Commissioners had also requested, at the March meeting, a fuller

explanation of the decision to construct all of the Parcel 12 slips at one time rather than in stages. Mr. Wisniewski said he believes that staff provided a good explanation at the March meeting for constructing the project at one time. However, per the Commissioners' request, Mr. Doug Ring is here today to explain the project's timing, stages and its status.

Mr. Ring introduced himself and said he is the General Partner of the Marina Two-Holding Partnership, which owns the leasehold on both Parcels 12 and 15. Commissioner Law asked for Mr. Ring's thoughts on "where we are regarding the redevelopment of both the apartments in the Marina, why we're here, and where you see us going down the road to the best of your ability?" Mr. Ring responded that he began the process in 1994, when he sent a letter to the Department of Beaches and Harbors expressing his interest, which began negotiations that terminated and recommenced three or four years later and then entered the process as outlined in the chronology that was given to the Commissioners.

Mr. Ring informed the Commissioners that as he was sitting in his office yesterday, "I attempted to pull together the total number of dollars that have been spent on this and I will tell you that I am factually incapable of pulling that figure out of our books. It is the wrong side of $6 million. I would shudder to tell you the number of hours that have been spent on this, but it's the wrong side of everything. As we went through the negotiations, the County and we agreed on a 66-month construction schedule to commence when any outstanding litigation was settled and when the financing was in place. We are currently negotiating the financing and you will, I'm sure, understand if I don't want to go beyond that at this point. You're aware of the outstanding litigation. By the way, in the letter that I sent you, I will apologize, the settlement demand was a 60' boat slip, not a 65' boat slip. I was in error." Mr. Wisniewski asked, "But all other aspects of that letter were correct?" Mr. Ring responded, "Yes sir."

Mr. Ring continued, "A settlement conference is scheduled for the end of this month, which may or may not lead to a settlement. If it doesn't lead to settlement, we will be scheduled to be in front of the Court of Appeals and I'm 100% sure that one way or another they will resolve the suit. The problem that I have is that I actually am not capable of articulating exactly what the plaintiff in the suit hopes to achieve in the suit. I absolutely understand that he's not happy with the way this entire process has gone, but beyond that, I truly can't carry this out to its logical conclusion. But, as soon as the pending litigation is gone, the bulldozers will be on the site and we will be under construction or under demolition."

Chairman Searcy asked Mr. Ring would he be able to complete financing and begin construction within a 30-day or 60-day period once litigation is completed. Mr. Ring responded, "The financing structure presumes that we will be underway within 60 days after the date that the financing is in place and I am 100% sure that we will conform with that."

Commissioner Law informed Mr. Ring that most of the Commissioners are concerned that part of the available slip spaces were off the market. Although there are some availabilities in the Marina, he said, there are many people who feel there is a shortage. Commissioner Law said it appears from Mr. Ring's testimony and Mr. Sokalski's written testimony, as well as the testimony of others, that what would be in the "best interest of the boaters in the Marina, at this point, would be to allow you to proceed and get your slips built and that, in fact, this lawsuit that's being heralded, for whatever reasons, by whatever self-described champions of the

boaters is, in fact, denying boaters access to spaces." Commissioner Law asked whether Mr. Ring believed this is a reasonable conclusion. Mr. Ring responded that he believed it is "a reasonable conclusion with one qualifier." He explained, "This project is the very first total redevelopment of the site that this Commission will see. What we are going to do, in loose terms, is we're going to tear out everything that's there and we're going to dig a ten foot hole where the site currently is located. And in that hole, we're going to construct a parking structure and on top of that we're going to build apartments. Presume, for the sake of discussion, that we went in and we put the boat slips in immediately. There is no realistic way on earth that you as a boater would be able to access that boat when we're under construction. I am not brave enough to assume the liability that that would cause. I will tell you that no lender will permit me to assume the liability that that would cause and I'm 100% sure, without even asking, that the County will not indemnify me for the liability that that would create. So, we either do the thing as an entire project or we don't, but there isn't a way to sort of chop it up into pieces."

Commissioner Law said, "What is preventing you from getting going on the process of replacing these docks is this lawsuit. You cannot proceed until this lawsuit is resolved and the impact of the lawsuit is denying boaters' access, the ability to rent spaces." Mr. Ring verified Commissioner Law's statement by saying, "Yes, you are correct. You and I are absolutely on the same page."

Vice-Chairperson Stevens said she recalls, several years ago, former Small Craft Harbor Commission Chair, John MacLauren, asked Mr. Ring what was being done with senior housing and Mr. Ring informed Mr. MacLauren that he didn't have to worry about it because Mr. Ring was doing all the financing himself. She asked whether her recollection is correct. Mr. Ring responded that since this project would cost approximately $250 million, she has his absolute assurance that he never suggested he would handle the financing himself. Vice-Chairperson Stevens asked whether there are still plans for senior housing. Mr. Ring responded that there are still such plans.

Chairman Searcy asked Mr. Ring whether he received approvals from the Department of Regional Planning and California Coastal Commission. Mr. Ring responded, "Yes sir." Chairman Searcy asked the status of building plans, permits, construction drawings. Mr. Ring responded that, "The plans are in plan check as we sit here today. We will go down and pull them as soon as financing is in place."

Commissioner Crail said he understands there's a problem using the slips when construction is being done. He asked whether Mr. Ring has considered the alternatives as far as how to build and access the slips around the construction, like installing an access ramp in the area next door to the construction. Mr. Ring responded, "There is no person in this room who would like that piece of property to begin flowing cash more quickly than I and there is no person in this room who would like that piece of property to be in service more quickly than I. But, the problems involved in trying to do something like that are monumental. Quite frankly, I would not be willing to assume the risk in terms of human beings in order to do that. We actually have spent, whether it appears that way or not, a whole lot of time thinking through what we are doing and how we're doing it and how we're structuring it. I would concede to you that we could have chopped this up into, arbitrarily, four pieces instead of two. It would have taken the construction process, which is now scheduled for 66-months, and pushed it out to ten years. I will absolutely

concede to you, because I've lived with it across the street from my house, as I'm sure we all do in one form or another, that being on or near a construction site is disruptive to everybody who is around it and what we really want, what I assume we all want, is for us to get in there, do it, and get out so that the Marina can return, if you will, to quiet habitation."

Vice-Chairperson Stevens asked for clarification regarding the construction period because she thought she heard Mr. Ring state that he now anticipates a ten-year construction period rather than the 66-month period. Chairman Searcy clarified that he believes Mr. Ring indicated there is a 66-month construction schedule from the point that construction begins. Chairman Searcy explained that Mr. Ring stated that if he had attempted to phase it differently, in order to keep portions of the slips open, and split it into four phases, it would have extended the 66-month construction schedule to approximately ten years. Chairman Searcy emphasized that Mr. Ring's current construction schedule, for the record, is still 66-months.

In response to Vice-Chairperson Stevens question relative to senior citizen housing, Mr. Ring stated there was a lot of discussion among various lessees regarding whether individual lessees would ask the County to subsidize affordable housing in one form or another. Mr. Ring said that what he has represented to the Commission and has committed to the County is that "whatever subsidy by definition goes to the below market rate units will be internally generated. We are not asking the County for any financial assistance of any kind."

Chairman Searcy opened the floor to public comment:

Mr. Rick Horner thanked everyone for attending today's meeting because "you are the small boaters' advocates in this Marina." He said, "I'm offended by some of the obnoxious arrogant attitude that some of the Commissioners here have and I'm gonna tell you specifically that when I came to the last meeting and asked if you are willing to address what may be merits of a lawsuit, I was offended. To consider that there's no merits to a lawsuit is very dangerous. If there are merits to a lawsuit and it's found in court, especially at the appeals level, that there were merits to this lawsuit, you, ladies and gentlemen, are in big trouble. I have read the lawsuit since the last time and I find that...if you ask your legal counsel here, if somebody does not have a personal interest in something, he can't file a lawsuit. If James has a personal interest in this and I think he does, I don't think you should be insulting the gentleman as you are. So, I think you should consider that there might be some merits to this lawsuit because if there are and you don't address it, there will be multiple lawsuits that will follow."

Mr. Horner continued, "I'm in favor of responsible development. I would like to see Mr. Ring's project go forward. I think it would be a great benefit. What I'm suggesting is that the project is looked at responsibly so that the small boaters are happy. I don't think that's such a difficult process. If the issues of the small boaters are addressed, everybody's gonna be happy. I would like you to again revisit what may potentially be the merits of this lawsuit and settle it amicably so that all small boaters...I mean I realize that he has some personal interest in there. I was a little offended when I saw that as well, but if he didn't have any personal interest at all, there would be no lawsuit. So, he's a little unsophisticated. He doesn't have a team of 20 or 30 attorneys advising him. I'm very experienced. I'll close by telling a very short story. I remember a group of people who almost said verbatim what you are responding to with this lawsuit. I was a paralegal working for a group of attorneys and when they got hit with the result of what they

thought was an irrelevant lawsuit, the Pinto lawsuit by the way, there was hundreds of millions of dollars. It was one of the largest settlements. So, revisit what may be the merits of the lawsuit and take it for what it is and don't dismiss it because there was a personal interest in there. Because I'm afraid...I talked to several people and a lot of people...if he does not succeed, there may be several others and I don't think it would be difficult to appease the small boaters, let Mr. Ring's project go forward, and everybody could be happy."

Mr. Sokalski said he would "appreciate being able to have a bit of a dialogue with the Commission similar to what Mr. Ring enjoyed. I don't expect the same deference. I don't have the same financial stature or a leasehold interest here, but it would be in keeping with public participation as required under PRC 30006 if there was some give and take, so I would appreciate it. I wanted to speak to some of the issues that were raised. Yes, I believe there were good grounds for filing a suit. It's also well known amongst attorneys handling these type of suits that there generally isn't too much success at the trial level and the two courts that handle the writs of mandate. They generally think there may be better results at the appellate court. That is a new trial there. 'Trial deNovo,' they say, so it's a fresh look at it. I did give this body and the Director a copy of my primary objections in December in this room at a Small Craft Harbor Commission meeting and there is a copy of it on the table that the Director has reproduced and further comments about boat slip vacancies. I've been asking for two years that this be looked at and taken seriously and it never has been addressed. That leaves only the option of the court. It is unfortunate that Mr. Ring evicted everyone immediately after getting his tentative permit approval at the Coastal Commission. He can still put tenants back in there if he likes. If we don't settle at mediation, then it probably will be a long time, that might be a valid option, but we will have an answer to some of the questions I raised. It will either be at the court level or it will be at this body or somewhere in the County. I raised some of the questions again in an E-mail sent to each of the Commissioners and to the Director and a copy of a handout there and I just hope those issues will be addressed."

Mr. Sokalski continued, "There were some specifics as well that have never been addressed, like I'm curious about how Mr. Ring and other lessees report vacancies. I cited a very specific case in December 2000, where my dock alone, one dock out of 17, there were 11 vacancies. He reported none, so I'm concerned that sort of reporting error and the size of those errors permeates the work that is done by this Department. So, I've asked for specific answers from it. I'm not trying to point fingers or nitpick for detail, but when those sorts of so-called details result in a justification for doing away with 650 boatslips, 35' and under, something smells fishy, that's why I filed the lawsuits and I think that's very well known in the Department here what it's about. So, I'm asking that that information be... I'm willing to go forward and find some sort of settlement with Mr. Ring, assuming the Coastal Commission will make some adjustments to the procedure as well, and the County. If there is none, we will have to ask another party, that's what the judicial branch is for."

Further, Mr. Sokalski said, "I spoke with Al Padilla, the Coastal Commission analyst, in the past couple of weeks. He said the final permit has still not been issued by the Coastal Commission to Mr. Ring. One of the conditions was that 25% of his slips be 25' or less. That has not been issued yet. I heard Mr. Ring say he had those permits. I'm surprised, and if he does, I'd like to see it because I'm not getting accurate information then. I met with Coastal Commission staff as well as called them and they told me that. I also have a copy of an agreement that Mr. Ring

made with the Coalition to Save the Marina where somehow he is blessed with foresight, so he made a binding legal contract in settling a lawsuit with the Coalition to Save the Marina to adjust his slips, to conform with that requirement of 25% being 25' or less. He made an agreement without Coastal Commission approval. So, I have some concerns at the Coastal Commission. How could Doug Ring know what they're going to approve ahead of time? It would seem it's rather far reaching for him to make an agreement half a year or more before the Coastal Commission has already approved it. It's in the Executive Director's hand, Peter Douglas' hand, to give the final approval. I've raised this issue and I'll raise it again with the Coastal Commission. It's significant. It speaks to influence, of course, that he thinks he can do that. Thank you. I'm open to any questions or responses." Chairman Searcy thanked Mr. Sokalski for his comments.

Mr. John Davis introduced himself and said he's representing himself today. He said, "I would like to support Mr. Sokalski in his lawsuit. It's not frivolous and I take exception to the treatment of this Commission to a member of the public. You have chastised him and said some things that are not befitting of your positions and I really wish you would treat this, I mean the environmental issues, equally with development issues. This Commission seems hellbent on only consideration of the merits of a lessee's application and is totally inconsiderate of positions taken by boaters and the public. After my testimony, I would like Director Wisniewski to answer this question: Given the fact that the lessee appears to be in violation of Policy Statement 25 and has been for more than a year easily, and given the fact that the property has not enjoyed continuous use for this amount of time, why hasn't the Director issued a notice of default? Should the Director issue the necessary notice of default, there would be no lease extension, which is also, on its face, illegal. It is a violation of the California lease law to extend the lease on public property like this, public trust land, without first opening it to public bid after the County takes possession of such parcels and determines if indeed that would be the correct use for them."

Mr. Davis said, "Several approvals I'm sure have not been given yet. They may have. I'm not aware of any approvals by the Corps of Engineers, the Regional Water Quality Board, or of Fish and Game, regarding invasive algaes in the area. As a result of the non-enforcement of Policy Statement 25, I would again reiterate that the County has incurred a huge liability in the form of a wrongful death lawsuit. Had the Director enforced Policy Statement 25 and had this Commission insisted that he do so after I testified to it in the year August 2000, the County would not be placed in such a libelous position. In closing, I believe this coastal development permit will be revoked by the Coastal Commission due to the fact that the County, in conducting the environmental impact report, mostly paying for it, failed to transmit to the California Coastal Commission, maps showing two oil refineries and a sewage treatment plant on or near this location. This constitutes the intentional removal of public trust lands and access to the sea by the Director of the Department of Beaches and Harbors and it's unconscionable given the fact that this removal and non-enforcement of Policy Statement 25 are absolutely intended to allow the deterioration of premises on public property and to give monetary control of public trust lands owned by the United States of America to a private organization."

