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August 21, 2003

TO: Small Craft Harbor Commission

FROM: Kerry Gottlieb for Stan Wisniewski, Director

SUBJECT: **COMMISSION AGENDA – AUGUST 27, 2003**

Enclosed is the August 27, 2003 meeting agenda, together with the minutes from your meetings of May 14, 2003, June 11, 2003 and July 23, 2003. Also enclosed are reports related to agenda items 3a, 3b, 4a, 5a, and 6a.

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

SW:tlh
Enclosures

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

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

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
AUGUST 27, 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: Meetings of May 14, 2003, June 11, 2003 and July 23, 2003

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

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

   b. Marina del Rey and Beach Special Events

4. **OLD BUSINESS**

   a. Consent to Assignment of Partnership Interest in Marina Pacific Associates, L.P., Approval of Revisions to the Proposed Amended and Restated Lease, Authorization of Exercise of Option as to Revised Amended and Restated Lease and Approval of Agreement Regarding Encumbrance of Leasehold Estate (Parcels 111T/112T-Marina Harbor Apartments and Anchorage) (RECOMMEND TO BOARD OF SUPERVISORS)

5. **NEW BUSINESS**

   a. Approval of Lease Assignments for Parcel 12R (Deauville Marina) and Parcel 15U (Bar Harbor Marina) (RECOMMEND TO BOARD OF SUPERVISORS)

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

   a. Ongoing Activities
      - Board Actions on Items Relating to Marina del Rey
      - Marina del Rey Water Shuttle Service Update
      - Dinghy Storage Facility Status – Parcel 91S (Marina Beach)
      - Design Control Board Minutes

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

7. **COMMUNICATION FROM THE PUBLIC**

8. **ADJOURNMENT**

PLEASE NOTE:

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

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

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

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

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

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

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

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

Small Craft Harbor Commission
Meeting of May 14, 2003
Minutes

Commissioners Present:

Harley A. Searcy, Chairman
Carole Stevens, Vice-Chairperson
John C. Law

Excused Absences:

Joe Crail
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
Sal Iannotti, Sr. Real Property Agent, Asset Management Division
Mark Myers, Student Worker, Planning Division

Other County Departments:
Rick Weiss, County Counsel
Captain Sam Dacus, Sheriff's Department
Lt. Tracee Edmonds, Sherff'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

1. CALL TO ORDER & ACTION ON ABSENCES

Chairman Searcy called the meeting of the Los Angeles County Small Craft Harbor Commission to order at 9:36 a.m. in the Burton W. Chace Park Community Room, Marina del Rey.

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

2. APPROVAL OF MINUTES

Commissioner Law moved and Vice-Chairperson Stevens seconded a motion to approve the minutes of April 9, 2003. The motion passed unanimously.

3. REGULAR REPORTS

a. Marina Sheriff's Department Report

--- Crime Statistics

Lt. Tracee Edmonds introduced herself and informed the Commission that she is the new Harbor Master at the Marina Station and is looking forward to her new assignment. Lt. Edmonds formerly worked for the City of Compton.

Lt. Edmonds reported that the April crime statistics don't reflect much of a change from the March statistics. There is a significant decrease in burglaries, primarily in the residential and vehicle areas. As summer approaches, Lt. Edmonds said, there may be an increase, however, the Department is developing innovative programs and will be able to use grant money to deploy

additional officers. The Department hasn't received funds for the summer enforcement team, however, the Department has ideas that would enable it to provide ample staff.

Vice-Chairperson Stevens asked Lt. Edmonds to explain the distinctions between robbery:weapon; robbery:strong-arm; and aggravated assault crimes. Lt. Edmonds responded that these crimes are against persons. Robbery:weapon refers to the use of a knife, firearm or a blunt instrument as a weapon. Strong-arm is personally taking someone's property by force. She explained that a person could use his/her hands to take the property or assault someone to take the property. Aggravated assault is a crime related to a person or weapons without the adjunct of a known weapon, using hands, fists, feet; it's basically when someone gets beaten up.

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

Deputy Paul Carvalho reported that this month's report reflects no new notices to comply were issued. A derelict vessel was disposed of by being sold to a film company. It was destroyed during the movie's production. The Department of Boating and Waterways' grant has been tentatively approved and staff is waiting for the Sheriff to sign the final papers. Deputy Carvalho said, at this point, there is no timeframe for the vessels' removal from the docks. He is hopeful this would occur sometime during the summer at which time all the paperwork should be approved and bids should go out for the vendors to take care of the disposal.

Deputy Carvalho said the Seaworthy and Liveaboard discussion in the April minutes is somewhat misleading. He explained that someone reading the April minutes "might construe that we're not enforcing the seaworthy part of the ordinance. We, in fact, are. What we are not doing at this time is, we're not, on a regular basis, walking the docks in search of unseaworthy vessels, simply because we have so many vessels at our docks and a lot of those vessels...notices to comply have been given to them at an earlier date, pretty much that's why we end up with them. If we receive information regarding a vessel that is reported to be unseaworthy, we will act on it. We will go out and we'll do the inspection. Should we find that it's unseaworthy, we will give a notice to comply to it."

b. Marina Special Events

Mr. Wisniewski reported there is a significant amount of activity identified in the "Marina del Rey Outdoor Adventures" section of the Special Events Report. The adventures include an ocean experience aboard a 65' Sea World UCLA vessel, a bird watching program, and a kayaking program. The kayaking lessons are conducted by L.A. County Ocean Lifeguards. He said this is the first time the Department has had such a program available and thanked Dusty Crane and her staff for offering the program to the public. Mr. Wisniewski commended Ms. Crane for her work as Chief of the Community and Marketing Services Division.

Mr. Wisniewski continued, informing the Commission that the California Yacht Club will be hosting its 45th California Cup Regatta. The Special Events Report also lists the open air concerts being held on the weekends at Fisherman's Village.

4. NEW BUSINESS

a. Rules Regarding Ceding of Time for Speakers To Address the Commission

Commissioner Law asked to be heard on a point of order. He said that Commissioner Crail and Commissioner Lesser, who are absent today, made statements at the April meeting about the issue of ceding time for speakers. At that meeting, Commissioner Lesser requested that the item be carried over until, at least, four of the five Commissioners are present. Chairman Searcy responded, "Certainly, if that's the pleasure of the Commission. However, in as much as we were all here and I did hear, the Chair did, what they all had to say, and I likewise assume that my fellow Commissioners did. I don't think that it's absolutely necessary to carry it over. I do recall their comments; their general tone of what they thought should be done. The Chair is ready to proceed in this regard."

Vice-Chairperson Stevens said the Commission previously decided that a speaker would address the Commission for three minutes and be allowed an additional three minutes if someone ceded time to the speaker. She said, "Technically, what we had decided on, and you did by order of the Chair, was three minutes, with the potential of an additional three minutes from some other speaker not speaking. Also, in reading our regular standing rules, this is something we could think about until there is enough of us here that makes it fair to vote on it. Technically, a speaker could ask to speak on every single item and if somebody could relinquish their time, it could be six minutes on every single item on the agenda. If you look at today's agenda, it's no big deal, but if you look at last month's minutes, the book, as we have been calling it this morning, it was a very long meeting. I would like my fellow Commissioners to think about that and I would agree with Commissioner Law that we wait until, at least, there are four of us here."

Vice-Chairperson Stevens moved and Commissioner Law seconded a motion for the Commission to postpone taking action on Agenda Item #4a until there are at least four Commissioners present at the meeting. Discussion ensued regarding postponing action on the item. Mr. Weiss informed the Commission that, rather than take action at this time, members have the option to open the issue for public discussion, take testimony, then continue the item until the June meeting. The Commissioners who are absent from today's meeting could read the May minutes to prepare to vote on the issue at the June meeting.

Chairman Searcy said he would like to hear the staff report on the issue, as well as from members of the public. He said that members of the public have taken time to attend today's meeting to speak on the matter and should be allowed to speak. After listening to the staff report and public testimony, the Commission could then determine whether it needs to take action today or continue the item to the June meeting. Commissioner Law said he is willing to follow Chairman Searcy's suggestion with the following conditions: 1) Commission hears the staff report; 2) Commission hears the public testimony and the people heard from today would not be able to speak on the subject in June. Chairman Searcy said he would like to err on the side of caution that, "If we have discussion today on the item on the agenda and we carry it over and have the item on the next agenda, irrespective of the people speaking previously, they will be permitted to speak again on the item. It's a separate day... even though it's the same agenda item." He requested guidance from Mr. Weiss. Mr. Weiss responded that the matter is within the Chair's discretion. He said, "Legally, you are only required to hear once from any one person on an item. If you continue the item, it is still the same item. You are not required to hear them

twice. However, I will advise that the minutes be prepared in time so that the Commissioners who are not present have an opportunity to hear what people have said that last time so that it could be considered in a vote." Commissioner Law said he would agree with the Chairman that the Commission need not vote on the motion until the Commission has heard the staff report and public testimony.

Mr. Wisniewski said the current rules provide that, at the discretion of the Chair, individual speakers may be limited to a time period of not less than three minutes. Chairman Searcy asked whether Mr. Wisniewski was referring to previous rules since the current Commission Rules allow people to speak for three minutes; people are also allowed to cede their time. Mr. Wisniewski said he believed the ceding of time was something the Commission agreed to do at the Chair's discretion. Mr. Weiss clarified that, as he advised the Commission at a previous meeting, it is within the Commission's discretion to allow or not allow the ceding of time; this could be done on a meeting-by-meeting basis. He said there was also previous discussion about establishing a rule that would not allow a decision to be made on the ceding of time on a meeting-by-meeting basis. During that discussion, Mr. Weiss said he suggested the item be agendized for consideration of a rule change.

For clarification purposes, Chairman Searcy asked whether the ceding of time is not automatic and is within the Chair's discretion to allow or not allow it. Mr. Weiss responded that Chairman Searcy is correct. Mr. Wisniewski said he believes the Commission Rules are sufficiently clear to give the Chair discretion and he would not suggest any changes to them at this point.

Vice-Chairperson Stevens referenced the Commission Rules, Chapter IV—Conduct of Meetings, Section II, Item 5, on page 3, which states, "The Chairman, at his discretion, may alter or change the order in which agenda items are considered, depending upon his determination of the importance or urgency of an item." Vice-Chairperson Stevens said she believes Chairman Searcy decided, at his discretion as Chair, the ceding of time would be limited to an additional three minutes. She asked Mr. Weiss whether the Chair has the ability to take this action. Mr. Weiss responded that the rule she is speaking of specifically addresses the Chair's authority to change the order in which agenda items are addressed; this rule doesn't directly relate to the ceding of time issue. He said it is his advice to the Commission "that the Chair has the authority to control reasonably the conduct of public testimony. That would include the authority to decide whether or not to allow people to cede time. It could be done on a day-by-day basis, on an issue-by-issue basis. You could also have limited ceding, one time per meeting, one per person, and so forth, but it is within your discretion."

Chairman Searcy informed the public that the document being referenced is entitled, "Rules of the Los Angeles County Small Craft Harbor Commission." (Throughout the discussion, the document is referred to as "Commission Rules.") Mr. Wisniewski said he would ensure that copies are available to the public at the June meeting. Chairman Searcy referenced the Commission Rules' Chapter IV—Conduct of Meetings, Section II, Item 2, on page 3, which states, "Individual speakers may be limited to specific time periods of not less than three minutes, and are requested to present information not already provided. Speakers will be recognized only once on a given item." Chairman Searcy said relative to Mr. Weiss' comments that the Chair has the discretion to allow or not allow the ceding of time on a case-by-case basis, he isn't sure "we need to have an action if we already have the authority. If we want to establish something for a specific understanding, that's a different matter altogether. If we want to let people know clearly that is something we will exercise at the Chair's discretion, with some judiciousness, we could certainly do that."