Vice-Chairperson Stevens asked Mr. Davis to explain Policy Statement 25. Mr. Davis recommended that the Marina del Rey Planning Division supply the Commission with Policy Statement 25. He said, "It's a reflection of the lease. The lease states that the premises will be

maintained, I believe in, what is known, as a wholesome and safe condition. That's in the lease. That's a requirement that the lessee has independent of Policy Statement 25. They are to maintain their docks. Policy Statement 25, which is a County policy statement, says that, I'm paraphrasing, all structures in Marina del Rey, including the very large buildings down to the smallest dock, must be maintained in a safe and wholesome condition and that periodic inspections will take place to ensure the lessee is in compliance." Mr. Davis said, "The Director is knowingly allowing a single unqualified inspector to inspect all structures in the Marina. He doesn't have the qualifications or the time to conduct proper inspections. This has led to a deterioration of the docks. It seems to me the Director is trying to establish methods so that Policy Statement 25 is not enforced and the public is placed at risk." Mr. Davis offered to bring a copy of Policy Statement 25 to the next meeting, but suggested the County provide the Commissioners with a copy for their review since it's a huge issue.

There was some confusion as to who would speak next. Mr. Weinman wanted to address the Commission, however, he had already ceded his speaking time for this agenda item and would have to use the time that someone else ceded to him. Mr. Weiss said that it's up to the Commission, but if an individual cedes his/her time, Mr. Weiss doesn't think the individual can have time ceded back to him/her by another party. Chairman Searcy informed members of the public that, in the future, when members of the public cede their time to someone else on a particular agenda item, they won't be able to address the Commission regarding that particular item. Chairman Searcy permitted Mr. Weinman to speak.

Mr. Steve Weinman, Dock 77, said, "I agree Mr. Sokalski was incorrect and naïve in his earlier negotiations with Mr. Ring, although I was a little surprised that Mr. Ring would make that public. When I deal with Dock 77, the management company, we have a clause, which specifically states...it's a non-disclosure clause and I just think that...I'm a little confused why Mr. Ring would bring that out in public comment when it was stated as two gentlemen behind closed doors." Mr. Weinman informed the Commission that he was making a statement and did not expect an answer.

Ms. Carla Andrus said that she would like to see a response in writing to the issues brought up by Mr. Davis. She said, "It's time to get some answers on these issues. It's really getting tiring. This has been more than three years in the making since Mr. Ring went in front of Regional and we brought up those issues way back then. Mr. Sokalski's lawsuit is about public participation. A great deal of it has to do with the public being able to give their ideas of what the Marina would be and what would be satisfactory for everyone. I talked to Pam Emerson from the Coastal Commission and it's time for our review of the Local Coastal Plan. She asked to get mailing addresses of interested people in this plan. So, I suggested that the Department could give the mailing addresses that we have for people that have interest in the Small Craft Harbor Commission, Design Control Board and Regional Planning. If you would provide those mailing addresses to the Coastal Commission, this would help them start their review process, which is long overdue, and maybe we wouldn't have had to go through all of this."

Chairman Searcy asked, relative to the notification process for the Coastal Commission and the review of the Local Coastal Plan, whether the process is in place, by which, if the Coastal Commission needs information, it will contact the Department. He asked whether the Department has a list to give to the Coastal Commission of people who want to receive

notification. Mr. Wisniewski responded he would ask Mr. Chesler to contact Al Padilla or Pam Emerson to inform them that the Department has a list that could be provided when the Coastal Commission is ready for them. Vice-Chairperson Stevens asked whether the Commission is included in the list. Mr. Wisniewski responded that the list is the Small Craft Harbor Commission mailing list and the Commissioners are included.

In response to an earlier speaker who indicated the Commission is the voice of small boaters, Commissioner Law said, "I agree that everyone on this Commission is very concerned about small boaters, but our role for the County is not just about small boaters. It's about small boaters. It's about big boaters. It's about apartment tenants. It's about clubs. It's about land uses in the Marina, and, most importantly, above all that, it's about the interests of the people of Los Angeles County, which is a far larger constituency than reside in the Marina. So, I've said this once before, but I'd like to kind of replace it because people come here and seem to think that, somehow, we're the final voices on all issues related to small boaters. Our role is substantially more inclusive than that and we have to find ways to balance the interests of all these parties, including the right of the citizens of Los Angeles County to have access to their own property as we go through our deliberations."

Relative to a speaker's statement that the Commission considered the lawsuit against Doug Ring as frivolous, Commissioner Searcy said, "I don't recall any specific member of this Commission referring to the lawsuit as frivolous. Certainly, we have requested and had County Counsel review that lawsuit, as well as other lawsuits, where we may be the real party and interest or whether or not we're named as an additional defendant. But, it should be clear that any response to lawsuits and litigation, on behalf of Los Angeles County, is not something that happens at this Commission level. That happens out of County Counsel's office. You can also access any issues of public participation when wishing to voice your opinion on these matters at the County Board of Supervisors' meetings."

In response to a speaker's comment about the Commission not taking environmental matters seriously, Chairman Searcy said, "Au contrare," quite the contrary. We take them extremely serious. We try to ensure that the process is followed. I do recall one of the gentlemen who is present here today bringing some documentation referring to some oil wells and refineries. We had that information followed up on. We tried to do some historical information and data and respond in a report."

Chairman Searcy informed members of the public, "The Regional Planning Commission has specific standards relative to environmental documentation, environmental mitigation, environmental investigation, phase 1, phase 2, soil testing, etc. These are matters that, quite often, are handled directly by agencies and departments of the County of Los Angeles, the primary one is that of Regional Planning Commission. When you come before them for any change in entitlements, or use, or new building development, they then are the repository and farm it out to the different divisions. Development does not occur without people having to review traffic, pay mitigation fees, review environmental, review various issues."

Chairman Searcy continued, explaining that he didn't "want people thinking that we are the body that makes all those determinations. We try to make sure that, when it comes to us, if there are particular issues of small boaters, we make sure they're handled. If there are particular issues

of, 'let's not lose the launch ramp before the new one is built,' we build that into RFPs. ...I think it's a disservice to people who give their time freely, we don't get paid for this, or maybe we do; we get like $25.00 every two months, or something, for our participation. I think it's a disservice to think that we do not care. The fact is, we may not be able to make everybody happy on every issue. The issue of not losing slips is very key and, I think, if you look at the last two RFPs that have been issued, we made sure it was in black bold type right on the face of the document that anyone responding to these proposals had to ensure that their proposal stated and showed a definitive and feasible manner in which the facilities that would be replaced were actually replaced prior to the old facilities being taken out of service."

Mr. Wisniewski clarified, so there would be no confusion, relative to Chairman Searcy's statement about the current RFPs and not eliminating the launch ramp before a new one is built, there is nothing under consideration nor would there ever be anything under consideration that would ever relocate the current launch ramp. Mr. Wisniewski said he realizes that Chairman Searcy, when making his statement about the launch ramp, was reflecting on a previous RFP in which there was a proposal to remove the launch ramp. Mr. Wisniewski said he doesn't want boaters to become concerned since it is something the Department would never endorse.

b. <u>Slip Vacancy Status Report Update</u>

Mr. Wisniewski stated that during the March meeting, the Commissioners requested staff to provide an update of the Slip Vacancy Status Report, which staff plans to do on a quarterly basis. Mr. Wisniewski explained the genesis of the update request is that staff would incorporate in the report the new slips that were coming on line for Parcels 111 and 112. At that time, staff thought 111 new slips were coming on line, but in actuality, for Parcel 111, there are 68 new slips and 22 new slips on Parcel 112. Mr. Wisniewski said the report discusses why staff did not update the vacancy information with the new slips for Parcels 111/112. He said he thought it would start to challenge the data and would make it invalid because February vacancy data and February slip availability is used. The report identifies what slips came on line. From a practical matter, they wouldn't have much impact on the vacancy, he doesn't think, because most were leased up as of April 1. Additionally, staff doesn't know how many people moved into those new slips that were then creating vacancies elsewhere in the Marina.

Mr. Wisniewski said staff would provide the report on a quarterly basis or more frequently if needed. Chairman Searcy then asked the Commissioners whether a quarterly basis is fine and they responded that it is. Mr. Wisniewski informed the Commissioners that the next quarterly report would show the impact of the vacancies so that staff can survey not only Parcel 111, which has 68 slips, but would also show whether any of the slips being occupied created vacancies elsewhere in the Marina.

Chairman Searcy referred to the material Mr. Sokalski gave to the Commissioners regarding the Slip Vacancy Status Report and said one of the two issues brought up by Mr. Sokalski is the methodology of counting end slips and bulkheads. Mr. Wisniewski explained that staff also noticed, depending on which staff person was doing the count, and what lessee was giving the information, there was not a consistent methodology for measuring boat slip vacancies. In the year 2000, the Department's Contract Engineer, Concept Marine Associates, conducted an official slip count and Concept Marine's methodology did not count end tie or side tie slips for

the reason that an end tie could be occupied with one, two, or three boats. Concept Marine's official slip count was 5,246. Mr. Wisniewski said that when vacancies are measured, they would be measured against the 5,246 figure. Chairman Searcy asked whether the methodology used is now the accepted methodology. Mr. Wisniewski responded that it is the accepted methodology since the year 2000 and "that will be adjusted as slips are replaced, presumably, if there is any change in that, if there are any additional slips, if there are any decreases, but that's the baseline from which we're going. The practical effect is really nonexistent because, frankly, end tie and side tie slips are typically 100% occupied anyway because they are in such huge demand in the Marina." Mr. Wisniewski added that he meant to get the Commissioners a copy of his response to the issues that were raised by Mr. Sokalski, however, Mr. Wisniewski was only able to E-mail Chairman Searcy the response, with a copy to Mr. Sokalski, since he didn't have the other Commissioners' E-mail addresses. Mr. Wisniewski apologized and said he would get the response to the Commissioners today.

Chairman Searcy referenced Mr. Wisniewski's statement that there were 68 new slips at Parcel 111 and 22 new slips at Parcel 112 and said there was some question from Mr. Sokalski... Mr. Wisniewski interrupted with the question, "What was done in the entitlement process?" Mr. Wisniewski explained, "I think there were different counts in the entitlement process depending upon whether people were counting end ties or not. I believe we looked at what Mr. Ring had put in his applications and there was a consistent methodology on his part, which, frankly, at that time, was not inconsistent with what we were doing also." Chairman Searcy asked whether the methodology used is different then the current methodology. Mr. Wisniewski responded that the Department adopted a different methodology. Chairman Searcy asked whether the same numbers would be reached if the Department's methodology were applied to what Mr. Ring did. Mr. Wisniewski responded that the Department applied its methodology to what Mr. Ring did and gave credit for end tie slips on a logical basis. Commissioner Law asked whether the current methodology excludes end tie slips and side tie slips. Mr. Wisniewski responded that Commissioner Law is correct. Commissioner Law said there are actually more slips in the Marina than the Department counted. Mr. Wisniewski said this has the advantage of ensuring that when a vacancy factor is reported, it is consistent across the years because some lessees counted end ties as one slip, while other lessees counted end ties as three, depending upon the number of boats in the slips.

Chairman Searcy asked whether bulkhead slips are the same as end tie slips. Mr. Wisniewski responded that bulkhead slips are those slips between the first constructed slip and the seawall. Technically, the Department does not want people using them. Chairman Searcy asked whether it is legal to lease bulkhead slips. Mr. Joe Chesler responded that the Marina Specifications provide for "a minimum of a ten foot clearance between the bulkhead and the fairway. Generally, the slips are designed so that the bulkhead slips, as it were, are not leasable under those conditions."

Chairman Searcy asked what steps the Department is taking to ensure that lessees are not leasing bulkhead slips the Department is unaware of and lessees are not recovering funds with the County not getting its share. Mr. Wisniewski responded that the lessee reports to the County all the monies he collects. Chairman Searcy commented that the Department has to assume the lessee is reporting the money. Mr. Wisniewski explained that a Certified Public Accountant firm audits the lessees. The Department also has an internal audit section that Mr.

Wisniewski created approximately one year ago to watch lessees' gross receipt activities. Additionally, during maintenance inspections, if there is a boat in the bulkhead slip, it is noted on the Premises Maintenance Inspection Report.

Mr. John Davis stated, "Congress approved a federal project in the Harbors and Waterways Act to partially fund construction in Marina del Rey. In 1958, the County of Los Angeles agreed to provide 8,000 boat slips in Marina del Rey. We have half that number now. There are other reasons for that that can be discussed at a later date. Part of the reason for the vacancies is due to the lack of marketing by the County. The County has not conducted an effective marketing campaign. I read boating journals all the time. Never do you see Marina del Rey except advertised by a lessee as having small boat slips. They're trying to drive out small boat slips. The real reason we have a lack of small boat slips is because the County is allowing developers to incorporate access to the seas by boater parking places by removing small boat slips and then giving those parking places over to non-priority use. This is not consistent with the land use plan. During our discussions with Regional Planning regarding the Deauville Marina, back in, I believe 2000, or even 1999, I photographed 14 empty end ties that were for boats, I believe, 40' and over. There was a huge vacancy at Deauville, yet the developer claims that there's not enough room for the big boats. Also, production figures indicate that there are more small boats under 12' being produced than there are large vessels. The County is using some very skewed figures."

Chairman Searcy asked Mr. Davis, "Did you say 12'?" Mr. Davis responded, "12' and under, that's where the primary boat production is."