Relative to Mr. Weiss' opinion that the Chair has discretion to allow the ceding of time on a case-by-case basis, Commissioner Law asked him from where the Chair's discretionary power derives since the Commission Rules state that the Commission's concurrence is needed for such an action. Commissioner Law referenced the Commission Rules, Chapter III, Section 9d--Chairman Duties and Powers, which states the Chair possesses the power to, "Allocate the length of time for public discussion of any matter in advance of such discussion, with the concurrence of the Commission." According to these rules, Commissioner Law said it appears that the ceding of time needs the Commission's concurrence and is not within the Chair's discretion. Mr. Weiss responded that the section referenced by Commissioner Law, "specifically addresses in advance, deciding that you're going to spend an hour on an item or 20 minutes on an item. It doesn't refer specifically to the individual time allocated to an individual speaker."

Mr. Weiss said the section pertaining to the individual time allocated to an individual speaker is in Chapter III, Section 9f--Chairman Duties and Powers, which states the Chair possesses the power to, "Limit the amount of time that a person may address the Commission during a public discussion period in order to accommodate those persons desiring to speak and to facilitate the business of the Commission." Mr. Weiss said that this rule, in conjunction with the rule that allows the public to speak for a minimum of three minutes, is from where, he believes, the Chair's discretionary power derives. He explained that three minutes could be both the minimum and the maximum. A speaker cannot be restricted to less than three minutes, but does not have to speak for three minutes.

Commissioner Law said he isn't opposed to the Chair having reasonable discretionary power, but the change that was within the Chair's discretion relative to the ceding of time has "proven to be challenging to at least three members of this Commission." He suggested that the Commission receive public input today and postpone taking any action until the "full Commission hears this and decides whether or not we're all agreed on what operating rules are going to be as opposed to a case-by-case basis at the discretion of the Chair, whoever that might be."

Commissioner Law mentioned that the Commission Rules call for an election of Commission officers every January. He asked whether this was done. Mr. Wisniewski informed him that the January election wasn't held, but the election would be held in June. Commissioner Law asked the Chair to review the Commission Rules and make a judgment regarding how well the Commission is implementing its own rules.

Commissioner Law said he would "like to give the Chairman the advice of the sense of the Commission as is implied with Commission concurrence on length of time so he may be guided by what the pleasure of the Commission is when he exercises his discretion." Mr. Wisniewski said, "from staff's perspective, what we heard from the Commission loud and clear at the last meeting was they felt that there was inappropriate use of the ceding of three minutes to other speakers and that was something they were not comfortable with allowing to go forward, so as you take public testimony on this, they may want to direct their comments to that particular issue because I certainly see that as the direction that at least two other members, and I'm certain of, probably, three other members, maybe four, are going at this point. I have to say, from staff's perspective, I think the ceding got a little out of hand at the last meeting."

Chairman Searcy said for the benefit of the public and his fellow Commissioners, "I am not confused at all by the comments and categorization and wishes as expressed and opinions expressed by our fellow Commissioners who are not here. I think it was very clear, at least to

me and the other two who weren't here that it did get out of hand. We had tried to extend as much public input as possible, and, quite frankly, from the Chair's point of view, it was abused. If we want to wait to address that, that's one thing, but the Chair is prepared to address it today."

Vice-Chairperson Stevens offered to withdraw her motion. Chairman Searcy suggested that she not withdraw her motion at this point, but wait until after public testimony to decide.

Chairman Searcy informed members of the public that, per the Commission's existing rules, they are limited to three minutes. Additionally, per the existing rules, any request for ceding time to other speakers would be granted or denied by the Chair. Mr. Weiss said that Chairman Searcy's earlier comment about the judicious use of discretion is well taken. He advised the Commission that if it "were going to provide for ceding, you should announce that in advance. It should not be used so that some individuals are authorized to cede and others are not. In my opinion, that would not be a judicious use of the authority. And, I just want to caution the Commission about using that power in an objective and impartial manner."

Chairman Searcy opened the floor to public comment.

Mr. John Davis said, "It should be completely within the discretion of the Chair to determine whether time is ceded or not ceded because it's not stated in the rules and that's the logical operator. However, I think it should be stated at the beginning of each meeting whether time could be ceded or not and not changed in the middle of the meeting because people may feel that they were being treated unfairly, so I would just recommend that you state the case at the beginning of each meeting and use your discretion."

Mr. Weiss informed the Commission that it could announce whether the ceding of time would be allowed at the beginning of the meeting or, if the Commission wished, decide the ceding of time on an item-by-item basis depending on the matter's length and complexity.

Ms. Carla Andrus said, "If the meetings were long and you had an issue with ceding the time, I would suggest that if these meetings are too long, instead of shortchanging the public on this, maybe you could shorten the agenda some." Chairman Searcy commented that Ms. Andrus has a good idea.

Mr. James Sokalski, president of MdR News, suggested that the Commission, "look at the issue of amount of time given to the public and ceding time in the context of issues raised about public participation in general. That's 30006 of the Public Resource Code and the County Counsel recently has developed an opinion presented to the Board of Supervisors. I haven't read it yet. I haven't received it yet. I think the response at the last meeting to the ceding of time and to speaking was kind of a desperate attempt to participate in the system a little better than has been afforded the public in the past. Particularly earlier on in the process. Understandably, it presents some issues with managing a meeting such as this. If possible, I would like to give you some thoughts of this and E-mail them to you or mail them in a larger context. For example, how the Coastal Commission handles public testimony." Chairman Searcy requested, for ease of distribution and dissemination, that Mr. Sokalski provide Beaches and Harbors' staff the material so they could forward it to Commission members.

Mr. Sokalski continued, stating that the Coastal Commission, "has spent some considerable time developing policies about it. They do differentiate amongst the issues, how much time is allowed, to allow time for organized presentations as a major element of public participation and

speaking. That's the problem. If we could only speak three minutes, and there's some very large issues, the only way you can have a cohesive presentation requires more than three minutes. I think that's what Commissioner Lesser responded to in presenting the motion before, that time be allowed, to be ceded three minutes to equal a total of six minutes. So, rather than rush to a solution, I would like to provide some information, open it for discussion a little more, perhaps. You certainly have the power to decide whatever you want to do, but I'm suggesting you take the time to look at it from a variety of point of views first." Chairman Searcy commented that the Commission looks forward to seeing his material.

Mr. Steve Weinman, Dock 77, said, "It's encouraging to see the amount of weight this is being given. It has far reaching implications. As you know, this is, by and large, the public's only opportunity, the only window we have to speak to almost everything that goes on in the Marina."

Chairman Searcy said one of the things that he tries to continually do is inform the public that the Small Craft Harbor Commission meeting is one of the opportunities and certainly not the only one in which they can participate. He explained, "It definitely is not the one that may have the determinative and disposition powers over an issue, over matters of traffic, development, etc., architectural approaches. The Planning Commission is a public forum. The Planning Commission meets specifically with conditions on mitigation, with conditions on issues of soils, with conditions on height, etc., buildings, as well as the Coastal Commission, and there's probably some others. We have in the past distributed a document here from a presentation which showed the entire approval and regulatory process in a variety of other entities. I would continue to urge members of the public to avail themselves on those issues. These forums do go to the specifics of developmental opportunities and actions. I mean to the heart of them. To not avail yourselves of those forums where you can be heard, where they directly affect building permits, number of units, timing of slip vacancies, etc. I just wanted to mention that because there are people here who have not heard that and I didn't want them to be misled." Mr. Weinman said he appreciated Chairman Searcy, "bringing that up. Many members of the public feel kind of trapped because they don't always know about this, so your continued education is good for all of us."

Chairman Searcy asked whether staff could place on the public information table at each meeting the material that was presented at a previous Commission meeting regarding the regulatory process. Mr. Wisniewski responded that the Marina development information is included in the Marina's Development Report on a project-by-project basis. This report is updated each month and is available to the public at the Marina library, the Visitors Center and the Department's administration building. Chairman Searcy explained he was referring to the regulatory process in general. He said the Commission was given an excellent presentation by, he believes, the Planning Commission. Mr. Wisniewski said if the information isn't already attached to the Department's Marina Development Report, he would make sure it is attached. Chairman Searcy said, "on each specific one, that's great information, but you have people that want to know in general how they impact it, let's just have it out here for them to have."

Mr. Weinman continued, stating, "As most of the boaters here, as almost all of the boaters here are, aside from a few liveaboards, they are considered visitors. You could easily consider them visitors. A lot of them come down here to visit their boats, visit the Marina, and they don't always take the time to go to the Visitors Center, to the governing body centers, therefore, they don't always get this information. If there's some easier way of getting it to them, maybe through the leaseholders with their bills, with their monthly statements, something like that, I'm sure it would be quite appreciated."

Vice-Chairperson Stevens requested that when the issue of ceding time to speakers is agendized, staff broaden the Commission's ability to talk about other aspects.

Mr. Nicholas Coster said he, "would just appeal to continue the Chairman's jurisdiction over the time allotted to the public. In your case, in my experience listening to you Mr. Chairman, you certainly are a fair man and have proven to be so. Your successor...I'm simply concerned that this prerogative would not, in any way, be cancelled in the future. In your case, we happen to have a fair-minded person, but to ensure that the public's right for a decent amount of time. A lot of people aren't trained speakers, they're not as organized as conceivably they might be, but they should be given the time to express their views, so I just ask that this precedent be continued in the future."

Commissioner Law said he wanted to "concur that the Chair is a fair person and good person. I would like to make the same statement of the Vice-Chairperson and also of the absent Commissioners. We are blessed with great leadership that is fair and honest and I have great confidence that the successor, should there ever be one to Commissioner Searcy, would also be a fair person, and a good person, and a reasonable person." Chairman Searcy thanked Commissioner Law for his accolade.

Vice-Chairperson Steven's motion was reintroduced into the discussion. Specifically, Vice-Chairperson Stevens moved and Commissioner Law seconded a motion for the Commission to postpone taking action on Agenda Item #4a until there are at least four Commissioners present at the meeting. Vice-Chairperson Stevens and Commissioner Law voted in favor. Chairman Searcy opposed. The motion failed.

Mr. Weiss said the Commission Rules provide that "a majority of the Commission, not a majority of the quorum is necessary to carry a vote...If you don't have three votes in order to take the action, the practical effect of the matter is that it would be carried over until the next meeting."

Chairman Searcy said that since the motion failed, he wants to be clear about what action needs to be taken. Chairman Searcy suggested that he tell Mr. Weiss what he would like to have in the form of a motion and Mr. Weiss could help him to craft it. Chairman Searcy said he would like a motion in which the "Chair has the authority to grant speakers the ability to cede time or not. People are limited to a minimum of three minutes and that is the rule that we are utilizing; three minutes per speaker, no duplicative testimony, and we have been very lax on that, letting people come up and say the same thing over and over again. That may or may not continue. That is what I would like to have in a motion so that it is clear the Chair has the authority to cede, but it is not automatic; just because someone requests it, it doesn't automatically happen. I can say yes or I can say no. We've already clarified that we would make it specific as we go, item-by-item, per the rules, in terms of length, etc."

Mr. Weiss said the motion to continue failed because there was not a majority of the Commissioners present. The Commission is free to put any motion on the table, but needs three votes for the motion to be adopted. He said Chairman Searcy's motion "to be quite honest, is not taking any different action. I think what you described is already the rules of the Commission. Based upon the advice of my office, what you described is already within this Chair's discretion. So, in other words, you don't need to do anything to implement what you just described. There is no motion that's necessary. There's no change that you are contemplating by your motion as I understand it." Chairman Searcy said, "In effect, what you're telling me is

that when we made a motion, we had all that discussion and a motion to have the ability to cede time, that we didn't need to do that." Mr. Weiss responded that, "My recollection of the last meeting is that there was a discussion by the Commission regarding whether it was appropriate to continue to allow the ceding of time or whether it should be more limited or whether it should happen at all. I was asked whether or not there was going to be a standard effective rule of the Commission, for instance, that specifically did not allow ceding and it was going to be a standard rule that was not subject to day-by-day interpretation, whether or not that should be agendized as an item and I suggested that it ought to be. That is my understanding of why this item was put on the agenda. That's slightly different from what I understood the Chair's motion to be right now. I understand the Chair's motion to be reflective of what already is in effect and does not require any action of the Commission."

Chairman Searcy asked Mr. Weiss whether it is possible to make a motion in which it is clear that it is not the standing rule to allow ceding on every issue and that it would be done on a case-by-case basis. Mr. Weiss responded that he believes it is a given already, however, in order to provide public disclosure, the Commission could adopt a motion that would state it is within the Chair's discretion to do so on a case-by-case basis. Chairman Searcy asked could the motion also include that the ceding of time is not a right or a privilege or something the Commission automatically allows. Mr. Weiss responded that he thinks that it is already true, but if the Commission wants to make this rule clear in a motion so there is no misunderstanding, the Commission is allowed to do so. Chairman Searcy said he would make this his motion. Commissioner Law informed Chairman Searcy that he would not support his motion.

Commissioner Law said he thought he heard Mr. Weiss state earlier that it would be an injudicious use of the Chair's prerogative to allow a case-by-case, individual-by-individual, testifier to cede time. He asked whether he heard Mr. Weiss correctly. Mr. Weiss responded that he tried to distinguish between that and an agenda item by agenda item utilization, which he believes would be appropriate. Commissioner Law said the Commission did not previously deal with this degree of intricacy at the last meeting. He asked how to get the issue placed on the June agenda since the motion to continue the item until the June meeting failed. Commissioner Law explained that his understanding is that it is enough when a Commissioner requests an item to be agendized to have it agendized. If this remains the policy, Commissioner Law said he would like to have the issue of ceding time for speakers agendized for the June meeting. Chairman Searcy informed him that the matter is already agendized. He added that Commissioner Law raised an interesting point when stating more information regarding the issue's intricacies were revealed after voting on Vice-Chairperson Steven's motion. Chairman Searcy asked whether Vice-Chairperson Steven's motion could be reintroduced.

Vice-Chairperson Stevens stated that she wants the item to be reconsidered at the next meeting. Relative to how the issue is titled on the June agenda, Vice-Chairperson Stevens requested staff to broaden the title so the Commission could go beyond the ceding of time discussion if it chooses. Mr. Weiss informed the Commissioners that if the issue is broadened for the June meeting, they would have to allow the same speakers who addressed the Commission today to speak in June if those speakers want to address the item's other aspects.

Vice-Chairperson Stevens moved and Commissioner Law seconded a motion to "continue Agenda Item #4a--Rules Regarding Ceding of Time for Speakers to Address the Commission, to the next meeting and request of staff that the item's wording be broadened so that we could go further afield in discussing the various other items, including Chairman's duties and so forth." Chairman Searcy asked Vice-Chairperson Stevens whether she wants the Commission Rules, in

general, to be agendized. He explained that he believes the current name of Agenda Item #4a--Rules Regarding Ceding of Time, covers a variety of things and is broad enough as it is currently stated to cover discussion of everything that impacts on the question of time for public speakers. Vice-Chairperson Stevens said what is lacking is what is permitted within the Chair's discretion, which she would like to be included. Chairman Searcy informed her that he believes it is already included. Mr. Weiss said the item currently before the Commission would provide a forum for its members to decide to prohibit ceding or allow it to be on a case-by-case basis.

Vice-Chairperson Stevens moved and Commissioner Law seconded a motion to continue Agenda Item #4a--Rules Regarding Ceding of Time for Speakers to Address the Commission, to the June meeting. The motion passed unanimously.

5. STAFF REPORTS

a. Ongoing Activities Report

Mr. Wisniewski stated that at its April 23 meeting, the Board of Supervisors approved the Request for Proposals (RFP) for Development of Hotel and/or Other Uses on Parcels GR, IR and NR. The RFP's availability is currently being advertised.

Mr. Wisniewski reported that at the May 13th Board of Supervisors' meeting, the Contract for Pacific Adventure Cruises, Inc. was approved, which would provide a water shuttle in the Marina beginning Friday, May 16, from 5:00 p.m. - 10:00 p.m. and 10:00 a.m. to 10:00 p.m. on Saturdays, Sundays and holidays. The shuttle would operate from May 16 through Labor Day weekend and cost $1.00 per person. The shuttle sites are: Fisherman's Village, Chace Park, Mother's Beach, and the Fire Station, which is adjacent to the Ritz-Carlton and California Yacht Club.

Mr. Wisniewski reported the Design Control Board approved a plan for identifying the public promenade, which the Department plans to officially declare open. Certain devices, called wind disks, will be placed along the promenade to note its existence. Banners will also be used to note the locations for the water shuttle sites. He said the Department is delighted the Design Control Board approved a program to highlight the public promenade and banner the existence of the water shuttle sites. He thanked the Visitors and Convention Bureau, which provided the money to design the banners. The Department is excited about the contract, which the Board approved unanimously at its May 13th meeting. Mr. Wisniewski reported that the ramp at Chace Park was retrofitted to comply with Title 24 guidelines. The Department has now exceeded the federal guidelines for Americans with Disabilities Act (ADA) access.

Mr. Wisniewski said the Department received a grant from the Coastal Conservancy to fund a soy mixture, which will be going into the diesel of the Miss Christi so it would be partially soy-powered. The contractor purchased an $86,000 vessel called the Electric Lady, which is solar powered and has a gas-assist engine. Mr. Wisniewski said staff is excited about this environmentally friendly system being piloted in the Marina. The Coastal Conservancy advised the Department that it would fund its purchase of another Electric Lady if it works out well this year. There is interest in expanding the water shuttle program and a few additional sites are being considered.

Mr. Wisniewski informed the Commission the Department intends to meet with Fire Department personnel after every weekend. The fire dock site created a certain degree of controversy,

particularly by California Yacht Club members who protested the contract before the Board of Supervisors. The Department intends to work out any kinks that may arise.

Commissioner Law said he walked along the promenade this morning and found that it comes to an abrupt ending at the California Yacht Club facility. He asked Mr. Wisniewski the reason for this. Mr. Wisniewski responded it is one of the unfortunate ways that Marina del Rey developed. As the Department goes forward with development projects, any lessee that has to obtain a permit through the California Coastal Commission, which they all do, must open up the waterfront promenade. When the California Yacht Club comes to the Department for redevelopment, it will be required to open up a waterfront promenade. Mr. Wisniewski said he met with Steve Hathaway, the lessee's representative, and proposed to extend the promenade through the leasehold, bi-secting the leasehold, and not interrupting the privacy of the Club's dining and club facilities. This proposal was rejected. Mr. Wisniewski said he doesn't have a way of insisting on the promenade because of the way the contracts were written, but at the first opportunity, he will make the matter the first item on his agenda.

Commissioner Law said the promenade is a public access issue and the water shuttle is a different kind of public access issue. He said, "Perhaps, if it may make its way into the minutes and you might choose to supply them to see at the California Yacht Club that people who live in glass houses should be careful when they throw stones." Mr. Wisniewski clarified that the lessee did not appear before the Board of Supervisors, but, rather, three individuals who were members of the California Yacht Club.

Chairman Searcy opened the floor to public comment.

Mr. John Davis informed the Commissioners that he is representing himself at today's meeting. He said, "First of all, the Director stated that a Coastal Commission permit would be necessary for the Miss Christi, which may sound a little friendlier on soy, but I just question its ability to operate on soy. The Director said the Coastal Development Permit, and you can review this on the audio record, an approval from the Coastal Commission would be necessary to employ this vessel." Mr. Wisniewski interrupted and informed him that he did not say that. Mr. Davis continued, stating "the Director did state, I believe, and I'm sure the record will support this, that Coastal Commission approval would have to be made, therefore, I question the Director's ability to employ this service before the Coastal Commission approves. All of the projects on this item are inconsistent with the deed of perpetual easement and right of way granted to the..." Chairman Searcy interrupted and informed Mr. Davis that he should stop for a second. He asked Mr. Weiss for an opinion. Mr. Weiss responded, "If the Commission is asking if the Commission had this before them last month and has already taken an action, it's not for the Commission's consideration. The Director is now reporting to the Board follow up on the action and the Commission is not required to hear testimony again regarding the merits or lack of merits of the proposal."

Mr. Davis said he would restrict his testimony to the merits or demerits of the proposal. He continued, stating "The demerits of all of these proposals are that they are inconsistent with the perpetual right of way and easement granted to the United States by the County of Los Angeles, Burton Chace, recorded in Book 296, page 840 of the Recorder's office in the County of Los Angeles. Let the record show that I'm providing a copy of this easement, which clouds all titles in Marina del Rey, to the secretary after the meeting to copy, to include as part of the permanent record. The demerit is all of these proposals threaten to violate the Coastal Act and the LCP, which is a violation of the Coastal Act, to threaten to violate the Coastal Act, so this is another

demerit. The final issue that I want you all to know about is that Marina del Rey is being investigated by the liaison between the Senate and the Congress and he is Major General William J. Lennox, Jr. and I will provide this information and other information for the secretary to copy and record as part of this record."

Vice-Chairperson Stevens asked the status of her request from the April meeting that Mr. Weiss provide the Commission with information relative to jurisdictional issues. She would like this issue to be agendized so that "we have our Counsel's opinion and know where we're coming from and what we're doing because every meeting we hear from the public that we're doing it wrong." Chairman Searcy asked Mr. Weiss when the material would be presented to the Commission. Additionally, he requested that when the material is ready, Mr. Wisniewski agendize the meeting in plenty of time to inform the public. Mr. Weiss responded that during the April meeting Vice-Chairperson Stevens requested a written report and he indicated at that time he would try to prepare the report by the May meeting, but would request an additional month if he was unable to meet this deadline. Mr. Weiss said he is grateful Mr. Davis brought the documents today and plans to provide them to the secretary. Mr. Weiss explained that Mr. Davis agreed during the April meeting to provide Mr. Weiss with the material, but Mr. Weiss hasn't yet received it. He said that not having the material has been somewhat of an impediment to him completing the report and he expects to receive the material today.

Mr. Tim Riley, Marina del Rey Lessee's Association, said, "I just want to add something to the record. The Association formally supported the water taxi. We testified before the Board of Supervisors on two occasions recently: two weeks ago and then yesterday. Mr. Steve Hathaway, representing the California Yacht Club, is a lessee representative and member of the Association. He concurs with that support of the water taxi system. I want to make it very clear that he is supportive of it. I talked to him personally when it was apparent that some members of the Yacht Club were opposed and came down to the Board and testified against it. Those are individuals. They may be members of the Yacht Club, they do not speak for the Yacht Club. I wanted to make that very clear. The Association is firmly behind the water taxi concept. It is a good thing for the Marina. We want to encourage its use and think it's going to bring more visitors to the Marina. I just wanted to add that so that the Commissioners were not in doubt about the support of the lessees for this."

Ms. Carla Andrus said, "This taxi, which I always thought, when it first came up, I had the idea of a small electric boat with a canopy over it and not using our limited slips for it, but however it goes, I hope we don't consider it recreation, and somebody said at the last meeting, 'as modest as a recreation as that is.' It's not recreation. It's a way to get people to the restaurants and all of this and to get them across from one point to another, but let's don't call it recreation."

Mr. Wisniewski said he "couldn't disagree more with her. I think it is a type of recreation for a family that has very modest means and may never have an opportunity to get on the water. A family of six can get on the water for $6.00. It may not be a recreation to a recreational boater like I am, although I have to say I consider it a type of recreation because I think it's gonna be kind of fun. But, I think to a lot of people, it would be a type of recreation and, hopefully, it will get people interested in pursuing more of a recreational experience by renting a boat or buying a boat."