Mr. Davis continued, "The bulkhead slips are illegal and, as the Chairman indicated, the Director would only know if they're making revenues off those illegal slips if they did report them. The Director indicates that he has a very careful audit system. I would like to know what the criteria for the internal audit system is. I would very much also like to see the outside audit. I think this is very relevant to the discussion and should be made public. The boating report is not on the desk. I have not had a chance to review it. I got here early enough to do so, yet it was not presented. [A minute or so later, a staff member handed Mr. Davis a copy of the Slip Vacancy Report.] I believe no one really knows what methodology Bob Stassi of Concept Marine uses to make these calculations. In fact, it seems to be an obscure and inaccurate work problem that results in an inaccurate depiction of slips. In fact, those figures are probably supplied Mr. Stassi from the lessees and they only stand to gain if they report their slip vacancies inaccurately. In the review that the Coastal Commission will be conducting, and it must be done within a year, we will be requesting that an independent analysis that is far removed from this County be conducted regarding boat slips and demands of new boat construction that is totally accurate and not a skewed work problem such as this. We would like to see the criteria that Mr. Stassi and Concept Marine used to conduct this survey."

Mr. Davis said, "In the course of doing these initial boat slip analyses, I believe it had a lot to do with the Goldrich and Kest project on Panay Way in the Deauville and Bar Harbor marinas, the County did hire someone, I believe it was, Cogken and Marsten. I'm sure the Director knows. Let me just say, generically, the company that the County hired to do these independent boat slip analyses was concurrently working for the lessee of Deauville Marina. Now, how on earth could a company that is advising the lessee of Deauville Marina on boat slip configuration

possibly be hired by the County to do an independent analysis and boat slip analysis in Marina del Rey? How could that happen? The County claims that there's no conflict of interest, but it seems to me that if a company is working for a developer in Marina del Rey advising them on the configuration of their boat slips, they should in no way be hired by the County to make the same recommendations which practically mirror and benefit the lessee. This is not an independent analysis in any way or form and I would suggest that, you know, if you have a barbeque or something, this is the appropriate place for this report because it's an expenditure of public money on ink and paper and labor that is absolutely unnecessary. Also, according to the U.S. Congress and the deed of easements and rights-of-ways that the County of Los Angeles granted the United States of America in 1958, the apartments and hotels here are impermissible uses. What we could have is a lot more boat slips and a lot more parking."

In conclusion, Mr. Davis said, "The last point I would like to cover is that the vacancies are in large part due to the Director's non-enforcement of Policy Statement 25. That isn't calculated. They leave the empty slips out of the calculation of vacancies in Marina del Rey. Now, why would you leave 100 and some boat slips out of the calculations just because they're in transition? That is not proper. To conclude, I would like to know how much money the County has expended to produce these skewed studies that are worthless because it is an absolute waste of the taxpayer dollar and we intend to get to the bottom of it and find out how much has been spent to produce these reports."

Mr. Pat Carter, a Marina business owner and small boater who keeps his boat in the Marina, said, "Most of the friends that I have who are small boaters here work. I work and it's very difficult for me to come here and be able to participate in something that I'm interested in and that we elected you to support us in. You need to really make an effort to have these meetings at a time when the majority of your boaters can be here. There's no reason why we shouldn't all be fairly represented. I appreciate the fact that for little or no money you're here. It's your duty to make sure that as many of your boaters can be here as possible. I would like to know what you're doing to change that and have meetings in the evening or on the weekend."

Chairman Searcy responded that the Commission has had one large meeting in which it tried to inform the public of a variety of development projects that were coming up. The Commission will conduct some evening meetings in the future, however, these meetings will not replace the regularly scheduled meetings. He said that a couple of Requests for Proposals have been issued by the Department and the time to conduct an evening meeting "might be at a time when we have some of the new development proposals there so that the public can speak and some of the proponents can hear some of the comments from the small boaters, the residents, as well as other residents of Los Angeles County."

Mr. Carter said he questions the whole process because he hasn't been able to attend any of the meetings during the day since his work requires him to remain there. Chairman Searcy asked for clarification on what Mr. Carter means by the "whole process." He questioned whether Mr. Carter means how a development project in Marina del Rey goes from concept to construction. Mr. Carter clarified that he would like to know, as a boat slip tenant, how the Department notifies people about the meetings. He mentioned that he only found out about the meeting because a friend informed him of it. Chairman Searcy informed him that the meeting notification is posted on the Department's website and several public places, as well as in The

Argonaut newspaper. He said, for today's meeting, staff sent notices to lessees with a request that they be posted in public places for their apartment, liveaboard and boat slip tenants.

Mr. Wisniewski said that Chairman Searcy's response is a good representation of what the Department and Commission do relative to notification. He referenced Agenda Item #4a--Deauville Marina Development Project, and said its attachment defines the regulatory process that the project went through. There were countless hearings before the Regional Planning Commission, Board of Supervisors, California Coastal Commission, and all of those are noticed public meetings with agendas posted on the Internet. He said there are several of these meetings, so if one meeting is missed, members of the public have the opportunity to attend others.

Chairman Searcy asked whether the quickest way for the public to be informed of meetings of interest is the Department's website. Mr. Wisniewski responded that it is accurate relative to the Small Craft Harbor Commission. He said that members of the public could also provide their name/address to the recording secretary. She will give it to his secretary and they will ensure the interested party is sent a meeting agenda each month.

Mr. James Sokalski requested a copy of the policy statement relating to the illegal bulkhead slips. Mr. Chesler responded that the policy is written and is available on the website. Mr. Wisniewski explained that it is not an official policy statement. It is the Department's policy and staff will refer Mr. Sokalski to where it could be seen in writing. Mr. Sokalski asked whether staff could also identify which bulkhead slips are legal and which are not. He said, "A year ago when we went around with a video camera, we saw many of them that were now classified as illegal and most of them the boats are gone from, but others seem to have them. So, it's not that difficult if you go to each bulkhead slip around the Marina, whoever is doing the count, and designate if that's a legal one or not, then it would be easy for us to tell." Chairman Searcy informed him that Mr. Chesler would provide the information. He added that Mr. Sokalski could have a continuing dialogue with Mr. Chesler if the information isn't what he's looking for.

Vice-Chairperson Stevens asked whether she heard at the March meeting that the policy against usage of bulkhead slips began around 1994. Mr. Wisniewski responded that the policy had to do with the reconstruction of the bulkhead system in the Marina. Mr. Chesler estimated that the policy was implemented around the year 2000.

Mr. Sokalski said, "I raised some questions and I would like to see if I can get some answers in the E-mail I sent to you and the hard copy I delivered to the Director regarding the Slip Vacancy Report. Some of the questions were the methodology used and I heard Mr. Wisniewski speak to that to some degree. What I'm asking for is some specifics. We would like to have a baseline. He spoke that there is a baseline now of total number of slips. Each marina does produce a map, if you will, listing each slip, so perhaps, we can get a copy of that and the Department could have it readily available with counts so we can see just what slips there are, which ones are legal and which ones are not." Chairman Searcy said that, relative to Mr. Sokalski's requests on the methodology, he is unclear as to "how the methodology explanation that we have just received is not responsive as to the methodology question in terms of any maps, etc., or other data that we may have received in the course of this Slip Vacancy Report." Mr. Wisniewski said the Slip Vacancy Analysis identifies the total number of slips by anchorage.

Additionally, Mr. Sokalski was provided, yesterday evening, an explanation to the two questions the Department thought he raised. Chairman Searcy asked Mr. Sokalski whether he received the Department's written response. Mr. Sokalski responded that he hadn't received the response. He asked whether Mr. Wisneiwski E-mailed the response. Mr. Wisniewski responded that he did. Mr. Sokalski informed him that he hadn't read his E-mail this morning, so it could be there.

Mr. Sokalski continued, "The specifics I raised, such as, how does the Department find out what vacancies there are, is that a phone call from a lessee, from a dockmaster, or from someone outside of Beaches and Harbors? Is it a paper report they receive? Do they do a physical inspection, or whatever?" Mr. Moliere said he would prefer that Mr. Sokalski's questions be in writing since there are a series of them. However, Mr. Moliere responded, "Generally, yes, we get monthly reports from each leasehold. They are written. They specify, by size, which slips are empty. We do independently also spot check. Of course, you can't look at 5,000 slips every month, but in the course of our regular duties in terms of the property management function, we have individual property managers assigned to each of the leaseholds. Certainly, we do check on a regular basis, although not every month of course, because again you would be doing nothing but looking at 5,000 slips every month and that would be impossible to do. There are, in addition, as the Director indicated, quite a number of audit functions. We've checked vacancies against the records that come in showing gross receipts. So, there are cross checks. There are any number of checks. It is a very complicated and far reaching procedure and I'm not quite sure that this is the forum to try and get into all kinds of detail, but there are any number of checks." Mr. Wisniewski said he thinks that "the essence is there are written reports from the lessees and they are spot checked."

Mr. Sokalski informed Mr. Moliere that he could get a copy of Mr. Sokalski's letter to the Director, which identifies his specific questions. Mr. Sokalski asked whether "the report that you receive is done on a specific day or is it a snap shot at one point in time?" Mr. Moliere responded that "The reports are done as of the end of each month and they are due by the 15th of the next month along with the gross receipts reports." Mr. Sokalski asked, "If there's a vacancy on the last day of the month, it's recorded as a vacancy, or if any vacancy occurred during that month and its..." Commissioner Law interrupted and said that he wanted to be heard on a point of order. He said his understanding is, "our role, under the rules we have, is that every agenda item, whether it goes to the Board of Supervisors or not, every member of the public can comment on. What we now are entering into is a whole new set of rules. We've extended it so that people can share time, we did that at our last meeting, so that people can cede their three minutes to someone else's three minutes. Fine. We are now entering into a process of questions and answers and endless dialogue that is not, as I understand it, the objective of our rules. So, I would like you to consider how we are going to proceed with this in the future. We have a long agenda and numerous other items. These questions can be answered off line. They can be answered in writing. I don't know why we need to spend the time here...I would ask that we move on and that staff resolve this with Mr. Sokalski in another way. If Mr. Sokalski has additional objections, he could submit them in writing."

Commissioner Crail stated, "I agree with Commissioner Law. There's been quite a bit of waste of time here. We have a number of people who would like to speak and we shouldn't be wasting time on subjects that can be handled outside of the meeting."

Chairman Searcy thanked the Commissioners for their comments and said, "At the discretion of the Chair, I will continue to indulge and have a bit of patience, but at the same time, I think you do have to agree, Mr. Sokalski, that you have people here, other members of the public, that wish to speak. We have spent over the last two or three days with a variety of exchanges of information and communication with you directly in writing. You've indicated that some of the materials you have not read. Perhaps, since this is a continuing item, an item that will continue to come back, that you will be gracious enough to, perhaps, meet with Mr. Chesler afterwards and, perhaps, read the written material that has been responded to you directly. You can certainly bring this item back again. There are a variety of people here on several items and what is your pleasure?" Mr. Sokalksi responded, "Thank you. I am sensitive to the point that Commissioner Law and Commissioner Crail raised and, as a matter of fact, that is the heart of asking for conditions so that we can participate. Each of the questions I've asked previously of the Director or staff have not been answered. This is the only place that we've been granted any participation and, at your discretion, you have allowed some of this to continue. This is the only portal, if you will, into our government here. You have the power to direct the Department of Beaches and Harbors to interact or to offer conditions so it can interact with its populace, then it would, perhaps, streamline the meetings."

Chairman Searcy said to Mr. Sokalski, "For you to sit here and let this audience think that there's no participation, that there's no communication between yourself and Beaches and Harbors is unfair and inaccurate. I have personally communicated with you over four or five times via telephone and E-mail. I have observed written correspondence coming back to you in answer to specific questions from the Department in the last three days. I will send you copies of this. This is on this point...you have asked for written responses and they have been sent to you. You have indicated that you have not reviewed them, yet you wish to continue the discussion and line of questioning here in this exchange." Mr. Sokalski informed Chairman Searcy that he would check his E-mail. Chairman Searcy encouraged Mr. Sokalski to read the materials and contact the Department, with a "cc" to Chairman Searcy, if they are not satisfactory. Chairman Searcy assured him that there would be continued efforts to ensure the information is accurate and responded to.

5. NEW BUSINESS

a. Americans with Disabilities Act (ADA) Compliance for Boating Facilities

Mr. Wisniewski informed the Commission that Mr. Chesler would provide a brief report on this agenda item today and staff would provide a more extensive report for the May meeting. Mr. Chesler stated that Beaches and Harbors' staff has participated, along with staff from the Department of Public Works' (DPW) Building and Safety Division, in several training sessions conducted by the Department of Boating and Waterways and the State architect's office. Staff has requested DPW to prepare a report on how the ADA would apply to the boating facilities as a way of updating the Commission and the lessees on the development requirements. Mr. Chesler introduced Mr. Ken Slu, the Department's ADA Coordinator, to the Commission. Mr. Chesler said that Mr. Slu represented the Department at the recent workshop in Sacramento and would be developing a report with DPW for the May Commission meeting.

Chairman Searcy opened the floor to public comment:

Mr. John Davis stated, "In regard to ADA compliance, what we have to understand is what process does the ADA rule emanate from. First of all, we're currently operating under the "Minimum Standards of Designs and Architecture" in Marina del Rey for small boat slips. Those recommendations are directly mirrored by the current requirements of the Department of Boating and Waterways. The way that a rule is adopted by the Department of Justice, which codifies ADA requirements for docks is as follows: after a long period of time with input from agencies all around the United States and by people of the United States, guidelines are established for ADA access to docks in the United States. ADA is national. It's not state specific. Now, I've spoken to the Department of Boating and Waterways very recently. They said that, of course, guidelines have been adopted by the ADA. You can find them on the ADA website, however, a guideline is just that, it's not a rule that is codified. The Department of Beaches and Harbors, nor any other entity in the United States, until a rule is adopted, must follow any type of rules because where we are, I believe, is that the guidelines have been adopted, but the Department of Justice must make a rule to adopt those guidelines and, until the Department of Justice of the United States makes that rule, we have nothing but guidelines. We do not have a rule. There is nothing being forced upon the County regarding ADA compliance. Now, of course we all want to see ADA compliance. Everyone wants disabled folks to have equal access to the coastal zone. It's law. We have no choice around that, but what has happened is the County of Los Angeles has agreed with lessees in the course of development of Marina del Rey that they must comply with ADA rules. That necessitates the reduction of small boat slips, which ends up placing boater parking, a protected marine support facility, in a non-priority situation. Here's my question to the Director and to the specialist and to the planner for Marina del Rey, then I will close. Why would the County of Los Angeles agree with lessees that they must implement an ADA rule that necessitates the reduction of small boat slips before that rule is codified and adopted by the Department of Justice? How can you do that? There is no rule. There is no requirement to reduce small boat slips to comply with the guideline. That's my specific question to the specialist. Has the rule been adopted and if it has not been, why is the County required to follow a guideline?"