Vice-Chairperson Stevens said the water shuttle is definitely public access and that is part of the Coastal Commission mandate to the Department. Commissioner Law said he disagrees with Ms. Andrus' contention and agrees with Vice-Chairperson Steven's view of this. He said he has

recreated in several harbors by taking a ride on their water taxi service and it is a great way to see the harbor. He didn't take the water taxi to go to a restaurant, but because it was a good way to see the harbor.

Mr. Steve Weinman expressed his opinion that "it would be the last point of recreation for the 2,000 small boat slips that we're going to be eliminating from Marina del Rey from people who can afford to have boats here. They won't be able to afford to have them here by the time the bar is raised to the point where they won't be able to afford their boats here and yes, this would be recreation."

Mr. Wisniewski said he would like to correct the record. He said it isn't true that there would be a 2,000 small boat slip reduction in Marina del Rey. Mr. Wisniewski commented, "It's unfortunate that we give out accurate information and people continue to persist and live in dreams where information is presented back to you for consumption by the audience as truth. I think we as staff are going to have to start challenging these kind of comments in the future."

Mr. Nicholas Coster said, "I have no vested financial interest. I do run a charity teaching disabled scuba divers. I must compliment Mr. Wisniewski on the environmental information that you've given today. I'm fascinated. I'm fairly new here. I was in Oxnard for 18 years running this disabled diver program, but I was really very moved by the amount of interest that you exhibit. Just so it doesn't seem like every boater out here is ganging up. I take issues, each one as they come up. I don't feel that I have any prejudice whatsoever, so I compliment you on your apparent interest, proven interest, in the environmental issues."

b. <u>Marina del Rey Convention and Visitors Bureau (CVB)</u>

Ms. Beverly Moore informed the Commission that the CVB has just published a new group sales brochure, which she distributed to members of the Commission and the public. She reported, "As part of our outreach to meeting planners, we focus on attracting small groups to the Marina who can use our commercial charter boat companies, our restaurants and our hotels of course. In this new version, you'll see that we emphasize our community's special relationship to the water and to boating. We love to promote all the different ways people can organize activities on the water. Those include seminars at sea and retreats, sunset cruises, onboard receptions and mini-regattas. We recognize the unique position Marina del Rey has in our community. Also, for our visitors and residents who might be entertaining visiting friends and relatives, we have just published a new map and guide to the Marina. This map is larger and more detailed then our previous version and includes lots of helpful information. 75,000 copies have been printed and are being distributed throughout the community and Southern California."

Ms. Moore explained that since the Director has already covered the collaboration between the Department of Beaches and Harbors and Convention and Visitors Bureau on the banner and wind disc project, she wouldn't go into any detail on the subject, however, Ms. Moore did inform the Commission that, "This is a very important project for us because it does create a new sense of warmth and welcome in the community. We have lots of activities to promote this summer in the Marina, with the waterfront walk and the water shuttle being front and center, but by creating a new integrated well designed family of color and design, we think it would be much more effective and much more beautiful for the community."

Chairman Searcy opened the floor to public comment.

Mr. John Davis informed the Commission that he is speaking on his own behalf. He said, "Regarding the purpose of the Convention Center, it seems like it's solely to promote 5-Star hotels that are located in the federal project, Marina del Rey. It seems to promote luxury, I mean like conventions of corporations in Marina del Rey in these 5-star hotels. So, what I will say to you in short...the Convention Center is clearly violating the tenets of the congressional intent, which I'm going to submit at public comments time. I will give you all of the congressional documents that show Marina del Rey is not intended for 5-Star hotels, not in any way or form. It's not intended for conventions either. So, basically what this represents is a public investment of capital to promote private interests, which are 5-Star hotels on a federal project and public park, Marina del Rey, and I object to this Convention Center."

6. COMMUNICATION FROM THE PUBLIC

Chairman Searcy encouraged members of the public to come forward and informed them that they have three minutes to speak.

Mr. Davis said, "I have brought a copy of Policy Statement 25, which was requested by Commissioner Stevens. I would like to submit this to the secretary to copy. This is my only copy, so I have to keep my original. I would also like to make a statement regarding the parking lot over by the Cheesecake Factory. Every night there are probably about at least 70 vehicles being parked in there, but they're not going through the County gate and paying. The valets are unlocking a gate and parking lots of cars and charging valet parking fees in this parking lot and I don't believe the County is getting a penny of it. As per the request of Commissioner Stevens, I am providing the following documents to the secretary to copy. They're my originals, so I have to make sure that copies are made and I want to submit them for the record."

1) Title 1: Rivers and Harbors, which shows Marina del Rey as a federal project authorized for cutting and dredging of the harbor and other purposes.

2) House Document 389 of the 83rd Congress in 1954, which describes Marina del Rey, describes what Marina del Rey will be. In fact, that's where this Commission originates. House Document 389 addresses the fact that this Commission will basically be here to run Marina del Rey.

3) HR7481, a House law from the Senate and Congress of the United States authorizing the federal project.

Mr. Davis also submitted other documents, informing the Commission, "I submit to you the Perpetual Deed of Easement and Rights-of-Ways. This is the most pivotal document there is. This is where Burton Chace himself signed over all lands, easements and rights-of-ways to construct a harbor described in detail by the 83rd Congress in House Document 389. This easement clouds all titles in Marina del Rey, all titles, and if it's not showing up on your title reports, there's a huge problem with the title company and that should be addressed. Lastly, Senator Boxer and Senator McClain requested that Roger Moliere respond to Dan Cohen regarding his concerns that Marina del Rey is being abused by the County of Los Angeles by abridging and interfering with those easements and rights-of-ways granted to the United States in 1954. The next and final document is a letter from Senator Boxer to Major General William J. Lennox, who is the liaison between Congress and the Army. They are conducting a review of Mr. Cohen's assertations that the County is extrajurisdictional and has abridged and interfered

with those rights and easements and lands granted to the United States forever and in perpetuity in 1954."

Mr. Joe Chesler, Chief, Planning Division, informed the Commission of an activity that was omitted from the Ongoing Activity Report because it wasn't confirmed at the time the report was issued. He said it has now been confirmed that the National Boating Safety Week celebration will begin at Burton Chace Park, at 9:30 on Friday, May 16. The Department of Beaches and Harbors, Fire Department and Sheriff's Department will act as hosts. Representatives from the Department of Boating and Waterways, the Director, and Secretary of Resources, will be here for the event. He encouraged everyone to come and participate.

Mr. Nicholas Coster said,"I compliment the Chairman regarding the first issue, which was the length of time afforded to the public. Mr. Davis has obviously done a great deal of research. Whether one agrees with him or not is irrelevant...I compliment the Chairman on allowing that the time allowed is a minimum of three minutes, not a maximum. The issue I would like to bring up is...the recent notice by Bellport who have control now of most of Basin A, there have been some instructions, with the obvious result if you disagree or don't obey those instructions, that your lease will be terminated, that we cannot any longer have our crew, in my case I have a crew on one of my boats, work on the boats. Now, understanding clearly, that one cannot violate environmental rules, etc., that are given. It's a long tradition of having your crew work on your boat and to have that made impossible I have to take issue with. I only present it as a problem. I don't have a solution, except that traditionally we who have boats, larger boats especially, have a crew that is entitled to work on them."

Commissioner Law said he heard a complaint about a new lease for a dock that was redeveloped that had highly restrictive language about crews working on boats. It is his understanding that this restriction is required by the County. Mr. Wisniewski informed the Commission that he would report on the matter at the June meeting.

Mr. Larry Derr, owner and operator of Insane Bait, a Marina del Rey company, informed the Commission he is the major supplier of bait to the fishermen. He said, "I made a living for 17 years here in the harbor and I've been doing bait for the last seven years. I recently lost my slip position at the fuel dock, which I'm trying to deal with getting back. But, in the mean time, I'm having a hard time finding a slip to continue my operation just to moor my vessel. It's taken up a lot of my time trying to do that. My business I take pride in and I do it very well. I'm known for my quality of service and it's dipping into that because my time now is running around looking for a slip. Because the construction and everything, it was a bad time to lose my slip. I was given a list of 23 operators in the Marina that could maybe help me out, of which no one could. There are no slips available above 40' in this harbor to this date. Zero. None. There are a lot of spaces that could be utilized, where I probably could be put, but because of certain reasons, we're not allowed to moor here, we're not allowed to moor this space out. I think there are places that there should be exceptions made for somebody in my case because I do provide a tremendous service. The visitors that come because they know of me. It's a tremendous amount of service that I supply to the fisherman that go out of this harbor. I am their major supplier. Even though there are two of us, I am the majority when it comes to helping these folks. I'm just having a hard time finding a slip that's all. I wish there was someone who could help out." Mr. Wisniewski suggested that Mr. Derr speak to Mr. Chesler regarding the matter after today's meeting.

Ms. Andrus said that during a "recent Small Craft Harbor meeting, the Commission recommended that the Board release the Request for Proposals for some major developments around Mother's Beach, and around Mindanao and Admiralty Way." She asked how the public could participate in the process or would they be able to participate.

Mr. Wisniewski informed Ms. Andrus that responses to the RFPs would be brought before the Commissioners en route to the Board of Supervisors and copies would be made available to the public. All public documents, everything that comes before the Regional Planning Commission, Board of Supervisors, Coastal Commission, etc., would be provided to the public. The Department's recommended proposal would be brought before the Small Craft Harbor Commission in a public meeting, then before the Board of Supervisors in a public meeting. Assuming the Board authorizes negotiations, the Department then negotiates a lease and that lease comes before the Small Craft Harbor Commission in a public meeting and before the Board in a public meeting. Mr. Wisniewski said the development itself has to go before the Design Control Board in a public meeting, the Regional Planning Commission in a public meeting and, very likely, Coastal Commission, if it involves water. Often times, if it's landside development and is consistent with the LCP, it's typically appealed to the Coastal Commission as well. There are many public meetings where public input is solicited, invited and encouraged.

Ms. Andrus requested that an additional public meeting be held to obtain input about what the public would like to see included in the proposal. Relative to Regional Planning, Ms. Andrus requested that the public receive a report on projects that are submitted to Regional Planning. Mr. Weiss informed her that individuals who want notification about Regional Planning Commission items should contact the Department of Regional Planning. He added that he doesn't know whether Regional Planning would send notices to people who request them. For those who are interested, the Department of Regional Planning is in the County directory and could be reached via its website.

Ms. Andrus suggested the Small Craft Harbor Commission include projects on its agenda. Chairman Searcy informed her that the Small Craft Harbor Commission or Beaches and Harbors does not have "control of the information and the timing, quite often not at all, of the timing of other entities' schedules. When we know about it and it directly impacts and we have that information in a timely manner, I think we generally do let that information be disseminated. But, that's a courtesy we're doing and not an obligation on our part. I wouldn't want to get in the position of having the public make us responsible for publishing the notices on the agendas of other entities because we quite often don't get them all. If there is information that we have, certainly, Coastal Commission hearings that have direct impact, I think we do, once we know that information, include that in our posting and on our website to the greatest extent possible. So, we will continue to do what we can, but I think what Counsel is saying is that there is a web page, there are phone numbers for the Regional Planning Commission. To the extent that we know about it, we will disseminate it, but don't look at us as being the source documentation."