Chairman Searcy said there is no written report on Agenda Item 5a--Americans with Disabilities, since the item is for discussion only. He requested staff to include a response to Mr. Davis' questions in the written report staff is submitting to the Commission. Vice-Chairperson Stevens expressed her concern that a contentious point is being created between the small boaters and the handicapped and she doesn't want to see that happen. She requested that staff consider both entities when developing its report so there will be fairness to both groups. Chairman Searcy said the report he anticipates receiving is one that is neutral, fair, and speaks to the existence and status of the law.

b. <u>Contract for Marina del Rey Water Bus Service</u>

Mr. Wisniewski pointed out street locations and various areas in the Marina on an enlarged "Marina del Rey Asset Management Strategy Land Use Designation and Development Zone Map." He said that last summer there was a water bus-type service that operated on a relatively limited basis in the Marina. The Department has decided to proceed with expanding the concept because the pilot project was well received by the general public. Mr. Wisniewski

informed the Commission that the Contract for Marina del Rey Water Bus Service is funded by a Productivity Commission loan that was received by the Department. He said the Department submitted an application to the Coastal Conservancy, which has tentatively indicated a willingness to support a grant for the program, but there are some conditions. The Coastal Conservancy would like the Department to try to use an electric powered vessel, which the Department doesn't yet have. There are efforts underway to purchase an electric powered vessel with a gas assist and this may be a subsequent phase of the program, perhaps, even inserting it as one of the boats in the Memorial Day to Labor Day period.

Mr. Wisniewski informed the Commissioners that the contract is not for an electric powered boat. He said the contractor was chosen from three proposers. The water bus sites are Fisherman's Village, Chace Park, and a small dock facility at Mother's Beach. Staff is also working with the Fire Department to share its dock at Parcel 129. The water bus service is intended to operate with some advertising of the availability of a waterfront walk in Marina del Rey that would extend from Mothers Beach to, approximately, Tony P's Restaurant. The water bus was set up as a clockwise and counterclockwise system. Mr. Wisniewski said he was impressed with the bus system that operates from the Sacramento airport to the University of California at Davis. This system runs clockwise and counterclockwise and the service is maximized from the Sacramento airport to a number of points between the university and the airport. In keeping with that service, the contractor was informed that the service is limited to a $1.00 per person charge. Once a person boards the water bus, he/she can go to any one of the other water taxi stations for just $1.00 and return for $1.00 more.

Mr. Wisniewski continued, stating that the water bus is a good opportunity to promote use of the waterfront promenade, which is an element of the Asset Management Stragegy in trying to redevelop Marina del Rey and get people out on the waterfront. Mr. Wisniewski said there is also a desire to get people out on the water. This is probably the least expensive water experience a person can have. He informed the Commissioners that the contract is for Memorial Day through Labor Day, and will operate from 5:00 pm to 10pm on Fridays and 10am to 10pm on weekends and holidays. The Department anticipates that the water bus frequency will be from 20-30 minutes. The contractor is required to have a boat operator and an operator's assistant. There is also a requirement that the contractor provide an employee dockside at each of the four water bus sites to keep the people on the bulkhead until the water bus arrives. He said the evaluation committee was comprised of a Harbor Patrol staff member, who has supported and recommended this concept. Additionally, the Fire Department reviewed the contract and supports it. Beaches and Harbors intends to have an operational meeting with the Fire Department and the contractor to ensure that everyone will communicate properly if an emergency occurs.

Chief Buck Buchanan introduced himself and said he is a Battalion Chief for the Los Angeles County Fire Department. He informed the Commission that part of his responsibility on a 24-hour shift basis is the Marina del Rey area. Chief Buchanan's assignment to the Marina was effective April 1. As Fire Captain, Chief Buchanan said he spent 15 years working in Battalion 1, which encompasses the Marina, and 15 years in the city of West Hollywood as an engineer and Fire Captain. He said Assistant Fire Chief, Reggie Lee, and Deputy Fire Chief, Paul Schuster, asked him to represent the interest of the Fire Department at today's meeting.

Chief Buchanan stated that he reviewed the material submitted by staff and spoke to personnel at Fire Station 110. The Fire Department is interested in being involved with the community and the public and being a good neighbor and citizen. He said the Fire Department's primary concern is to be able to provide prompt life safety, EMS, and fire service when called upon. As described in some of the documents, staff reviewed, did a site survey, and identified certain hazards of wires, cables and other types of things that Beaches and Harbors will take care of and mitigate. Chief Buchanan said the Fire Department also had concern relative to people using the services, perhaps, loitering or inadvertently trespassing through the Fire Department's property. The Fire Department received Beaches and Harbors' assurance that appropriate signage would be posted indicating that the dock is not a thoroughfare. The Fire Department was also informed that land based attendants would control the people boarding the boat and ensure an orderly flow. As long as these areas are addressed and maintained, Chief Buchanan said he doesn't see that there will be a problem.

Chairman Searcy asked whether the water bus, as written under the current contract, would be an impediment to the delivery of the fire services. Chief Buchanan asked Chairman Searcy whether he is asking if there is a potential for an impediment. Chairman Searcy responded that he means "as constituted, as outlined with the signage, with removal of these types of wires, with the program as outlined to you, do you see it as something that should not impair the ability of the Fire Department to respond if the things are done that people say they are going to do?" Chairman Searcy also asked staff, "In the event that the Chief finds out that this is a problem and he wants you to get that stuff out of the way and get it out of there, how do we yank that location? Do we have that ability under this contract?" Mr. Wisniewski responded, "If the Fire Department indicates there is any problem with this pilot program that's operating, we would immediately cease using that station." He added that "immediately" means, "as soon as we receive notice."

Chief Buchanan said he is hoping there will be ongoing discussion. He will encourage meetings with the contractor, Mr. Lawrence, as well as Beaches and Harbors and Fire Department staff so that there can be a win-win situation. If all of the proposed items take place and the contractor's staff is well trained, and there is communication so that glitches can be resolved, Chief Buchanan said, he doesn't see it as a major deal. Chairman Searcy extended the Commission's full support and told Chief Buchanan to let the Commission know if there are any issues or problems he believes haven't been resolved. Chief Buchanan said the primary mission is for the station to provide fire and EMS services to residents and citizens of the area and to the extent that this is done without being inhibited by the proposal, things should work out.

Vice-Chairperson Stevens said that she recalls reading in the, she believes, February 12 meeting minutes, that a slip was allocated to Dolphin Marina for transportation purposes. She asked staff for clarification. Mr. Wisniewski responded that as the Department negotiates new leases in Marina del Rey, it intends to ensure there is capability for a water bus station so that all the end of the mole roads in the Marina would be served. He said that Vice-Chairperson Stevens is referring to the Dolphin Marina lease amendment, which was approved by the Board and provides for a water bus station at Parcel 18. It is the Department's intent to establish water bus stations at the end of all of the mole roads so there can be clockwise and counterclockwise

service. The slip at Parcel 18 will not be activated at this point in time, but is reserved so it can be activated in the future.

Chairman Searcy opened the floor to public comment:

Mr. Davis said, "There are some serious issues here. Thank you Mr. Chairman for stating the County's duty and diligence in considering environmental issues regarding coastal development permits. I suppose that's right some of the time, but in this case, the Director is attempting to use a leasing process to replace the coastal development process in the State of California. The waters of the United States in Marina del Rey are under the exclusive jurisdiction of the California Coastal Commission. This constitutes development in the coastal zone, which is defined in the Coastal Act as placing solid objects in the coastal zone. If this vessel is not a solid object, I can't imagine what it is. You can touch it. It takes up volume and it has mass, therefore, it is a solid object in the coastal zone. The County does not have any jurisdiction whatsoever over coastal development permits on the waterside of Marina del Rey. Indeed, I believe they do not have any jurisdiction over the landside either. So, I must tell you that I'm afraid the Director is absolutely misleading this Commission and I believe that the planning staff is doing an abysmal job in this case by opening up the County to yet further liability. You cannot place a vessel out here without getting a coastal development permit. The review of the LCP will show that this is the case, so should you decide to recommend to the Board of Supervisors that they violate the Coastal Act by placing this vessel in waters of the United States not under the jurisdiction of the County of Los Angeles you will incur yet another huge liability upon the people of this County because I am sure this will entail litigation."

Mr. Davis stated, "This lease that is not a coastal development permit is not exempt from CEQA. The LCP is illegal due to the fact that Marina del Rey is excluded from the coastal zone, both on the land and sea side. This is inconsistent with the Coastal Management Zone Act of 1972, the Coastal Act of 1976. It's not compliant with CEQA. It's not compliant with the Clean Air Act, the Clean Water Act and it certainly is not compliant with easements and rights of ways granted to the United States in 1958 for Marina del Rey by the County of Los Angeles. The purpose of this water taxi is to try to take the public's attention away from the fact that we have the right to access the sea around the entire bulkhead of Marina del Rey. This is a simple attempt to replace bicycle and pedestrian access around the entire bulkhead of the Marina by simply running people across the sea. We require that this Commission open up all access to the sea via the bulkheads. I don't believe this lease went to public bid even though it's more or less a ridiculous waste of the taxpayer's money, yet again to have gone through this process and paid people to put such a incompetent proposal before this Board."

Mr. Davis continued, "I wonder if the moorage is zoned for a business. If it's not zoned for a business, this would constitute a threat to violate the Coastal Act, which can be enforced by the Chief Enforcement Officer of the Coastal Commission. I wonder if the moorage would replace private boat slips. I do not see that anything has been considered requiring clean water or clean air ramifications of this issue. While I do support, believe it or not, a project such as this, it must be approved by the Coastal Commission. You cannot do this. It is just impermissible. It needs to stop right here and should this Commission knowingly and willingly allow a lease to replace the coastal development permit, I guess you'll incur the responsibility of that. In closing, I do believe it would be a nice amenity to allow people that do not have boats access to the coastal

zone, however, it's not proper to put this in the hands of a lessee or business. You cannot lease waters of the United States out. You just can't do that, especially not without a coastal development permit. So, I would like to see full access to the bulkhead be for pedestrian and bicycle access that goes around the entire Marina and trying to force people to accept this as the only solution. Other alternatives have not been considered, the types of boats have not been discussed, etc."

In conclusion, Mr. Davis stated, "I recommend that you deny this request flat and if the County wishes to conduct such a water taxi, they must go before the California Coastal Commission and request a coastal development permit and in the course of conducting a mandatory review of Marina del Rey required by the Coastal Act, as part of the consent decree with the non-profit organization, the Marina del Rey review process by the State, with full participation by all of the citizens who paid for this Marina and are supposed to benefit from it, then, and only then, should this type of alternative be considered. It is simply an attempt to replace access to the coastal zone by pedestrian and bicycle access with a boat that certainly kicks out additional pollution into Marina del Rey and is ran by a business. Please deny this immediately. Take it up with the Coastal Commission. Ask them for a coastal development permit. Go through the process. Don't let the lease process replace the coastal development process. Most certainly I will report this to the Coastal Commission."

Mr. Alan Martin said "I'm not necessarily opposed to the water taxi, but I am opposed to utilizing Parcel 129, the fire dock. I see it to be a safety issue. With all the Fire Departments that we have in the city, I don't see one bus stop at their front door. This is no different. This is nothing more than a bus stop at their back door. For the Marina, it's very important to have the safety access for the Fire Department and the Sheriff's Department in case of an emergency. This will do nothing but block that entrance and there are other places that they can use."

Mr. Bob Leslie, past president of the Marina del Rey Chamber of Commerce, said, "I believe it was the Chamber of Commerce that originally brought up the concept of a water taxi in Marina del Rey. The idea was to move people from the Westside of the Marina to the Eastside of the Marina so they could do their shopping, whatever. The concept was to mitigate the traffic problems that we have. It made sense. This concept that I have seen today, have heard, leaves something to be desired and I think it is doomed for failure, I really do. One, I'm surprised that there isn't a dock at the Marina del Rey Hotel. There should be for those people who come in. You've taken care of the two hotels by having a dock at the Mothers Beach area. That also takes care of the Marriott Hotel. I don't see a dock being utilized for the Ritz-Carlton Hotel. For Stan to say that he wants to create a walkway from Mothers Beach to the firehouse, I think, is idiotic from the standpoint of a tourist. You're gonna walk them through a fenced area, all in front of the Marina City Club. Is this the idea that you want to present to the general public? Do you want them to look at Marina del Rey through bars? Think about it. It doesn't make sense. Likewise, the type of boat being used. Would you, as a visitor to Marina del Rey, want to step aboard a 57' workboat to view this Marina? Now, Channel Island has done a marvelous job with their water taxi service. They have cute little boats that run all over Channel Island. Why don't we do something like that here instead of utilizing a 57' workboat?"

Vice-Chairperson Stevens asked Mr. Leslie, "What is a workboat?" Mr. Leslie responded, "If you read the description of the boat that's being used... one of the captains has been the

captain of the Miss Christi, a 60 passenger, 57' crewboat, running cargo and passengers from Marina del Rey to Catalina Island." Vice-Chairperson Stevens asked whether there are seats for people on a workboat. Mr. Leslie responded that he's sure there's a place to sit if the workboat takes passengers from Marina del Rey to Catalina Island, but it's certainly not like the water taxis running from Los Angeles Harbor in San Pedro to Catalina Island.

Mr. Leslie asked, "Why are we using big boats in the 50'-60' range in lieu of the smaller boats that can maneuver a little faster, maneuver a little easier? This whole concept just appears to me to need more study by people involved in the boating industry."