Ms. Andrus said she doesn't look at the Commission as the source and she is also aware it would be a courtesy. Ms. Andrus asked whether the developer who owns several parcels, including Fisherman's Village and Gateway Marina, has any projects currently before the Regional Planning Commission or when they might be. Mr. Chesler responded that two projects have proceeded through Regional Planning. He could not recall the projects' names, but the one that is south of Via Marina on Washington Blvd. was approved. The one north of Via Marina is pending review by the Regional Planning Commission and those notices are posted at the Marina del Rey library and are available on the Regional Planning Department's website and via

a link on Beaches and Harbors' website. Mr. Chesler said he would provide Ms. Andrus with the Marina planner's phone number if she wishes to seek further direct advice, which is also the subject of a letter being sent to her and should arrive this week. Mr. Chesler informed her that those two projects are proceeding and the others are not yet ready for hearing and she could be notified by contacting Mr. Johnson.

Ms. Andrus said there is a senate bill that requires notification to be given to "the people that have those apartments. You're supposed to give them notice as soon as that goes into the process. As far as I know, that's way over due and they haven't gotten notice yet." Mr. Weiss responded that Ms. Andrus has contacted his office about this matter. He explained there is a law for providing notification to apartment tenants, but he doesn't recall the specifics. Marina lessees are required to comply with applicable provisions of state law relative to notifying tenants. No one is excused from state law.

Chairman Searcy asked Mr. Weiss whether it is fair to state that, "when you have a chance to look at that law and as we work with any of the developments in the Marina, that if we see that there are some provisions, especially with new laws, that either they're: a) unaware of; b) aware of and don't know what to do; or c) aware of and are just ignoring it, that we will make them aware of their requirements and that we will follow up with regard to any notification we need to make to them about their obligations. Is that a fair statement?" Mr. Weiss responded that the Department and his office will, "do whatever we can to make sure that our lessees are complying with all applicable provisions of state law. New laws are adopted all the time and sometime there's a learning curve. I think that's the best way I could respond to that." Chairman Searcy asked whether there is a process that would take this into consideration on a going forward basis. Mr. Weiss responded that he "would do my best to make sure that I advise the Department regarding all these things so that they, in turn, advise the lessees. The lessees are under an independent obligation to be aware of all state laws regarding tenancy and so forth. We certainly are not adverse to making sure that they're aware of them if we're aware of them."

Mr. Sokalski said, "I wonder if you might agendize an item to consider the public participation conditions allowed here at this body to see how well they comport with the Coastal Act. For example, on February 24, there was a special meeting of the Small Craft Harbor Commission meeting in this room. The room was filled up with boaters here. They came from word of mouth...The sole item of that meeting was an option agreement that this Board was to vote upon, and recommend or not recommend, to the Board of Supervisors to approve. During that lengthy testimony from a lot of people that expressed concern, no one informed this group, specifically, the Director did not inform this group, that the item had already been agendized on the Board of Supervisors' agenda for the very next day, February 25. So, no one was aware of that. I find out late that evening...That clearly is not keeping good faith with the public of informing them of how they could participate in this process. It speaks to the intent to limit public participation very drastically. Carla Andrus brought up a point, when does the public and how does the public participate in the RFP process. I think what has been overlooked is the need to participate early on in the process, in the project definition stage and in the selection of the various proposals that are submitted. To simply say that you can participate by going to the Regional Planning Commission later is like you get to arrange deck chairs on the Titanic at best. The whole situation has already been set and headed for disaster. This has come up repeatedly. Just in the last couple of months was the issue of the water taxi or water bus service and the public brought up some good issues, good points about it, about the type of craft selected, points, and whatever. It didn't have to be hashed out this way if there was a process where the public comments could have been considered before it was brought to this meeting.

This is what many of us have been trying to promote for some time and looking to this Commission to encourage the Department of Beaches and Harbors to set up procedures, to discuss them and see if there's a better way to include the public. It would certainly help to slow down lawsuits and other problems if that were to happen."

Chairman Searcy stated, "For clarification, this is a public process. To say that...there is no public input process here and you want a different one just flies in the face of people wanting to speak and be heard here and our attempts to keep it an open process. To say that you have no impact on the RFP process until the deck chairs are arranged on the deck of the Titanic ignores the fact that the last, I think, two RFPs that came out had specific language and specific requirements put in there as a direct result of the public input to this public process. I think that is misleading. It's incorrect and I call your attention to the specific steps taken by staff in response to public comments about those RFPs. So, to say that you have no input to it until it's a done deal and the deck chairs are arranged on the Titanic is misleading."

Mr. Steve Weinman said, "What I would like to speak to, and I don't think it's brought up often enough, is basic affordability; public access to the sea and it being affordable. I've talked to Bellport. It's gonna cost Hunter Von Leer about $600 to put his boat in the dry rack storage. It's gonna cost Jimmy Stathis, whose 20' boat is right beside him, about $400... You're gonna price the small boaters out. You're eliminating small boat slips. You're eliminating the ability of the working man to have a boat here. I know Bellport's done a great job down in Newport to get the prices up and bring in more money for the governing bodies there and I'm sure that's their mandate here and they're doing it well. Bellport has set it up over on the end of Tahiti where the new slips are over there, like Mr. Coster addressed, their language in their contract states...the people who work on your boat have to have, like a $500,000 liability policy. If you can't provide that, you got to use Bellport's people, which is a monopoly. They're creating a monopoly and making it more difficult for people to maintain their own vessels. I don't know what the answer is to that, but I just hope that is remembered through the process and is addressed."

6. **ADJOURNMENT**

Vice-Chairperson Stevens moved and Commissioner Law seconded a motion to adjourn the meeting at 11:19 a.m. The motion passed unanimously.

Respectfully submitted,

Toni Minor
Commission Secretary

Small Craft Harbor Commission
Meeting of June 11, 2003
Minutes

Commissioners Present:

Carole Stevens, Vice-Chairperson
Joe Crail
Russ Lesser

Excused Absences:

Harley Searcy, Chairman
John Law

Department: of Beaches & Harbors:	Stan Wisniewski, Director Roger Moliere, Chief, Asset Management Division Dusty Crane, Chief, Community & Marketing Services Division Julie Cook, Planner, Planning Division
Other County Departments:	Rick Weiss, County Counsel Lt. Tracee Edmonds, Sheriff's Department Deputy Paul Carvalho, Sheriff's Department
Also Present:	Allan Kotin, Kotin & Associates Richard Volpert, Munger, Tolles & Olsen

1. CALL TO ORDER & ACTION ON ABSENCES

Vice-Chairperson Stevens called the meeting of the Los Angeles County Small Craft Harbor Commission to order at 9:36 a.m. in the Burton W. Chace Park Community Room, Marina del Rey.

Commissioner Crail moved and Commissioner Lesser seconded a motion to excuse Chairman Searcy and Commissioner Law from today's meeting. The motion passed unanimously.

2. APPROVAL OF MINUTES

Since only one of the Commissioners present today attended the May 14, 2003 Commission meeting, Vice-Chairperson Stevens postponed action on the minutes to the July meeting.

3. SERVICE AWARDS

Vice-Chairperson Stevens stated that the service award would not be presented today because of the recipient's absence from work.

4. REGULAR REPORTS

a. Marina Sheriff's Department Report

--- Crime Statistics

Lt. Tracee Edmonds, Harbor Master, reported there was a significant change for the month of May in certain criminal activities, mostly in the area of theft. In April, there weren't any boat burglaries, but in the month of May there were three. Additionally, an infant was found on April 5 in the channel, which has been deemed a homicide. It appears that the infant was abandoned by its mother immediately at birth and discarded into the water.

Lt. Edmonds reported there's been a significant decrease in violent crimes, aggravated robberies and assaults. She explained that during the summer months there is usually a higher increase in thefts of vehicles and boats. The Department has a plan to combat this problem throughout the next three or four months by deploying additional officers on the docks and in the parking lots.

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

Deputy Paul Carvalho reported that the May report, relative to notices to comply and warnings, reflects little change from the April report. There has been a change, however, in the number of impounds at the docks. Three more vessels were acquired and one was disposed of. Currently, there is an excess of 25 vessels that the Department is working to dispose of. Staff is working with the Property and Maintenance Bureau to obtain state grant funds to dispose of the vessels.

b. Marina Special Events

Mr. Wisniewski reported that the 29th Annual Marina del Rey In-Water Boat Show would be held on June 26-29, 2003. He encouraged members of the public to obtain a copy of the Special Events Report from the public information table. He said the Marina del Rey Fourth of July Fireworks' hours have been expanded. Fireworks will begin at 9:00 p.m. The water shuttle will be in operation on July 4th from 10:00 a.m. to 11:00 p.m. Vice-Chairperson Stevens asked whether an additional boat would be used. Mr. Wisniewski responded that he doesn't believe an extra boat is needed and he feels very comfortable with the use of two boats.

Mr. Wisniewski concluded his report by stating that detailed information on the Fisherman's Village Weekend Concert Series is also included in the Special Events Report.

5. NEW BUSINESS

a. Election of Commission Officers

Vice-Chairperson Stevens suggested that the election of Commission officers be postponed until the July meeting so the Commissioners who are absent from today's meeting would have the opportunity to participate.

Commissioner Lesser moved and Commissioner Crail seconded a motion to postpone the Commission's election until the July meeting. The motion passed unanimously.

b. Approve the Attached Resolution Authorizing the Execution of an Agreement for Grant Funds in the Amount of $55,000 from the California State Coastal Conservancy for the 2003 Marina Coastlink Water Shuttle Alternative Power Evaluation and Permanent Water Shuttle Feasibility Study

Mr. Wisniewski reported that the California State Coastal Conservancy grant money would be used to study the effectiveness of the electrical power and solar power water shuttle, Electric Lady, that's in service. The Coastal Conservancy informed the Department that if that vessel is successful, the Conservancy would fund the County's purchase of an Electric Lady II. Mr. Wisniewski said he has no doubt that the Electric Lady will be successful. He explained that the primary element of the grant would be to study the feasibility of expanding the water shuttle service, which he has expressed on record as his desire. The Conservancy is particularly interested in having a cross channel connection. Mr. Wisniewski showed the location of the cross channel connection on the Community Room's aerial map. Mr. Wisniewski said the study would identify the docks that are needed. The Sheriff's and Corps of Engineers would be contacted to ensure that navigation is not being impeded. He said the Conservancy is excited about the program and the service was named "Coastlink" at the Conservancy's request. Mr. Wisniewski expressed his agreement with the Conservancy that the cross channel connection is important. He added that the Conservancy is, perhaps, less interested in the Department's overall objectives of expanding the water shuttle service throughout the Marina, but realizes the two can work hand in hand. Commissioner Crail commented that there might be navigational problems in the area because it gets pretty crowded on a busy weekend when the

shuttle is operating the most. Mr. Wisniewski said this is one of the challenges that would have to be studied.

Before opening the floor to public comment, Vice-Chairperson Stevens informed the public that, for today's meeting, people who address the Commission "may receive an extra three minutes one time and one time only during this meeting, although you may speak for your three minutes on any subject that comes up."

Vice-Chairperson Stevens opened the floor to public comment.

Hearing no public comment, Vice-Chairperson Stevens said she would entertain a motion from the Commission.

Commissioner Crail moved and Commissioner Lesser seconded a motion to approve the Agreement for Grant Funds in the Amount of $55,000 from the California State Coastal Conservancy for the 2003 Marina Coastlink Water Shuttle Service Alternative Power Evaluation and Permanent Water Shuttle Feasibility Study. The motion passed unanimously.

c. Approval of Option and Amended and Restated Lease to Facilitate Redevelopment – Parcels 95S and LLS (Marina West Shopping Center) – Marina del Rey

Mr. Wisniewski reported that there are diagrams and pictures displayed today of each of the three Agenda Items: 5c, 5d, and 5e. These projects were presented at the public meeting that was held in the evening. Today, staff is presenting the option and lease agreements that would bring these projects to reality.

Mr. Wisniewski informed the Commission that the unit count for the Admiralty Apartments is 172, replacing 64 units that are currently in two structures. He pointed out a mistake in the Board letter, which, he believes, says the existing size is a single 4-story structure. The existing size is actually 64 units in two separate buildings. The apartment's redevelopment would result in one 4-story building with 172 units.

Mr. Wisniewski said that what's exciting about the projects on Parcels 95 and 97 is the dream of having parkettes on either side of Via Marina and Washington Blvd. at the entrance to the harbor. These two areas will be developed with water features and seating areas. Mr. Moliere said it's helpful to discuss Parcels 95 and 97 together because they're companions. One of the exciting aspects of the projects is that the lessee will build and maintain the projects at his expense.

Mr. Moliere said Parcel 95 is an existing collection of buildings that total approximately 21,000 square feet that would all be taken down, except for the Islands Restaurant on the corner, which would be completely refurbished.

Commissioner Lesser asked whether he should be excluded from voting on this agenda item since he has a financial interest in Islands Restaurant. Mr. Weiss responded that it would be appropriate for Commissioner Lesser to recuse himself from voting on the matter since Mr. Weiss can't rule out that the Commission's action might not have an economic impact on Islands Restaurant and Commissioner Lesser.

Vice-Chairperson Stevens said she would remove Agenda Item 5c from the agenda since three Commissioners are needed to vote on the item. Mr. Wisniewski requested that, as an alternative, the Commissioners discuss the item, take a vote and, if two members are in agreement, he would inform the Board of Supervisors of the vote count and that the Commission did not have a quorum and one individual had to recuse himself.

Mr. Weiss said Vice-Chairperson Stevens' statement about the need for three Commissioners to vote on the item is correct. He explained that the "Commission Rules' Section VII provide that three votes are necessary for any item, however, if there are not three votes available, the Commission may refer the item to the Board of Supervisors with a notation of the Commission's voting." Given this information, Vice-Chairperson Stevens did not remove Agenda Item 5c from the agenda.

Vice-Chairperson Stevens opened the floor to public comment.

Ms. Carla Andrus said, "I'm thinking that we should probably have workshops before we even continue with the rest of this....The public hasn't had the benefit of any workshops and, another thing, on the Admiralty Apartments, I'm wondering if the tenants of that apartment building have been notified about these public meetings as they are supposed to do by state law?" Vice-Chairperson Stevens responded that at least one tenant expressed to her his need to find a new place to live. Ms. Andrus asked her whether she believes the tenants were given notice. Vice-Chairperson Stevens responded that she believes the tenants were given notice. Ms. Andrus asked her whether the landlord gave the tenants notice. Vice Chairperson Stevens responded that she believes the tenants were given notice.

Mr. Rick Horner, a boater and member of a yacht club, said, "It looks like a beautiful project. I have a question on it though. I see that you mention 'park.' By looking at the diagram, it looks like a beautiful park to look at, but are there any other facilities in that park for any of the kids or teenagers or young adults to participate in any type of activities, rather it be basketball or soccer? Or, is this going to be an adult living situation where there are no pets and no kids allowed and only tourists can walk through and look at the beauty and we in the Marina can't enjoy this with any type of facilities made for us?"

Mr. Moliere responded that the project consists of a series of small pocket parks, referred to as parkettes, which are planned throughout the Marina. These are not planned to be public parks in the sense of a full facility that will draw people; the parkettes are much too small for that intent and are meant to be a signature entryway into the Marina. The parkettes are passing parks where people could stop for a minute and relax in the course of their enjoyment in the Marina.

Mr. Wisniewski said that Mr. Horner might not be aware of the overall plan, which was sent to the Coastal Commission. A number of parkettes were identified on the perimeter of the Marina to make the public aware of Marina del Rey, making it look more inviting and providing something that residents and visitors would enjoy. He said that the former Union Oil Service Station, on the corner of Fiji Way and Lincoln Blvd., would have a parkette. Parcel 150, the Marina Physical Therapy building, would be torn down and a parkette built at the location. Parcels 95 and 97 would have the parkettes, as well as Parcel 83, which is currently the asphalt parking lot that's on the corner of Admiralty Way and Fiji, adjacent to the Waterside Shopping Center. Chace Park's expansion is also being planned to encompass the area where the Santa Monica Windjammer's Yacht Club is currently located. Mr. Wisniewski explained that the parkette concept was developed because the Department saw an opportunity to improve and do good planning for the Marina, which it has consistently been doing since the Asset Management Strategy was adopted in 1997.

Mr. Horner said, "I look at these developments and I'm not opposed to them, but my point is, I think some serious consideration should be given to if a family moves in what would their kids do. Is it going to be people-friendly for people living here, animal-friendly? I'd like to buy a place here if it's below the zillion dollars that I imagine it would be. I'd like to see consideration, if people live here and have kids or if there are young adults, or people even in their 20's and 30's, besides tourists coming in, besides being a beautiful entry way to the Marina, which I think is a wonderful thing, but consider that if people live there, they're gonna need a place to socialize and live, walk their dog, play with their kids." Mr. Wisniewski informed him that these are the reasons Chace Park is being expanded.

He explained that the Board approved the concept of expanding Chace Park into the Santa Monica Windjammers Yacht Club leasehold as well as into the Sea Scout Base. There is intent to develop an aquatic center in Chace Park to partly service the needs of the residents, as well as visitors to the Marina and the rest of the Los Angeles County population, who, Mr. Wisniewski believes, are underserved when it comes to the availability of an aquatic center in a Marine environment. Mr. Horner expressed his agreement with Mr. Wisniewski and informed him that he is involved with youth programs. Mr. Wisniewski told Mr. Horner that he should be excited and should support the Department's efforts relative to Chace Park's expansion.

Mr. Daniel Cohen, boater, said, "I think the idea of this park there is good, but I think what needs to happen is, when you take the buildings down, to not put any buildings up there, to make it all park land. I would like to call your attention again to House Document 389 of the 83rd Congress, Second Session, and the deed whereby the County of Los Angeles signed over the surface rights to Marina del Rey, to the federal government, to put a visitor-serving center, public open space, in here. We must remember that these are reclaimed tidelands that fall under the laws of the state of California and private development for private use is not allowed on these wetlands. I am right now speaking with different law firms to try and file, perhaps, a quiet title action to prevent the County from continuing to tell people they own this land without making them aware of the fact that there is an easement to the federal government that does not allow private property in Marina del Rey. This is illegal development. It flies in the face of laws passed by our federal government and they continue to refuse to make these documents...come out to the lessees. I think that anybody leasing this property should be well aware that the federal government has a claim, filed in 1958 in the L.A. County Recorder's Office, showing the federal government owns the surface rights to Marina del Rey, to put a park in here. I think it's time the County stopped taking federal lands inappropriately and using them inappropriately. I think it's just a matter of time now before I find an attorney that will handle this as a class action lawsuit against the County for land fraud."

Commissioner Lesser asked Mr. Weiss whether anything illegal is being proposed in any of the items being presented to the Commission today. Mr. Weiss responded, "I suppose this is partly my fault because, as you'll notice, the report on jurisdictional issues in the Marina was not available for this meeting and I apologize for that. However, I will state now what you will be reading in the report when it is available. In our opinion, the speaker is wrong. There is nothing being proposed today that is illegal or inconsistent with the federal rights. The federal government has an easement for navigation and maintenance. There is nothing that is being done that is interfering with that easement. An easement is not total property rights. There's nothing inconsistent with their having their rights and the County maintaining its rights. All of these projects contemplated by the Coastal Commission, these are not reclaimed tidelands. They were never subject to tideland trust under the state of California based on the manner in which these lands were accepted into the United States and into the state of California. You don't have to take my word for it, but that is the opinion of our office and that is our advice."

Mr. Cohen asked whether the County "would make available to lessees the federal documents and the federal easement so that these people on their own can make a decision on whether they have clear title before they invest their funds in these projects?" Mr. Wisniewski responded that the jurisdictional issue would be agendized for the July meeting. Commissioner Lesser added that at the July meeting, material related to this matter would be available to the public, lessees and anyone else who wants it. Mr. Cohen asked whether lessees would be provided the information. Mr. Cohen said, "I checked with the title companies and the title companies are not including this in the title reports. I pulled a full title report from a property on the Marina peninsula that's covered by this easement and mention of this easement is not showing up on title reports. So, I think that the County needs to come clean and let people know who owns the land when they're trying to lease it out."

Mr. Wisniewski said that the material relative to the easement that Mr. Cohen is referring to is available on the public information table. The material was provided by Mr. John Davis and copies were sent to the Commissioners along with a cover memo from Mr. Wisniewski informing them that the Marina del Rey jurisdictional issue would be agendized for the July meeting.

Mr. John Davis said, "I'm glad that the County finally has a copy of some of the very pertinent documents that pertain to Marina del Rey and may relate particularly to, I believe we're discussing, Item 5d today. I would first state that the County is extrajurisdictional because Marina del Rey...." Vice-Chairperson Stevens interrupted and informed him that the Commission is currently discussing Item 5c. Mr. Davis thanked her for her clarification and said his comments relate to Item 5c. He continued, stating "Marina del Rey is categorically excluded from the Coastal Zone according to the California Coastal Zone Management Plan approved by the National Oceanic and Atmospheric Administration (NOAA), thereby, this Commission is extrajurisdictional because Marina del Rey is supposed to be under the exclusive jurisdiction of the California Coastal Commission. Furthermore, Marina del Rey is governed under the Rivers and Harbors Act of 1945 under Section I, as the materials that anyone could review would indicate. Now, that means that is the primary governance. The secondary governance is under the Coastal Commission that is supposed to be categorically excluded; therefore, the Local Coastal Program (LCP), which we're talking about, is probably illegal on its face. Furthermore, the County Asset Management Strategy, which the Director informed us that the County adopted, is not approved by the California Coastal Commission and the County is using it to substitute what it would like to see happen in Marina del Rey for the logical legal jurisdiction, which lies with the Coastal Commission. Therefore, I request that this Commission, based upon the documents that are available to all of you today, not approve this item. And I would say not to approve it because not only do you have no jurisdiction, but the County has abridged and interfered with those rights granted to the United States in the deed of perpetual easement and right of way signed by Burton Chace in 1958."

Mr. David Levine, president of the MdR Lessees Association, said, "My purpose here this morning is just to urge you to move forward with this redevelopment of the parcels before you this morning. It's extremely important that all redevelopment which revitalizes Marina del Rey goes forward as quickly as possible. There's considerable public benefit to the addition and upgrading of visitor serving uses that are on these parcels and I would urge you to move forward as quickly as possible."

There was discussion regarding the action that would be taken on this item since only two of the three members present could vote. Commissioner Lesser would have to abstain from voting because of his economic interest in Islands Restaurant. Mr. Wisniewski said that, although only two members could vote, he would like the Commission to go through its normal process of making a motion and taking a vote so that he could inform the Board of the two voting members' opinions.

Commissioner Crail moved and Vice-Chairperson Stevens seconded a motion to approve the Option and Restated Lease to Facilitate Redevelopment—Parcels 95S and LLS (Marina West Shopping Center)—Marina del Rey. Commissioner Lesser abstained. The motion failed.

Mr. Wisniewski informed the Commissioners that their vote would be included in the letter to the Board of Supervisors.

d. <u>Approval of Option and Amended and Restated Lease to Facilitate Redevelopment – Parcel 97R (Marina Beach Shopping Center) – Marina del Rey</u>

Vice-Chairperson Stevens asked whether Parcel 97 is on Washington Blvd. Mr. Wisniewski responded that it is on Washington Blvd. He explained that the existing shopping center would be replaced and a new landscaped entryway park at the southeast corner of Washington Blvd. and Via

Marina would be constructed. Mr. Moliere stated that there is no significant change in size of the Parcel 97 project. The extension is short-term, 20 years, due to the size of the investment.

Mr. Wisniewski informed the Commission that Ms. Julie Cook, who is a planner, and staffs the Design Control Board, is replacing Mr. Joe Chesler, Chief of the Planning Division, at today's meeting. Mr. Chesler's absence is due to his attendance at a Coastal Commission meeting.