Commissioner Crail said he thinks it would be a good idea to have the water bus dock at the hotels and restaurants as a way of encouraging public participation rather than the Fire Department, which would discourage that. He asked whether the Department has considered this possibility. Mr. Wisniewski responded that the Department explored this idea. As future phases go forward, the Department will negotiate access where it can. There aren't any other slips in the area of the Fire Department that can be used as an alternate for a dock in that area, which is at the eastern end of a section of the promenade the Department wants to open up. He said that the fire dock serves a number of restaurants that are in that area and the walkway that will be between Mothers Beach. There is a walkway that can be walked on now. The Department is encouraging the public to use the walkway and is ensuring that the public is aware of its existence because far too few people are aware of it.

Commissioner Crail asked whether the Department spoke to the Marina City Club. Mr. Wisniewski responded that there isn't access to a slip at that location. The Department asked the California Yacht Club if it would be interested in providing an end tie slip. He said he realized that's a difficult request for the Yacht Club to accommodate because it is a private yacht club with security issues and he expected the response he received from the Yacht Club. Mr. Wisniewski said there were also discussions with the Ritz-Carlton, but nothing worked out. He reiterated that the water bus service is a pilot program. The boats that are used are those that the contractor will provide. He explained that the Department does not have the luxury of identifying exactly the boat it wants because no one on a pilot basis is going to invest in a vessel that would be for a program that may end after the pilot program. Mr. Wisniewski said the Department is in discussions with the California Coastal Conservancy. The contractor went to Florida to look at an electric powered boat and this boat might be used in the pilot program.

Chairman Searcy asked the boat's size. Mr. Chesler responded that the proposed vessel is "38' overall length with a 10' beam." Mr. Wisniewski said the Department is not committing to that, but, is pursuing it because it has the advantage of being electric powered with a gas-powered assist. As the Department proceeds, there will be refinements, but ultimately, a water bus system will be embraced by the visitors and the community, as the Department witnessed last summer. He said, "To deny the public, the other ten million people that we serve, access to the water for inexpensive recreation, I think would be a disservice to the public."

Mr. Leslie said, "The Hornblower has a 38', I think it's a 38' boat, I call The African Queen style, which would be a lot more appropriate than a workboat. Commissioner Stevens, you were right about the request for a dock at Dolphin. The way that was originally written, it would have mandated that that slip be set aside permanently for this water taxi service. In conversations

with Supervisor Knabe, we got that changed so it would be available if a water taxi service exists." Mr. Leslie concluded by stating, "To me, there hasn't been adequate study to this whole subject."

Mr. Donald Klein, president of Coalition to Save the Marina, said, "We support Mr. Leslie's position on this and I think he's very well informed on this particular issue. Also, I have some questions. I'm a little confused with the water taxi. Are these two separate programs, a water bus and a water taxi?" Mr. Wisniewski responded that it is the same thing. The service is referred to as a water bus on the Board letter and Commission agenda. Chairman Searcy said the names are used interchangeably and there isn't an intention to create a new program. Mr. Klein said "So, there's no additional slips that are gonna be removed for the purpose of this, okay. Again, I think this is a very good example of why not the public was informed about this and had some input on this before RFPs and all of these other things came about."

Chairman Searcy reiterated that the water bus service is a pilot program that will operate from approximately May 16 – Sept. 1, 2003.

Mr. John Ames, a boat owner, introduced himself. Relative to the Contract for Marina Water Bus Service Board letter, Mr. Ames said, "On page 3, it states that two boats will be used simultaneously, one operating counterclockwise and one clockwise, I guess it is. And on the respondent's form P-1, which is the response to the RFP, it contains the contractor's statement that the service will indeed require two boats. On form P-2 of the RFP, the respondent names the two boats as Miss Christi and the Shoreliner. Miss Christi being, I believe, a 48' boat and the Shoreliner being a 60' boat." Someone from the audience informed Mr. Ames that the boat is 65 feet. Mr Ames continues, "It's even bigger. It's a 65' boat and a 48' boat and yet at form P-2.1, where it talks about the workplan under vehicle supplies and materials, the contractor states that the Shoreliner is only to be used as a backup boat in the event that one of the primary boats is down, or in the alternative, there is a need for a higher capacity vessel. Are there two boats running simultaneously clockwise and counterclockwise? Are there two primary boats, which is the Shoreliner and the Miss Christi, or is the Shoreliner a backup boat and, therefore, not a primary boat, and are we only using one boat? I don't know, I'm a little lost there." Mr. Chesler responded, "The understanding we have from the contractor is that they will primarily be using the Miss Christi in service as well as a smaller boat yet to be identified. There are other boats in the Marina, including one that was referenced earlier, the Just for Fun boat, which is operated by the Hornblower, that could be placed in service, which is of the 40' range." Chairman Searcy questioned, "So the specific answer: there will be two boats with a backup, there will be two boats working and operating simultaneously in different directions." Mr. Chesler said, "Yes. That's correct. The contractor's intent is that the Shoreliner will only be used in a backup position."

Mr. Ames said, "That certainly clarifies it. Believe me, I thank you for that. Unfortunately, that will make the response to the RFP defective as this point before it goes to the Board of Supervisors and the letter from Mr. Wisniewski defective as well because it states to the Board of Supervisors that the two are going to be used concurrently. I'm not your counsel, but I suggest that you try to get that straightened out."

Mr. Ames asked, "Does anyone know how wide, what the beam of the Miss Christi is? It should be like 15 feet." Mr. Chesler responded, "The operator has reported that the beam of the Miss Christi is 16 feet, 4 inches." Mr. Ames asked, "How about the Shoreliner?" Mr. Chesler responded, "The Shoreliner is an 18' beam." Mr. Ames said, "I had it down as 15' or 17', but, I have a much smaller boat than that believe me. I had someone go out and measure the distance between the outer edge of the fire dock and the inner edge of the CYC dock this morning about a few hours ago now and its 35 feet. Now, this is curious to me because on the CYC side of the dock there's a vessel whose beam is 17' so if you take 17' from 35' you only have 18' of usable area in which to bring these docks in. Now, at over 15' and almost 18' that's gonna be a pretty tight squeeze getting in there for these vessels to come in and out. And, another thing that concerns me is that most of you know who've been down here for a long time the prevailing winds are from the sea coming in and I would be very, if I was the owner of the boat that was next to this landing vessel with only one and three feet about, respectively, for maneuvering, I would be very concerned that on windy days here I would be getting my boat damaged, which would open the operator, and obviously the County of Los Angeles, up to litigation. So, again, I'm a boat owner. I'm no where near this area, but it's something that I've noticed just going through these few pages."

Mr. Ames continued, "The other thing I noticed, and this I do because I have a number of clients with ADA compliance, I noticed that the boats, as talked about in here, are ADA compliant. There was a whole paragraph in there that the respondent said 'yes we're ADA compliant,' but I notice that there's no provisions in the contract or the RFP for ADA compliance. Now, while ADA is not, in point of fact, a national issue, the State of California has handicapped requirements. Now those handicapped requirements that require for personal use for commercial enterprise, it looks on County facilities, County property, that the handicapped be guaranteed access to that. Now, if you look at the difference between the level that the fire station sits on and the dock, at high and low water tide, it's between 6' and 8' in difference, depending upon obviously the season, the gravitational pull of the moon and things like that. At an 8' drop, it would require 96' of handicapped ramp to make this dock handicapped accessible under California State law. At 6 feet, it would require 72 feet of ramp. Now, another interesting thing, and, oh, by the way, that's calculated, for the record, as one inch per every 12 inches of rise. I'm a little concerned about that, and those issues, just after a cursory review of this thing, are the issues I wanted to bring up to the Commission. How you handle them, believe me, is completely up to you. I'm a boat owner, but I'm no where near that area." Chairman Searcy thanked Mr. Ames and said, "You've raised some very interesting points. I saw staff taking some notes and I'm sure they're going to take a look at some of these things."

Mr. George Edder, a boat owner near the fire dock, said, "Yes, there will be a lot of noise. Yes, there will be a lot of people. That is a concern of mine, but nowhere near the concern to a response time of the Fire Department in preserving life and property in the Marina. You must look at that condition and deny the fire dock as use for this taxi stuff."

Mr. Steve Weinman said, "I would speak to the public participation issue that we brought up numerous times. The process that we've gone through to get to this point on the water taxi, i.e., water bus, I don't believe there's been enough public participation or allowance for public participation prior to this point or we wouldn't be having the issues brought up today we could have resolved earlier. Again, it appears that the word is not getting out. I understand that

you're trying and we're learning and we're finding out more about how the County does this and will continue to try to do so. We would only ask that the County maybe work with us to get the word out. I know that the lessees were advised or requested to put the word out about projects. I haven't seen it."

Mr. Tony Palermo, Tony P's Dockside Grill, said, "You can understand that I'm in favor of it due to the fact that it's right next door to where our restaurant is located, but not only from a selfish standpoint. I think that the Convention and Visitors Bureau and everybody has tried to get the waterfront walk together and I think we're getting closer than we ever have been. One of the main things that we have for tourists is that they have to do something when they come down here. If you have a stop at Mothers Beach, being able to walk along the waterway to get to another stop is a great afternoon. I think the main problem is that people come to the Marina and don't have anything to do. It's one thing to have tourism, but we have to have things to do once you get here. As far as the Fire Department issues, I think the fact that they're gonna have somebody on the dock constantly, they're not gonna allow problems with people gathering in different spots. The hours aren't really that long, from 5 pm to 10pm, they're done at 10 o'clock at night....I think from an apartment standpoint, if you could park your car on Friday and get back in your car on Monday morning, it's a beautiful thing. It's unheard of. We might have a little hiccups, a little bumps, but I think it's a foot in the right direction."

Mr. David Levine said he is at today's meeting as president of the Marina del Rey Lessees Association and as a member of the Visitors and Convention Bureau. Mr. Levine said he wanted to convey, "on a conceptual basis, both of the organizations which I represent are strongly in support of the concept of a water bus. It provides an important amenity to both visitors and residents. By visitors, I mean not only tourists, but also people from throughout Los Angeles County who want to come and recreate here in Marina del Rey. It provides an important public benefit and I do believe it's visitor serving so it seems to me that the Department ought to be applauded for making the effort to make Marina del Rey more accessible to the people of the County of Los Angeles. I hope that the technical issues that have been raised here can be resolved and we can provide this service and public benefit as quickly as possible. I do note that it's presented as a pilot project and it seems to me if there are safety issues that come up in real life, the Fire Department is not shy about making safety an immediate and complete priority."

Ms. Beverly Moore, Executive Director for the Marina del Rey Convention and Visitors Bureau, said, "Thank you for this wonderful, open public process so we can all express our views. In fact, the Visitors Bureau is thrilled that the County is making this kind of effort to make it easier for the public to get out on the water. That's what all of this is about. We want folks to be able to get out on the water. It makes us happy to know that you recognize making the Marina's waters more accessible to families and all other folks so that they too can feel what it's like to have a boating experience no matter how modest it might be. Visitors also will enjoy this fun activity and they'll be able to move from one part of the community to another part of the community and hopefully along the way, frankly, we hope they'll leave a few dollars behind in our local businesses rather than someone else's. But, please make sure that that shuttle stops at least at the fire dock area. It's a convenient area. It's a safe area. It's along the waterfront and it's very convenient to the rest of the commercial areas in that part of the community. So, hopefully, some of these water bus riders will support those local businesses too."

Vice-Chairperson Stevens expressed her support of the water bus service and said it will be neat and great and she's very much in favor of it. She said the pilot water bus service was highly successful and she expects the same of the current project. Vice-Chairperson Stevens referenced one speaker's opposition to having a "bus stop" at the fire station. She said, "The fire station's vehicles exit away from the water onto Admiralty, not to the water. I presume we have fire boats. I assume that the Fire Department would not let us use any portion of their docks that they need for their fire boats, so I don't think there is a matter of security involved there."

Relative to John Davis' earlier statements about the ownership of the waters, Vice-Chairperson Stevens requested that staff provide a written report on this matter and have the issue agendized for the May meeting. She said she's tired of hearing these questions and not knowing the answers herself. Vice-Chairperson Stevens expressed her desire to know if something is being done incorrectly so that it can be changed, or, if something is not being done incorrectly, leave it alone. Chairman Searcy asked Rick Weiss whether he could provide the information in May. Mr. Weiss responded that it should be enough time; if additional time is needed, he'll inform Mr. Wisniewski and ask for an additional month to complete the report. Mr. Weiss added, "I have certainly also heard Mr. Davis at the last several meetings and we do not agree with his assessment of any impropriety of the operation of services in the Marina. He's certainly correct that the Coastal Commission has jurisdiction to issue coastal development permits over the water, but to claim that apartment, hotel uses, County's use of the waters in the Marina, is illegal and contrary to federal rights, we simply disagree with." Chairman Searcy said he would like this information included in a written report and include the particular statutes, codes, etc. that grant the County jurisdictional authority. He requested that the Commissioners be given the report prior to the meeting so that members can review it and that copies be made available for the public at the meeting.

Commissioner Law asked Mr. Weiss, to the best of his knowledge, whether, "we are within our authority to do this contract?" Mr. Weiss responded, "The contract specifically provides that a determination is going to be made as to whether or not a coastal development permit is necessary and provides that in the event that one is necessary and can't be obtained, the contract is not going to go forward." Commissioner Law expressed his enthusiasm for the project and said, "I think, at this point, as the Director indicated, it is imperfect, but it will provide increased public access to the waterways, which is a goal I think we all share, and it remains a demonstration project. As we learn from the last demonstration, we will learn more from this demonstration. I hope in the final analysis, we get to a point that...it is an ideal system, but we have to learn to walk, for all kinds of reasons, before we can run, and I support this strongly."

Commissioner Lesser said valid points were made by members of the public. He expressed his strong support for the project. Commissioner Lesser said he noticed staff taking notes on questions that were raised and he assumes that all these things will be answered to the affirmative before proceeding with the project. Mr. Wisniewski said the Department will ensure that it is proceeding legally and in compliance with all applicable laws. The Department will work very, very carefully with the Fire Department and ensure that it is responsive to the Fire Department's issues and that Beaches and Harbors remain responsive on an ongoing basis. Mr. Wisniewski said he has committed to Chief Buchanan in the event "at anytime we cannot

comply and he sees a hiccup that has an impact on public safety, we will withdraw the service immediately."

Commissioner Law moved and Vice-Chairperson Stevens seconded a motion to approve the Contract for Marina del Rey Water Bus Service. The motion passed with Chairman Searcy, Vice-Chairperson Stevens, Commissioner Law and Commissioner Lesser voting in favor. Commissioner Crail abstained.

c. Approve the Release of Request for Proposals for Development of Hotel and/or Other Uses on Parcels GR, IR and NR in Marina del Rey

Mr. Wisniewski informed the Commission that this item is an RFP that solicits development proposals for a hotel and/or other uses on Parcels NR, which is a current County parking lot that primarily serves Mothers Beach; Parcel IR, which is a parking lot that primarily serves Mothers Beach; and Parcel GR, which is a parking lot that primarily serves Mothers Beach. He said that potential developments could also merge with adjacent leaseholds. The Harbor House lessee was approached by two developers to develop his parcel along with Parcel NR. The Department would consider a mixed use project there, something like retail on the bottom and residential above. The Department is looking for hotel or motel proposals on Parcels GR and IR and has two interested developers for Parcel IR. The Department wants to encourage as much participation in the RFP as possible to supplement the four prospective developers the Department anticipates would be submitting proposals.

Chairman Searcy opened the floor to public comment:

Mr. John Davis said, "We see the County of Los Angeles giving an unconstitutional gift of public funds to private lessees by even putting any money into the consideration of these RFPs. These County parking lots, many of them, can be utilized by people attempting to access the coastal zone in Venice. In fact, the Coastal Commission recommended that signage be placed on Lincoln Blvd. and in other obvious places so that people can come and utilize these parking lots that are purposely underused and underadvertised by the County in order to keep them vacant and claim that vacancies exist because there's no public use. We can get people to use this parking if we put signs out and use a shuttle bus between the parking lots and Venice Beach. I live in Venice Beach and there is a tremendous lack of parking. This must be considered and it is not in this RFP. Furthermore, it is absolutely irresponsible of the staff of the Department of Beaches and Harbors to extend public funds to create these RFPs without first contacting the Department of Public Works. The excuse is made that the Department will create all of these RFPs and then they will be considered by Regional Planning. Well, the fact is, if the staff went directly to the Department of Public Works, Watershed Management Division, Environmental Section, to determine the former industrial uses of these sites the Department would not expend the money of the taxpayers because it would be easily seen that the soils and groundwaters at these sites are extremely contaminated by former industrial uses at the Channel Gateway Apartments. The groundwater is shown by File 16 of the Regional Water Quality Board as having a number of contaminants migrating from the groundwater at the Channel Gateway site into Marina del Rey. This is in the files. Furthermore, the County knows full well this is the site of two former oil refineries and a former sewage plant shown on County

maps. In addition, it's practically adjacent to a former County landfill which is directly under the Marriott hotel."

Mr. Davis said, "The County cannot develop these sites. They are unmitigatable. You cannot mitigate for the contaminated soil. You cannot mitigate for the groundwater and we're expending a whole lot of my taxpayer money, and that of others, to put forward RFPs that will never see the light of day after environmental review. Staff should immediately contact the correct division of the Watershed Management Department before another dime is expended by this Department to promote these ridiculous proposals. Of course, these parking lots are also encumbered by easements and rights of way granted to the United States by the County of Los Angeles in 1958 and I will provide that information to the staff attorney so he can evaluate whether these RFPs will indeed violate and inhibit those rights of way. The RFPs threaten to violate State lease laws by not allowing the opening of these parcels to public bid or even consideration for other uses. Perhaps, there are other uses, like open space and park space to which these parcels can be better utilized. In fact, Parcel FF is designated as open space and there's a parking lot there. We should remove that parking at Parcel FF, turn it into a park, use it for open space and maintain the other parking. The RFP threatens to violate provisions of the coastal act by threatening to change zoning in the Local Coastal Program without first gaining approvals by the California Coastal Commission."

Mr. Davis continued, "Marina del Rey is still under bond indenture and prohibits these RFPs. Furthermore, Marina del Rey was funded under laws loaning the County $2 million from State tide lands funds in 1953, therefore, these RFPs are again illegal because these are public trust lands of the United States. The RFPs violate imminent domain laws that were used to take land from private corporations to put them into a very important public service. The Director proposes to put them into private hands by giving monetary control over these public trust lands to private companies. This is an unconstitutional gift of public money or resources to private individuals under the California State Constitution. This RFP will remove parking that is dedicated to access to the sea and replace it with a nonaccess purpose. You cannot take access to the sea away without providing it someplace else, yet the Director again proposes to do just that. The Visitors Center is a historic structure and we will ask that it be maintained by the State in its present state. Approving these RFPs will clearly prejudice the Coastal Commission's ability to review these local coastal programs under the Coastal Act and the review is now going and it must be concluded within a year with participation by the County with public workshops. Those public workshops should occur so that the public... and they should occur at night, and at many times so that everyone in the coastal area here can comment on those uses of those parking lots. Perhaps, the public feels that these parking lots should be used for parking and if they're underutilized we have a very large lack of open space in Marina del Rey that is required by easements and rights of ways granted to the United States. These parking lots, if they're underutilized, could most certainly be used as open space. We could have a park. We could have a campground. These are straight out of House Document 389 of the '84 Congress. We could have a campground. We could have open space and parks. We could have landscaping and we could have habitat established and these need to be considered. In closing, I would say again, by not considering the former industrial uses prior to issuing these RFPs, it's an insult to the public's intelligence and we will not stand for this giveaway for one moment longer."

Commissioner Crail moved and Commissioner Lesser seconded a motion to approve the Release of Requests for Proposals for Development of Hotel and/or Other Uses on Parcels GR, IR and NR in Marina del Rey. The motion passed unanimously.

Commissioner Lesser said, "I wish to admit a major error in judgment; that is allowing the ceding of time. That was my motion as a substitute motion to Commissioner Law's, who showed far more wisdom than I in this case." Commissioner Lesser explained he made the substitute motion because, "I thought it would encourage, on rare occasions, people to cede time to explain a complex issue. Instead, it has resulted in people abusing their time and stating the same thing over and over and over again. Therefore, I would like to make a motion to revert back to the longstanding position of the Commission to limit speakers to three minutes."

Chairman Searcy requested Mr. Weiss' opinion on the subject. Mr. Weiss responded that when the matter came up at the March meeting, it was in the context of organizing the business for that particular day and did not require a formal motion. The Commission's rules are silent regarding whether or not the ceding of time is authorized. He said that as a matter of controlling the agenda on any given day, the Chair has the authority. For the Commission to make a motion to amend the rules to specifically prohibit the ceding of time is unnececessary since the rules don't authorize or prohibit it. Mr. Weiss informed the Commissioners that they can agendize the issue of changing the Commission's rules if they wish to change the rules. If they want to conduct business for the purposes of today, the Commissioners can decide for today's purposes not to cede time.

Mr. Weiss said that, as he advised the Commission in March, the Commission is free to allow the ceding of time or not allow it. The rules provide that people be given the opportunity to speak for a minimum of three minutes. The three minutes could be the minimum or the maximum. The Commission is not required to cede time. Chairman Searcy said, for clarity purposes, he doesn't want the ceding of time to be on a case-by-case basis. He asked Mr. Weiss whether the Commission needs to agendize the issue for next month or should Commissioner Lesser make a formal motion today. Mr. Weiss responded that if the Commission would like an ongoing rule on the matter, it should be agendized for future action. Chairman Searcy asked Commissioner Lesser whether he wished the matter to be agendized. Commissioner Lesser responded that he would like the issue to be agendized. Chairman Searcy requested Mr. Wisniewski to agendize the item for the May meeting, at which time the Commission would receive public input. Commissioner Lesser said he "feels it's ashamed that we tried to do something nice and it's being totally abused, and that's my concern." Chairman Searcy said "for the remainder of today's meeting, people have three minutes. There will be no more ceding of time."

Commissioner Law asked whether the three minute rule is in effect since the rule was changed at the March meeting without being agendized, without public comment, or notification. Chairman Searcy responded, "This will probably be a distinction without a difference because, as Chair, I'm going to take the prerogative and require that it be agendized because I want the public to know. In the past, I will state for this meeting, I have tried to be very patient. Even when we had the three minute rule, I let people go four minutes, five minutes, but, apparently, it didn't work out." Chairman Searcy emphasized that he wants the issue agendized for the May meeting so that, if the rule is changed, the public will know.

d. Approval of Lease Amendment No. 1 to Lease No. 73713 – Parcel 103T – Oakwood Garden Apartments—Marina del Rey

Mr. Moliere informed the Commission that one of the conditions for the new leases is that all of the bargained-for-work be completed, otherwise, there may be a reversion of the additional term granted. The Oakwood Apartments performed all of the work ahead of schedule, except for 20 units, which has tenants who have lived there since the building's inception. Oakwood's management is reluctant, as is the County, to require the tenants to move in order to reconstruct the units. The Department is proposing an amendment requiring the lessee to place into escrow 125% of the funds needed to complete the work. As tenants move, the work will be completed and the funds released to the lessee. In exchange, the condition will be waived because the lessee has, in fact, completed the work except for these issues.

Before opening the floor to public comment, Chairman Searcy summarized that the action before the Commission is to approve the lease amendment, which requires the lessee to place in escrow 125% of the funds that are needed to complete building renovations. So as not to displace or relocate tenants, the renovations would not be done until after tenants have moved.

Chairman Searcy opened the floor to public comment:

Mr. John Davis said, "Someone was going to cede their time to me. I do believe it's very inappropriate for the Chair to allow ceding of time and then change that in mid course of the meeting. It's just my opinion." Chairman Searcy informed him that he could take six minutes in deference to the fact that he has so much to say that's important on this issue. Mr. Davis continued, "I believe the precedent was set at the beginning of the meeting and it should not change in mid course. If you're going to have a set of rules and you're allowing people to speak, then they should. I would certainly request that you do this for all the other members of the public so no discrimination takes place."

Mr. Davis said, "To begin with, we need to speak to the approval of what is called a lease extension because this amendment speaks directly to that. First of all, what is being shopped by the County of Los Angeles as a lease extension, if you look inside, and I've read them all very carefully, is not a lease extension. It is the demolition of the existing lease and substitution of a brand new lease. California State lease laws require that leases on public lands, especially public trust lands, go out for public bid. They must be bid upon by the public and before that even happens, the County is supposed to consider all of the various uses that may take place on that parcel. So, basically at the very root of this amendment is an illegal leasing process. The "lease extension" and demolition and replacement is not according to the State of California leasing laws. Furthermore, it is absolutely inconsistent with House Document 389, which describes the uses that will be taking place in Marina del Rey and it is also codified in a perpetual deed of easements and rights of ways to the United States from the County of Los Angeles and this is inconsistent with those easements and rights of ways deeded in perpetuity to the United States. In fact, it seems like this Commission knowing that is knowingly and intentionally continuing to approve uses in Marina del Rey that are inconsistent with those easements and rights of ways granted to the United States in 1954. Furthermore, Marina del Rey is excluded from the coastal zone. If you look at the coastal management zone program for

the State of California, the current one, you will see in Section D, Marina del Rey is noted as real property owned by the United States of America. The Corps of Engineers is showed as the owner and under those conditions, since the Coastal Act was approved in 1976, since those conditions exist, the LCP is practically a joke. It's a method by which the State and the County are giving control of public trust lands over to private entities and this is another example of exactly that."

Mr. Davis continued, "I will be asking the Coastal Commission to do their duty and exclude Marina del Rey from the coastal zone. That means, the County has had no real jurisdiction since 1976. Even if the Coastal Commission approved the LCP, the Coastal Commission has exclusive jurisdiction over the water, over the land and these uses are clearly inconsistent with the law. I really cannot believe that this Commission would continue approving these illegal and inconsistent uses knowingly and willingly. I can't understand why you would do that without examining the facts first. Mr. Weiss should certainly provide the basis for doing such. He has claimed that the easements and rights of ways granted to the United States somehow permit hotels and office buildings in Marina del Rey. I do believe Mr. Weiss will be very challenged to prove that. In 1954, the Congress approved a certain configuration for Marina del Rey. The County then changed that configuration immediately and the Army Corps of Engineers issued Design Memorandum No. 1 for Marina del Rey, which excused the County from the original plan approved by Congress. This Design Memorandum No. 1 is not within the jurisdiction of the Army Corps of Engineers. The Corps of Engineers cannot obliterate the will of Congress with a simple design memorandum. It was not within their purview and it is not within this Commission's purview to further invade the public easements and rights of ways and give control over public trust lands of the United States to for-profit corporations."

Commissioner Law asked Mr. Weiss, "Is there anything, in counsel's opinion, that is illegal, unconstitutional, violates the statutes for the Constitution of the United States, or the State of California, or the County of Los Angeles, with this lease amendment?" Mr. Weiss responded, "No."

Vice-Chairperson Stevens said that, some months ago, a member of the public informed the Commission of the difficulty of crossing from Oakwood Apartments to the far side of Via Marina. She asked whether this problem was addressed in the refurbishing of Oakwood. Mr. Moliere responded that he believes the problem pertained to making left turns out of the parking lot. He said he believes Oakwood was able to open up the alley way entry.

Commissioner Crail moved and Commissioner Law seconded a motion to approve Lease Amendment No. 1 to Lease No. 73713 – Parcel 103T—Oakwood Garden Apartments—Marina del Rey. The motion passed unanimously.

6. STAFF REPORTS

a. Ongoing Activities Report

Chairman Searcy said the Commission will receive and file Agenda Item #6a—Ongoing Activities Report.

b. Marina del Rey Convention and Visitors Bureau

Ms. Beverly Moore did not have a report.