Vice-Chairperson Stevens opened the floor to public comment.

Mr. Davis said, "For the record, I would like to incorporate all of my comments by reference into this particular agenda item and I would incorporate all of that information because they're equally as pertinent. First of all, I would like to discuss the concept of parkettes. I think that's the name of a margarine if I'm not mistaken. Perhaps, it's a marketing tool for the County, oh, that's Parkay, pardon me. I believe that parkettes are really an attempt to eviscerate the purpose of the federal project as described in House Document 389. It's a purposeful attempt by the County of Los Angeles to take lands that were taken by the County with eminent domain powers with monies borrowed from the tidelands trust of the state of California to create a small craft recreational harbor. Now, what is happening is, by these extended leases that do not seem to comply with state lease law, which requires open bid and which requires that the determination of the lease on public land, the public has input to determine if indeed it's appropriate to continue to use the land for these purposes. There is no open bid. In fact, the County is giving control over lands taken with eminent domain law of the state of California, also utilizing the state bond laws and after taking them from private entities and then giving them over to private entities once again. This is a complete violation of public trust. The County was only to operate the harbor. The County has allowed private lessees with private land rights to operate the harbor, thereby interfering and abridging those rights deeded to the United States by Burton Chace on the behalf of the Board of Supervisors in 1958."

Ms. Patricia Younis, The Bridge Group, said she is "here this morning representing a major tenant in the shopping center, Joni's Coffee Roaster. She would like you to know that she is very much in support of this redevelopment and that she feels the revitalization to this center would be of great benefit to all the tenants at the center."

Mr. Ray Collins, MdR resident, said "I'm concerned with what's in it for the residents of MdR. I realize there's a lot of development going on here and there's going to be a lot of money to be made for the community, which is a good thing. As the Director was speaking earlier, he said the lessee is going to pay for these parkettes and is willing to pay for all these costs. Well, what's in it for the lessor? I thought these lessors are in it for the business, to make money. Why are they building parks? If they're building these little parkettes, which really don't serve the community, what I'm curious about is, what's in it for them?...What about Joni's Coffee Roaster? I'm curious, what is her lease going to be? Is she going to continue to stay? What about all the other lessors, are they still going to be there? I don't live too far from that area. I really like the Marina. I like to see positive changes happen. Again, the issue came up about parks. These parkettes are not parks, but the Director addressed the issue that this would become a park. Well, this would become a park, but this is also a leftover issue from last year about what would happen to the small boaters and the loss of small boat space, launching facilities and other things. I just keep seeing issues moving around and I see other things happening. I'm just curious. I come to the meeting...sure I don't understand the full picture, but maybe that's the public's right to understand the full picture. I'm just curious."

In response to Mr. Collins' question regarding what the residents gain from the development, Mr. Wisniewski responded that they gain an improved shopping center, an improved Marina entrance and improved services. He said the Marina Shopping Center was built in the 1960's and needs a major renovation. As for Joni's Coffee Roaster, it would have a market rate lease. Relative to what the developers gain, Mr. Wisniewski said they would gain a reasonable return on their investment. As for

the County, he said it would continue its stewardship of the Marina del Rey asset for the 10 million people who own Marina del Rey. Mr. Wisniewski said the Department is doing a good job and has master planned through the LCP documents and Asset Management Strategy. Unlike neighboring areas, where hi-rises are popping up left and right and, in Mr. Wisniewski's opinion, are not very tasteful, the Marina's growth is being planned in a deliberate and conscientious manner. The Coastal Commission members that voted on the amendment to the LCP that supported the development of Parcel 20, with the 99-unit apartment building, indicated that they felt the County was doing good planning in Marina del Rey; at least that was a comment made by one of the Commissioners. Mr. Wisniewski said it's important for the County to realize fair market rents from the Marina. The additional rent to the County supports the general fund services that are provided by the County to its constituents.

Commissioner Lesser commented that he believes the plan is excellent and the creation of parkettes enhances the community. He questioned why some members of the community don't think the parkettes are a good idea.

Mr. Horner stated that he wanted to clarify himself. He said, "A parkette is nice to look at, but it's not too difficult to understand when you live in an area that you need facilities to use. You need facilities for your kids, for friends. A parkette is just to look at, it is not enough. The Marina's Chace Park is not enough as well." Commissioner Lesser asked Mr. Horner whether he would prefer the areas intended for the parkettes to be paved over with asphalt. Mr. Horner responded that he doesn't believe there are only two choices, but multiple options. He said time and effort should be taken to understand what it's like for the residents to use the parkettes functionally.

Mr. Wisniewski said, "It's important to recognize that the leaseholds we're dealing with are encumbered with long-term leases, most of which have 20+ years left to go. When we renegotiate these and give extensions, we are trying to effect something that we want, which is redevelopment of the harbor and renovation. There's a balance there. We have to get fair market rent, that's our goal, which we overachieve in virtually every deal. We need to ensure the lessee has a fair and reasonable turn on his investment; otherwise, he won't be incentivized to go forward. That's the balance that we strike. I can't negotiate with the Parcel 97 lessee and tell him to scrape it and make it a park. I can, on an opportunity-by-opportunity basis, as we've done, redevelop the land as parkettes. It wasn't intended to substitute for park requirements in Marina del Rey. It was an added plus. Frankly, it was my pet. It was something that I thought of and I thought it was a good idea. I'm not taking away park space and giving these back in return. I'm adding these because I think it's important to the community. They aren't meant to be soccer fields, they're not meant to have basketball hoops, but at the same time, we're expanding Chace Park and that's not mandated either, but we're still going to do it. It's all a balancing act. Just because it's a good idea doesn't mean that it should be shot down."

Vice-Chairperson Stevens expressed her agreement with Mr. Wisniewski and said people are forgetting the tremendous amount of study that has gone into Chace Park and its evolution into a larger park. She said the parkettes are being blown out of proportion. Vice-Chairperson Stevens suggested that members of the public express their opinions at the Design Control Board meetings since its members were involved in the parkettes' design.

Ms. Andrus asked, "What about our workshops? You're making this plan and you're not including public input. The LCP is gonna be looked at...until maybe October or beyond, but that doesn't excuse the County from conducting these workshops and I would suggest the workshops be done before we continue with these same old proposals. You think it's been repetitive. We had this up before us before and they're opening up the new Request for Proposals (RFPs) for the beach.... Let's do the workshops please. You have a public that wants to participate, that wants to be included in how we develop this Marina, let's include them. It's like putting the cart before the horse, okay?

Let's put this in perspective. The whole thing is, the cart has run away, and the public is being left behind and you're imposing all of this on us without these workshops. It's time."

Mr. Greg Hill, a boater, said relative to Chace Park's expansion, "At the last meeting that I came here we were told nothing would be done to take away the affordable access to the Marina for small boaters and if you guys expand Chace Park you're going to be taking out Dock 77, which is the only affordable way for us small boaters to get our boats into the Marina, get them fixed, get them operational and have a good place to store them. This is the second time I've been here and everybody says we're not gonna do it, but there's no explanation on what you're gonna do. If you expand Chace Park to Dock 77, where is Dock 77 gonna go? What are we going to do? What's going to happen with Mr. Weinman? And another thing too, as a small business owner, I owned a business and because of state laws, it made my business less profitable and I had to close it and I'm very sensitive to places like this just taking someone's work for the last 10 years and just rolling over them. I'm not seeing any consideration to Dock 77. You guys aren't even mentioning it. When you're talking about how great Chace Park is going to be you're not talking about what you're going to do with Dock 77. One other thing, and probably why there's a little suspicion here, is you guys say you want to do the best things for the boaters. We've taken out about, there's about 20% less docks now because of the boating...People come down here for the boating, that's why it's so beautiful. Let's not take out all of the boats."

Vice-Chairperson Stevens said Chace Park is being expanded, but not one single thing would be done that would disturb the small boaters that utilize Parcel 77. She added that Mr. Wisniewski is on record stating that existing facilities would not be eliminated until replacement facilities are in place. Mr. Hill said that if Mr. Weinman is relocated to a really beautiful place that is much more expensive to rent, he won't be able to remain there. Currently, Dock 77 tenants have a place that is affordable and where their boats could be fixed.

Commissioner Lesser asked Mr. Hill whether he is against Chace Park's expansion. Mr. Hill responded that he is against it if it means the removal of Dock 77. Commissioner Lesser asked whether Mr. Hill would be against the expansion if Dock 77 facilities could be relocated to an identical situation somewhere else. Mr. Hill responded that Dock 77 could be relocated with the same rental rates, etc., however, the Department is not addressing whether identical rental rates, etc. would exist at a new location. Mr. Wisniewski clarified that the Department has committed that if any facilities are disturbed on Parcel 77, be it for Chace Park's extension or the Entertainment Retail Center, or whatever, they would be replaced. He said an RFP is available for the development of Parcel 52, with a dry stack boat storage facility. There will be expanded services for boaters and it is something to which they could look forward. Mr. Hill asked whether Mr. Weinman is included in the plans. Mr. Wisniewski responded that Mr. Weinman is a sublessee and the County doesn't have a contractual relationship with him. The services that are currently provided at Dock 77 would continue to be provided, however, there is no obligation on the part of the lessee or County to contract with Mr. Weinman.

Commissioner Lesser asked whether the County is supposed to make its plans contingent on Mr. Weinman even if someone else could provide the service who is twice as good as Mr. Weinman and costs half the price. Before a response could be given, Mr. David Levine interrupted. The discussion regarding Dock 77 did not pertain to an agenda item and Mr. Levine indicated that he would like to get the discussion back on track. Relative to Agenda Item 5d, Parcel 97R, he said, "I don't believe that any other parcel is subject to public comment at this time. I just want to again echo our support for visitor-serving uses and any redevelopment that enhances the quality of life for both residents and visitors and I would urge that this Commission move forward with this agenda as quickly as possible with the recognition that any redesign of any other parcel will be covered in the appropriate agendized items before a bevy of public agencies and public commissions at other more suitable times."

Commissioner Lesser moved and Commissioner Crail seconded a motion to approve the Option and Amended and Restated Lease to Facilitate Redevelopment – Parcel 97R (Marina Beach Shopping Center) – Marina del Rey. The motion passed unanimously.

e. Approval of Option and Amended and Restated Lease to Facilitate Redevelopment – Parcel 140V (Admiralty Apartments) – Marina del Rey

Mr. Wisniewski stated that there are currently two buildings at Admiralty Apartments, with a total of 64 units, that would be replaced with a 4-story structure with 179 units. Mr. Moliere informed the Commission that the project includes 17 low-income units in conformity with the County's policy. It should be noted that changes were made to the original design that was previously presented to the Commission. The whole project was moved farther back from Admiralty Way and additional landscaping was placed in front to soften the look. He said the project is a good one in that it provides additional low-income housing in the Marina and a brand new building to replace one that is not very attractive.

Vice-Chairperson Stevens opened the floor to public comment.

Mr. Davis said, "I'm incorporating all comments that I made by reference from Items c and d. I must say, first of all, to you regarding your jurisdiction here. I believe County Counsel is providing false and misleading information. In fact, I believe that members of the office of County Counsel are colluding and conspiring to commit land fraud against the United States of America and the state of California by giving over operational control of a federal facility which is to be maintained by the County and allowing private for-profit interests to operate the facility, abridging and interfering with those rights granted to the United States of America. I would further say that even that minimal amount of control that the County legally had to operate the harbor given to it by the United States of America is obliterated because Marina del Rey as per the Coastal Zone Management Act of 1972, is categorically excluded from the coastal zone, therefore, the County of Los Angeles is squatting on this property. The leases that have been given are artificial in nature and in no way valid. In fact, it seems to be criminal in that respect because the County is supposed to operate it or at least it was until the Coastal Zone Management Act excluded control from the County and gave it over to the Coastal Commission. This is inconsistent with the grand jury's findings of 1981 and County Counsel's recommendations to the chairman of that grand jury. I believe that another County, state grand jury investigation is warranted. I believe that a U.S. grand jury investigation is warranted and I am asking that the government accounting office of the U.S. of America investigate where the revenues have gone because they're supposed to be only based on free and reasonable costs, not market rate."