7. COMMUNICATION FROM THE PUBLIC

Chairman Searcy said it is within the Chair's prerogative to limit the Communication from the Public today to five speakers, which should be fine since it doesn't appear to be more people than that who wish to speak. He then opened the floor to public comment:

Mr. Sokalski distributed a copy of a document and said it is "regarding the affordability of boater facilities, proposed ones. In it, I cite a half a dozen Coastal Act sections and I believe make a case for the affordability component being a major element in evaluating whether these are going to be lawful changes or not. In other words, I'm citing a specific case of a 30' boat currently docked with its trailer at Dock 77 for $125.00 a month. It sits there on asphalt for $125 a month. The only other equivalent dry stock storage facility, such as Newport Beach, it's $582 for that same service without a space for a trailer. That's such a drastic change and suggest that it will price out so many boaters out of the market and, therefore, not be in compliance with the Coastal Act. So, I gave a copy to the County Counsel to look at and that will also serve as the administrative copy. I won't go into it more until you get a researcher to look at it and I would like to discuss it or have a response, dialogue, or whatever, at next month's meeting if possible."

Vice-Chairperson Stevens asked whether the problem of where trailers would go has been resolved. Mr. Wisniewski responded, "No." She asked whether the Department would be able to resolve this problem. Mr. Wisneiwski responded that staff would have to wait to review the proposals in response to the RFP. Chairman Searcy asked whether the proposers were made aware of the issue or would they be made aware at the proposer's conference. Mr. Wisniewski responded that the proposers would be informed of this at the proposer's conference. Chairman Searcy requested that staff ensure the proposers are made aware of this concern and ensure that notification of the proposer's conference receive a wide distribution.

Mr. Klein, president, Coalition to Save the Marina, stated, "I noticed at the last meeting there was a lot of discussion about the lack of progress on construction for the Asset Management Strategy program and so forth. I just wanted to give a brief overview of what I think some of the problems are with this. Number one: The Board of Supervisors' election is really not determinant based on boaters in Marina del Rey due to the fact that there is only like 15,000 people here and the Fourth Supervisorial District is basically gerrymandered to the point where boating would not make any difference one way or the other in the Marina. This trickles down through the Regional Planning Commission, which is appointed by the Board of Supervisors, the Small Craft Harbor Commission, which is all appointed by the Board of Supervisors, the Design Control Board, all appointed by the Board of Supervisors. The public has the right to participation in the future construction and development of the Marina as guaranteed by Public Resource Code 30006. It's not limited to that, however. What we really need is a dialogue here and not the standard thing that we get when we come here and when we go before the Board of Supervisors. When we testify, what we normally get for dialogue is 'thank you very much, next.' The problem is, and I will guarantee you, that the lawsuits are going to continue until we have a

dialogue at a very early stage on the planning of this Marina and that's just the way it's going to be."

Chairman Searcy said, "This is the process we have in America. You have to go to the Regional Planning Commission hearings that are public. You need to make your statement for the record. You need to do that with the Board of Supervisors. To the extent that you feel you are not being afforded due process or that people are ignoring facts, then yes, it certainly is within your rights here in America. You can take the issue, the developer, the County, the Commission, the staff, anybody and everybody to court...People just generally don't get everything they want. Sometimes you will and sometimes you won't. To the extent that the process works for you and you are able to feel a good ebb and flow, to the extent that you do see things and you make comments to us and we make sure they're in the RFP, it works. If you're not satisfied, that's what the litigation in the court system is for. We recognize it. We hope that things can work out other ways, but when they don't, exercise your rights."

Mr. Davis stated, "In the course of the periodic review that has been basically certified by a judge, the Deputy Director of the Coastal Commission sent the County, and I believe directly to Director Wisniewski, an outline of what the review process will entail. That will entail extensive workshops by the County of Los Angeles and then the Coastal Commission. Both of them. I request that you, as Chair, have the Director report on what Deputy Director Deborah Lee has sent the Director; a letter outlining what the County is required to do, yet the County has pretended that that never happened and the County is waiting for the Coastal Commission. Well, that's not the way it's supposed to work. You're supposed to start the reviews at the County level. You should be relieved that Attorney Weiss has shouldered the responsibility of all of these potential violations of laws. I mean national laws, all kinds of laws, and excused this Commission from any type of liability. It will be seen in the review process, number one, that the LCP is a sham. Marina del Rey is excluded from the coastal zone. Furthermore, Mr. Moliere responded in a letter, in an inquiry from Senator Barbara Boxer's office, that the County of Los Angeles has control over all of the lands and those easements and rights of ways only pertain to the waterside area. Well, I would like to report to this Commission that I spoke with the adjutant to the Colonel of the Army Corps of Engineers in December and to the Real Estate Manager of the Corps of Engineers regarding Marina del Rey and, after extensive discussion, they said that the Real Estate Division had stated that those easements and rights of ways go over the entire landside and waterside, so Mr. Moliere's comments have now been returned to Senator Boxer's office and forwarded to an investigative body. I would suggest that County Counsel get in contact with Senator Boxer's office and the Corps of Engineers' Real Estate Department and the Colonel of the Corps of Engineers to determine if what he has told this Commission is indeed truthful and lawful."

Ms. Carla Andrus said, "I would like to see all of the laws. I would like to see it so that I can read it and understand it, as I'm sure everybody else would. Is this something that we're going to be provided?" Chairman Searcy responded that Vice-Chairperson Stevens requested Mr. Weiss to provide a report on this matter and he indicated that the report would be available in May or June. Copies of the report will be available to the public at the meeting. Ms. Andrus asked whether the additional issues that were brought up would be included in the report. Chairman Searcy responded that he is fairly confident Mr. Weiss' report will be comprehensive.

Ms. Andrus submitted a written letter addressed to the Commission for the administrative record.

8. ADJOURNMENT

Commissioner Crail moved and Commissioner Lesser seconded a motion to adjourn the meeting at 12:35 p.m. The motion passed unanimously.

Respectfully Submitted,

Toni Minor
Commission Secretary

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART I CRIMES- APRIL 2003

Part I Crimes	MARINA AREA (RD'S 2760-2763)	EAST END (RD'S 2764-2768)
Homicide	0	0
Rape	0	1
Robbery: Weapon	1	3
Robbery: Strong-Arm	1	1
Aggravated Assault	4	7
Burglary: Residence	2	14
Burglary: Other Structure	3	2
Grand Theft	8	8
Grand Theft Auto	3	6
Arson	0	0
Boat Theft	0	0
Vehicle Burglary	2	6
Boat Burglary	0	0
Petty Theft	2	1
Total	26	49

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

Source- LARCIS, **Date Prepared** - May 1, 2003
CRIME INFORMATION REPORT - OPTION B

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
MARINA DEL REY STATION
PART I CRIMES- APRIL 2003

	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		1					1	2		4
Robbery: Strong-Arm		1						1		2
Aggravated Assault	4					1	2	4		11
Burglary: Residence	1	1			5		3	6		16
Burglary: Other Structure		2		1			1	1		5
Grand Theft	5			3	3	1	2	2		16
Grand Theft Auto	2	1					1	5		9
Arson										0
Boat Theft										0
Vehicle Burglary	2						6			8
Boat Burglary										0
Petty Theft	1	1			1					3
REPORTING DISTRICTS TOTALS	**15**	**7**	**0**	**4**	**9**	**2**	**16**	**21**	**1**	75

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

Source- LARCIS, **Date Prepared** - May 1, 2003
CRIME INFORMATION REPORT - OPTION B

MARINA DEL REY HARBOR ORDINANCE
SEAWORTHY & LIVEABOARD COMPLIANCE REPORT

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

Total Reported Liveaboards By Lessees - 529
Total Liveaboard Permits Issued - 419
Percentage of Compliance - 79

No new Warnings were issued in the month of April. There are 2 cases that are still being investigated.

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

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

Number Of Unseaworthy Vessels Demolished

To date, one hundred and thirty seven (137) vessels have been removed from the marina for disposal. Currently, seventeen (17) vessels are ready for disposal and seven (7) are awaiting lien sale procedures.

COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS

STAN WISNIEWSKI
DIRECTOR

KERRY GOTTLIEB
CHIEF DEPUTY

May 8, 2003

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director

SUBJECT: **MARINA DEL REY SPECIAL EVENTS**

MARINA DEL REY OUTDOOR ADVENTURES

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

OCEAN EXPERIENCE PROGRAM

Saturdays, May 10, June 14, July 12, August 9, September 16 and October 11

Climb aboard the 65-foot Sea World UCLA oceanographic vessel and receive a hands-on local ocean life learning experience. Ages 10 & up. The vessel boards at 8:30 am from Burton Chace Park and returns at 1:00 pm. $5.00 security refundable deposit required. Pre-registration is suggested.

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

BIRD WATCHING EXPERIENCE PROGRAM

Thursdays, May 22, June 26, August 28, September 25 and October 23

Join us on our County-sponsored bird watching walk, a free two-hour walk for adults, that will take place at selected sites in Burton Chace Park and the Ballona Wetlands. Participation, parking and transportation to tour sites are free.

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

HARBOR KAYAKING PROGRAM

Saturdays, May 31, September 27 and October 25

Explore while transiting the Marina's basins by kayak. The LA County Ocean Lifeguard-instructed/supervised session begins with instruction and water safety. Meet at Marina (Mother's) Beach at 10:00 am; session lasts 2 hours. Cost: $16.00 per person (equipment provided). Registration is limited.

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

Fax: (310) 821-6345
(310) 305-9503 13837 FIJI WAY, MARINA DEL REY, CALIFORNIA 90292
INTERNET: http://beaches.co.la.ca.us/

CALIFORNIA CUP REGATTA
May 16, 17 and 18

The California Yacht Club will be hosting the 45th California Cup Regatta for the Farr 40 Class in Marina del Rey. The event will start at 12:00 pm until 4:00 pm each day.

For information call: California Yacht Club at (310) 823-4567.

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

Saturday, May 17
OTHERWISE NORMAL, playing Pop & Rock

Sunday, May 18
MONICA BURNETT, performing Storytelling Rock

Saturday, May 24
HAMMER SMITH, playing Jazz

Sunday, May 25
SCOTT SECHMAN & JAMIE BROWNING, playing Acoustic Pop & Rock

Saturday, May 31
JULIE MONDIN & MARK ROMANO, playing Smooth Jazz

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

SW:mc

COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS

STAN WISNIEWSKI
DIRECTOR

KERRY GOTTLIEB
CHIEF DEPUTY

May 8, 2003

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director

SUBJECT: **ITEM 5a - ONGOING ACTIVITIES REPORT**

BOARD OF SUPERVISORS' ACTIONS ON ITEMS RELATING TO MARINA DEL REY

At the April 29, 2003 meeting of the Board of Supervisors, the Board gave its approval and authorization to release the *Request for Proposals (RFP) for Development of Hotel and/or Other Uses on Parcels GR, IR and NR, Marina del Rey.*

Also, at the April 29, 2003 meeting, the Board postponed taking any action on the *Contract for Pacific Adventure Cruises, Inc.* item until its May 13, 2003 meeting. This contract would provide Marina del Rey residents and visitors with a water bus service between four points in Marina del Rey on a pilot project basis, effective May 16, 2003 through September 1, 2003.

Both the *Request for Proposals for Development of Hotel and/or Other Uses* and the *Contract with Pacific Adventure Cruises, Inc.* items were previously considered and recommended by your Commission.

DESIGN CONTROL BOARD MINUTES

The draft minutes for the regular Design Control Board meeting of April 17, 2003 and Special Design Control Board Meeting of April 28, 2003 are in your packet.

SW:tlh

Fax: (310) 821-6345
(310) 305-9503 13837 FIJI WAY, MARINA DEL REY, CALIFORNIA 90292
INTERNET: http://beaches.co.la.ca.us/

DRAFT

MINUTES
OF
MARINA DEL REY
DESIGN CONTROL BOARD

April 17, 2003

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 Jackie Ignon, Fourth District, Vice Chair Katie Spitz, Third District David Abelar, Second District Tony Wong, Fifth District
Department Present:	Joe Chesler, Chief, Planning Division Julie Cook, Planner LaTrina Hancock, Secretary
County Staff Present:	Rick Weiss, County Counsel Kevin Johnson, Department of Regional Planning
Guests Present:	Robin Perkins, Selbert Perkins Design David Brockman, EDAW Beverly Moore, Convention Visitors Bureau Dusty Crane, Community & Marketing Services Mark Olson, Southern California Edison Susan Reardon, Marriott Doris Sorenson, Pacific Ocean Management Pat Younis, The Bridge Group David O. Levine, Marina Harbor John Pringle, Mariners Village Mike McCarthy, Earthscape Inc.

DRAFT

1. Call to Order and Absences
Ms. Cloke called the meeting to order at 2:05 p.m. Ms. Spitz led the Pledge of Allegiance.

2. Approval of Minutes from February 20, 2003 and march 20, 2003 and DCB Review #03-008
Ms. Ignon (Spitz) moved to approve, as submitted, the Minutes from February 20, 2003. Motion passes unanimously

Ms. Spitz (Ignon) moved to approve, as submitted, the Minutes from March 20, 2003. Motion passed unanimously.

The order of the items to be heard on the agenda was changed per the DCB Commission

3. New Business

A. Parcel 51 – Interim Park Development – DCB #03-009
Proposal submitted by the Department of Beaches and Harbors for interim landscaping, irrigation, electrical, hardscape, fencing and lighting.

Public Comments
None

Mr. Chesler provided details advising that the interim park is a short-term solution until EDAW could develop a full design proposal for Parcel 51.

The Board questioned the time frame of the interim park, the types of contaminants at the location, how plants would grow in the contaminated soil, if there would be parking or an area for drop-offs, and if there would be any facilities or amenities at the location.

Mr. Chesler advised that the park time frame would be about two-years, the contaminants at the location, MTBE's, would soon dissipate since the source has been removed, there would be some deterioration in the plant growth but fresh top soil, two feet, would be brought in to help with plant growth, and the site would be for pedestrian use only, with no amenities except grass irrigation.

The Board felt that Beaches and Harbors should create a visual connection to the Ballona Wetlands and use the kind of plant materials that are found in the wetlands, suggesting the use of hydro-seed mixes and native plants, adding some type of water amenity, and using planting instead of fencing as a barrier.

Ms. Spitz (Abelar) rejected the proposal as submitted and recommended that the Department look into the issues that were brought forth by the Board. Motion passed unanimously. Ms. Ignon and Ms. Spitz offered to assist in the development of a native garden for the project.

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4. Old Business

E. Review of Urban Design Materials
Review, comment and suggestions by the DCB on various draft urban design materials provided by EDAW, Inc. at the March 2003 meeting. Mr. David Brockman, EDAW, and Robert Perkins, Selbert Perkins Design, were at the meeting to answer any questions from the Public or the Board.

The Board members provided the following comments:

I. Elements of the wind, sea, boats, should be incorporated into design features of the Marina, stay with the continuity of the street paving that is already present, add a street canopy over, and use stainless steel because it is a good nautical material.
II. Use of color; colors used in the Marina must look fun, and facilities should be easily located within the Marina
III. How to incorporate EDAW's proposal with the proposed roadway improvement projects. Mr. Brockman responded that EDAW would work with the DPW engineers to develop a baseline design for future roadway improvement projects.
IV. Urban design must provide every possible opportunity to view the water in the Marina. Use plants that, encourage habitat, conserve water, and protect the soil. The mole roads should have an identity created by planting.

The Board suggested that EDAW's next presentation should include a plant pallet, water pallet, show water connection in the Marina, the private development should have more latitude, uniformity for all public signs, guidelines and standards, private signs. The two problem areas of the Marina: Identification of public parklands or public open space, and the Oxford Flood Control Basin, must be weaved back into the Marina. Admiralty Way should include creating an armature for design and development, including "dappled" lighting. Street furniture, bicycle racks and water fountains should be included in the urban design. Use "iconography" such as medallions on the sidewalks to give the public an idea of their location (maps, oceans, boats, etc.) in the Marina. Focus on all the different kinds of transportation in the Marina.

Public Comments
None

EDAW will furnish the Board a compiled and updated version of all of their designs presented at DCB Meetings.

B. Marina del Rey Banners, Flags & Wind Discs – Marina del Rey Convention & Visitors Bureau – (DCB #02-015)
Plans to install banners and wind elements on Admiralty Way and banners, wind elements and wind discs on portions of the Waterfront Walk. A power point presentation

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and detailed explanation of the project was presented by, Beverly Moore, Convention and Visitors Bureau (CVB), Dusty Crane, DBH, and Robin Perkins, Selbert Perkins Design.

Public Comments
Mark Olson, So. California Edison, advised that Edison has to be a part of the review process of the proposed wind elements that will be placed on the light standards for their approval.

Susan Reardon, Marriott Hotel, and Tony Palermo, Tony P's Dockside Grill, expressed support for the proposed project.

Doris Sorensen, Pacific Ocean Management, was concerned because the special even – CoastLink banners were not presented to the tenants at Fisherman's Village. She requested a meeting with the applicants and her tenants regarding public boarding of the CoastLink Bus, which may encroach on some tenant's operation.

Pat Younis, although in favor of proposed project, was concerned that banners may take precedent over future design elements that may be proposed in the same areas as the banners.

The Board asked why the Water Bus would be renamed CoastLink. Mr. Chesler and Ms. Cook explained that the Coastal Conservancy has been promoting west coast CoastLink ferries (with local jurisdiction name preceding CoastLink). Coastal Conservancy is the providing some funding for the water bus.

Ms. Cloke asked Mr. Weiss, County Counsel, about having a **"Special Meeting"** hopefully, within a week, giving Staff and the applicant time to compile. Mr. Weiss advised that a "Special Meeting" can be held, but there has to be at least three DCB Members present and the public must be given a 24-hour notice.

Ms. Cloke (Spitz) moved to accept the proposal in concept. The Board also moved to have a "Special Meeting" to hear this matter within approximately one week. Staff must have the Board requested information at that time (Edison light standards, quantity of banners, duration of the banners, review of CoastLink signage to prevent view blockage and Staff must talk to Mr. Sorensen regarding tenants at Fisherman's Village). Motion passed unanimously.

Break @ 4:10 p.m.
Reconvened @ 4:25 p.m.

D. Parcel 111/112 – Marina Harbor Apartments & Anchorage – DCB #03-007
Follow-up information as a condition of approval (from the March DCB Meeting) for dockside banners and flags.

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The Planning Division recommended APPROVAL of DCB #03-007, for the pennants, gangway and dock design including the prior condition that the previously approved landside metal banners will be changed to the same canvas as the approved pennants.

Ms. Cloke (Spitz) moved to approve the applicant's submittal as proposed with the condition that the previously approved landside metal banners would be changed to the same canvas as the approved pennants. Motion passed unanimously.

C. Parcel 56 – Daniel's Ice Cream at Fisherman's Village – DCB #02-017

Plans for two moveable signs. Staff has surveyed Fisherman's Village for exterior signage by the other smaller interior tenants. There is no overall signage program or business directory for Fisherman's Village. The applicant advised the Board that there is currently a sign at the location that is used for directional purposes.

The Planning Division recommends approval of DCB #02-017 until September 15, 2003, provided that the lessee, Pacific Ocean Management submits and receives DCB approval for an interim signage program for the tenants at Fisherman's Village.

Public Comments
None

Mr. Abelar (Ignon) moved to approve the applicant's submittal as proposed. Motion passed unanimously.

A. Parcel 113 – Mariner's Village Apartments - (DCB #03-005)

Proposed tree relocation for voluntary addition of left-turn pocket and Via Marina median modification. The applicant would like to plant either a 36-inch box or 48-inch box Tristania (*Tristania conferta)* or the same size New Zealand Christmas Tree (*Metrosideros excelsus).* The preferred location is within the lease area along Via Marina, between 4600 and 4626 Via Marina, approximately 12 feet from the curb.

The Board suggested planting a California native tree at the proposed location. John Pringle, E & S Management, and Mike McCarthy, Earthscaping, stated that the proposed trees are already in the Marina and attract birds. The Board wants the tree planted in Admiralty Park. Ms. Cook advised the Board that Staff would have to consult with the Departments Facilities and Maintenance Division regarding species and location.

Public Comments
None

Ms. Ignon (Abelar) moved that the applicant provide a 48-inch box tree at Admiralty Park, the site within the park to be determined. The applicant will be given a choice, from Ms. Ignon, of two California native trees that would fit the

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vocabulary of trees in the Marina and choose either of the trees according to availability. Motion passed unanimously.

Approval of DCB Reviews #03-007 and #03-008

Ms. Cloke (Abelar) moved to approve permit with modification of the language. Motion passed unanimously.

Ms. Ignon (Abelar) move to approve permit with the added the condition. Motion passed unanimously.

5. Reports from the Chief of Planning

A. Temporary Permits
None issued

B. Proposed Marina Traffic Improvement Projects
DPW and Beaches and Harbors jointly submitted three (3) applications to the Metropolitan Transit Authority (MTA) for the Call for Projects submittals, which occurred on March 30, 2003. Submittals include: 1) The SR90 Expressway Extension into the Marina at Admiralty Way; 2) An improvement project that includes taking the South Bay Bike Trail through the Marina along Fiji Way and placing it on the south side of Fiji Way, off-road, on a class one trail; and 3) A project in the Will Rogers State Beach area jointly submitted with Public Works which does not affect the Marina. The Admiralty Way Widening Project was not eligible for MTA funding because of its developer contribution component. (Ms. Cloke asked for Staff to email this information to Ms. Spitz because she had to leave the meeting early.)

C. Marina Redevelopment Update
There are three (3) Parcels in the Request For Projects (RFP) mode. Entertainment Retail Center RFP and Boat Central RFP are currently in circulation. Parcels GR, IR, and NR, were approved by the Small Craft Harbor Commission at their last meeting and are scheduled for release to the public on April 29, 2003, Once the Board of Supervisors releases the projects, it takes 90 to 120-days for public solicitation and evaluation of submittals.

D. Water Bus Update
The Coastal Conservancy is considering the grant request to partially fund the Marina CoastLink Water Bus. The contract is scheduled before the Board of Supervisors with the Water Bus operator on April 29, 2003. The tentative schedule for the Water Bus is available upon request.

6. Public Comments

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None

** Special Meeting Items**

Staff will contact the Board Members for a meeting time and date so that the meeting can be publicly noticed. Mr. Weiss advised the Board that three (3) members of the Commission need to be present to have a meeting.

1. Parcel 51 – Interim Park Development – DCB #03-009
2. Marina del Rey Banners, Flags & Wind Discs – Marina del Rey Convention & Visitors Bureau – (DCB #02-015)

Meeting adjourned at 5:05 p.m.

Respectfully Submitted,

La Trina Hancock
Design Control Board Secretary

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SPECIAL MEETING

MINUTES
OF
MARINA DEL REY
DESIGN CONTROL BOARD

April 28, 2003

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 Katie Spitz, Third District David Abelar, Second District
Department Present:	Joe Chesler, Chief, Planning Division Julie Cook, Planner LaTrina Hancock, Secretary
County Staff Present:	No representatives from County Counsel or Regional Planning
Guests Present:	Robin Perkins, Selbert Perkins Design Beverly Moore, Executive Director, Convention Visitors Bureau Dusty Crane, Chief of Community & Marketing Services, DBH

2:00 p.m. Informal meeting while waiting for the third DCB Commissioners arrival.

3A Marina del Rey Promenade & Admiralty Way Identification Improvements – Marina del Rey Convention & Visitors Bureau – DCB #02-015
Consider detailed approval of DCB #02-015 with additional requested information to be provided by the applicants. (Approved in concept on April 17, 2003.)

Ms. Cook presented the Staff Review in which the Board directed Staff and the applicant to provide information concerning quantity of banners, duration of materials, size, location, Edison information and review of the CoastLink fence mounted banner. Staff supports this proposal for the banners and wind elements on the roadway and Waterfront Walk. In terms of the Marina CoastLink boarding location, Staff supports the light-pole mounted banners and the nautical graphic on the fencing but not the Marina CoastLink text banners on the fencing.

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Beverly Moore, Executive Director of the Convention & Visitors Bureau, Dusty Crane, Chief, DBH, Community & Marketing Services, and Robin Perkins, Selbert Perkins Design presented the Board with new information regarding the banners, flags and wind discs. The applicants confirmed with Public Works and Southern California Edison that it is acceptable to have 3-foot by 8-foot double-sided banners on all of the Edison poles that exist in the Marina.

- 44 available light standards along the sidewalk of Admiralty Way, from Via Marina to Fiji Way.
- 24 entry area light standards on Via Marina, Palawan Way, Bali Way, Mindanao Way, and Fiji Way.
- 24 additional light standards are available further along Fiji Way.
- 5 additional light standards along Via Marina.

Site plan color code

- Sidewalk banners are blue
- Median banners are pink
- 4 Edison light standards cannot be used because they are all obscured by trees (and are not included in the count).

Waterfront Walk

- 116 light standards along the Waterfront Walk; there are five (5) different types of light standards with different styles and heights.
- 58 wind discs will be used
- 58 banners to be used

Total number of light standards in the Marina is 181

The applicant showed the Board some sample banner material, silkscreen over vinyl. The Board questioned if another more sheer material could be used. The applicant explained that the vinyl was chosen for durability and the selected sign fabricators would not support using the plastic-like polyester material that the board suggested. The applicant advised the Board that they would contact other signs company's regarding the banner material.

1:20 p.m. Mr. Abelar arrived at the meeting

1. Call to Order
   Ms. Cloke called the meeting to order at 1:20 p.m.

2. <u>New Business</u>
   None

3. <u>Old Business</u>

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A. Marina del Rey Promenade & Admiralty Way Identification Improvements – Marina del Rey Convention & Visitors Bureau – DCB #02-015 (continued)
Beverly Moore, Executive Director, Convention & Visitors Bureau
Dusty Crane, DBH, Chief of Community & Marketing Services
Robin Perkins, Selbert Perkins Design

Ms. Crane advised that only concert banners would only be installed on the median light standards. The Board was concerned that placing banners on all the light standards would result in "clutter". Ms. Moore assured the Board that the program designed for the banners would not result to "clutter" in the Marina. Ms. Perkins advised the Board that they want to use every available light standard for the banner program consistency in the Marina, which would help reduce the "clutter" look of a more haphazard distribution.

Regarding a maintenance question, Ms. Crane advised that the installation company would provide the maintenance; when the banners are not being used they will be taken down, cleaned and stored until they will be used again.

Ms. Crane commented that a seasonal banner program is desired. Ms. Crane presented a chart that showed the spacing between some of the poles in the Marina. Of the 181 poles in the Marina, 30 will be used on Admiralty from Fiji to Via Marina, 24 poles will be used on the eastside of the Marina, and 24 poles will be used on the west side of the Marina for a total of 74 light standards. Ms. Crane advised that all events being promoted in the Marina need a month lead-time for promotional purposes.

The Board advised that there should be a "down time" period when there are no banners visible in the Marina.

The Board directed the applicant to provide and annual schedule of events for an annual review of the banner program. The applicant's agreed to put up a minimum number of banners and add more banners if necessary each year.

Ms. Cook addressed the Board regarding a possible problem with a lessee's tenant, Hornblower, regarding the CoastLink ferry loading area. Ms. Cook advised that the Board that she, Ms. Crane, Ms. Perkins met with Erik Sturdivant, Cheesecake Factory, and Ms. Sorensen, Pacific Ocean Management. Ms. Sorensen agreed to change the location of the dock gate. The graphic design for the CoastLink fencing would only

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include the sail design, no text. At locations with a nearby light standard, banners would include the graphic and text.

- The Waterfront Walk will only have wind discs on every other pole;
- Sidewalks, on Admiralty Way, will contain decorative banners for the Marina, which will change during each season;
- Admiralty Way sidewalk will have a period of time without banners;
- All poles (44) on Admiralty Way will have one-sided banner only.
- Marina CoastLink signage will be reduced; 1) the Fire Station will have two (2) banners with the boat sails on both sides of the loading gate, and two (2) banners, with the word CoastLink, for a total of four (4) banners, 2) Burton Chace Park will have one (1) banner, with boat sail only, on each side of the loading gate for the CoastLink, 3) the CoastLink banners at Mother's Beach and Fisherman's Village will be installed the same as those at the other locations with banners of sails on each side of the loading gates and if necessary banners with the work CoastLink on the light standards in the immediate areas.

Ms. Spitz (Abelar) moved to approve the applicant's submittal with the conditions as agreed upon by the Board and the applicant. Motion passed unanimously.

Meeting adjourned at 2:25 p.m.

Respectfully Submitted,

La Trina Hancock
Design Control Board Secretary