Vice-Chairperson Stevens said she read the material relative to jurisdictional issues provided by Mr. Davis and, until the Commission receives County Counsel's report, she will reserve all of her questions until then. Vice-Chairperson Stevens added that it is premature to make grandiose statements and she is not in agreement with Mr. Davis.

Mr. Collins said, "I don't have a problem with redevelopment in the Marina, I like living in a beautiful place. I like amenities. I like conveniences in life. I work very hard. I work a lot of hours. I enjoy a safe place for my wife to be while I'm at work. I just want to make it clear...I've talked to some people before about these meetings and what goes on. I've had friends, you know, I'm a member of a couple of clubs here in the Marina and they've said to me, 'well, we got on buses and we've gone to all those meetings and it doesn't mean s---, you're not going to get anything done.' You know, Mr. Davis and some of the other people out here that are representing the people have some facts. They know a lot more than I do, but I'm just speaking as a resident and I do want to see things happen. I understand your frustration. You think everybody out here just wants this to be a dirty rundown Marina, but I think the problem is the people just want some say-so. The people want to feel like they

have the right to their opinions. The general consensus that I feel is that a lot of people around me on the other side of the table just feel like, 'you know what, they're going to do what they're going to do and we can't make a difference,' so they don't feel like it's a public agenda, it's a public hearing...Like the woman said earlier, I just think that's a really good suggestion, the public workshop, before the proposals come to the table so that the people can really know what's at stake here, what can be done, where they stand and if it's their right or not to really partake in the situation. I just wanted to clarify that because I'm all about progress. I'm all about moving forward and having good things in life and I think that's what most people want."

Commissioner Lesser asked Mr. Wisniewski the number of hearings in which Parcel 140's apartment renovation was discussed. Mr. Wisniewski responded that there have been three or four public hearings and another public hearing would be scheduled before the Regional Planning Commission. Commissioner Lesser asked whether the Design Control Board meeting provided the public with opportunity to give input regarding their concerns relative to Parcel 140's redevelopment. Ms. Cook responded "yes" and explained that all of the plans are made available at four locations prior to Design Control Board meetings so the public has the opportunity to review them.

In response to public comments regarding the lack of time for public input, Mr. Wisniewski said, "Projects have to go through an RFP process. The RFP comes before your Commission and goes to the Board of Supervisors for public hearings. The response to the RFP to get authorization to negotiate goes through this Commission to the Board of Supervisors. The project goes to the Design Control Board. It has to go to Regional Planning. There are plenty of opportunities for public input and, I might add, there's a concern that I've got and I just want to amplify on something that the speaker said, that he heard people here speaking on behalf of the public. I'm not sure I buy that. The public knows these meetings are here. I see the same people, four or five people, show up to every one of these Commission meetings. While I obviously listen to what they say and I have made changes in the past based on things that they have said, I'm not so sure that they're just not representing themselves in most cases."

Ms. Andrus said, "I'm not representing my personal benefit from all of this, you can be sure of that. We have gone to meeting after meeting after meeting and, you know what? I say we should have another meeting. We should have a meeting that's a public meeting and we should stop celebrating the nighttime meeting that we had a year ago last May where you brought all of this stuff up. So, when are we going to have our workshops? Let me take this opportunity..." Commissioner Lesser interrupted and requested Ms. Andrus to bring her concerns up under the "Communications from the Public" part of the meeting. He asked her whether she had comments on Agenda Item 5e. Ms. Andrus responded, "We've been through this project and we did have our input and it was completely ignored. Number one, the setback of this apartment building is making way for Admiralty widening and we brought that up and you're gonna do a setback even though we don't want a setback. We don't want the height that you're putting there. You're blocking the mountains from the view for one thing and we don't need that much density. You're gonna impose the widening of Admiralty Way so you can accommodate the traffic that's gonna have to come through here with this new development. We brought this up with the Design Control Board and we're going to bring it up with Regional and we're going to go through this again. We've done all this before with several different proposals. Your main catalytic projects from the Asset Management Strategy are gone and you want to send the public through this over and over and over again. You're going to send this through again, through all these meetings, make us go to all these additional meetings without having the main meeting, which is a public workshop."

Mr. Cohen said, "I want to make a comment on the RFP process. I watched several months ago someone come in thinking that they had a shot at a bid on a project and they were turned down and they never knew why and we set in the background and laughed. The RFP process is a joke. We caught County Counsel, I think it was back in 1995 or 1996, Ellis Ring was going to be signing a

major lease amendment with the County with Supervisor Antonovich and County Counsel Rick Weiss. Slight problem happened. Mr. Ellis Ring passed away, but that did not stop County Counsel and Mr. Antonovich from signing a major lease amendment with him and his signature appeared in their presence. I mean, what can you say about a County Counsel that signs leases with dead people? Didn't County Counsel notice that he had been dead for three months when he signed the lease amendment? I mean, this is the kind of people we're dealing with here. This is going to a lawsuit. It's going to go to a class action lawsuit because the County has taken our federal land. They've made bad leases. They've created massive land fraud on public land and it's gonna end up being a class action lawsuit and I wouldn't be surprised if County Counsel needs to go find himself a criminal defense attorney so that he doesn't get put in jail. That's where it's going."

Mr. George Cook said, "I don't believe the small presence that you see here is an exclusive unit that's working on behalf of themselves or ourselves. It's simply because most people can't make it to the meeting because of your time schedule. I've noted that there's supposed to be a public walkway promenade around the Marina, yet I've seen no plans whatsoever for any bathrooms. This is a safety factor." Vice-Chairperson Stevens informed Mr. Hill that his comments don't pertain to Agenda Item 5e and he should really reserve his comments for the "Communication from the Public" portion of the meeting. However, she did inform Mr. Cook that the promenade would have public bathrooms. Mr. Wisniewski clarified that Mr. Cook's comments would be more germane if the Admiralty Apartments (Agenda Item 5e) was a waterfront leasehold, which it is not. The promenade is intended to be a 7-mile waterfront promenade.

Commissioner Lesser moved and Commissioner Crail seconded a motion to approve the Option and Amended and Restated Lease to Facilitate Redevelopment – Parcel 140V (Admiralty Apartments) – Marina del Rey. The motion passed unanimously.

6. OLD BUSINESS

a. Rules Regarding Ceding of Time for Speakers to Address the Commission

Vice-Chairperson Stevens suggested that action on the rules regarding ceding of time be postponed until the July meeting to enable the Commissioners who are absent from today's meeting the opportunity to participate. Per Mr. Weiss' suggestion that Vice-Chairperson Stevens entertain a motion on this item, the following motion was made.

Commissioner Lesser moved and Commissioner Crail seconded a motion to postpone action on the Rules Regarding Ceding of Time for Speakers to Address the Commission to the July meeting. The motion passed unanimously.

7. OLD BUSINESS

a. Marina Harbor Anchorage – Slip Agreement Rules Regarding Working on Boats

Mr. Wisniewski reported that at the May meeting a Marina Harbor tenant complained about Marina Harbor's policy on repair work by boat owners. In response, staff contacted Marina Harbor and provided the Commission with a detailed report regarding the lessee's policy. Mr. Wisniewski informed the Commission, "I think the slip tenant is now satisfied. I think he was under a misimpression at the time."

Vice-Chairperson Stevens opened the floor to public comment.

Mr. Davis said, "I incorporate by reference all of the points I spoke to regarding Agenda Item 5c, d, and e, as they are certainly germane to..." Vice-Chairperson Stevens interrupted and requested Mr.

Davis to confine his comments to Agenda Item 7a. Mr. Davis continued, "My name is John Davis. I'm speaking on my own behalf. I am associated with other public organizations, but today I'm speaking on my own behalf. In regard to this item, which is Item 7a, I incorporate by reference my comments from Item 5c, d, and e. They are germane to this discussion because we're talking about maintenance of boats on public docks. The reason that these comments are germane is because, first of all, the County is supposed to operate these docks according to House Document 389. The County is not operating the docks. That interferes and abridges with the easements and rights of ways granted or deeded to the United States in 1958 because a private entity is operating these docks in Marina del Rey, not the County. In fact, it's a for-profit entity. Not only that, the County's jurisdiction only extends to the landside harbor facilities. The County cannot lease waters of the U.S. of America to a private company without informing the federal government and the Senate that it has done so. It's just not within the purview of the County to give up operation of these docks to a private entity. In fact, I question the County's ability to operate the docks on public trust lands in the first place. These are on wetlands in the state of California. They're on public trust lands in the United States. The County cannot determine who can work on their boat and in what fashion. That is a determination that only can be made by the California Coastal Commission since these lands are categorically excluded from the Coastal Zone according to the Coastal Zone Management Plan for the state of California, according to the California Coastal Zone Act of 1972, and I would suggest that you disregard County Counsel's assertation that private lessees have any private ownership rights whatsoever over these federal lands and public trust lands. I believe that the County Counsel is providing false and misleading information and should this Commission choose to absorb that information in their decision, you will be knowingly and willingly continuing to violate those easements and rights of ways granted or deeded to the United States."

Relative to Agenda Item 7a, Commissioner Lesser asked Mr. Wisniewski whether the matter was resolved between the Marina Harbor tenant who voiced his concerns and the lessee. Mr. Wisniewski responded "yes."

Mr. Donald Klein, president, Coalition to Save the Marina, said, "On this particular issue, I was rather concerned about this, having built my own boat in an 8-year project, of course, not in the Marina itself. I'm kinda concerned about the qualified....The lessee should not have the right of approval of individual workers with this. It seems to me this is a constitutional issue here. This selective policy opens the door to constitutional challenges and the $500,000 liability insurance policy naming management as additionally insured is nothing more than an attempt to reduce the lessee's individual insurance premiums. Workers Compensation Insurance statewide is only required, in this case, if the sublessee chooses not to provide such insurance for his workers and shoulders the responsibility for the workers. I don't see how the situation of working on a boat is any different than working on condominiums in terms of liability, houses or businesses or anything else. The Harbor Department has the authority to enforce any environmental violations that may take place here and I think it's their duty to do so."

Mr. Levine said, "I'm here not in my capacity as president of the Lessees Association, but as representing the lessee of Marina Harbor Apartments and Anchorage. I want to just assure the members of the Commission that our ability to operate these docks in this manner is subject to the regional jurisdiction of the California Coastal Commission and management practices that are incorporated in our lease agreement, regarding maintaining water quality and other issues that speak to this matter. These specific provisions are actually conditions of our Coastal Development Permit from the California Coastal Commission, so I want to assure the members of the public that the lessee is operating with the full knowledge and approval of the California Coastal Commission on a permit that is also a received permit from the Army Corps of Engineers from the federal government. What we're trying to do is maintain sound water quality in Marina del Rey and the best way to do that is to make sure that each individual boater is also responsible for the upkeep of water quality in Marina del Rey. We've provided you with a copy of our lease. We've provided you with an

explanation of our rules and why we carry out the management practices the way we do and I'm a happy speaker, Commissioner Lesser, because I'm happy and secure in the knowledge that I'm operating under all the appropriate permits and carrying out the best management practices and that we have the best possible marina in Marina del Rey."

Mr. James Sokalski, president of MdR News, said, "I was at the Coastal Commission meeting October 9, 2001 where the Director and Mr. David Levine met in the back of the room and came up before the Coastal Commission and promised to have a service provided to boaters to take care of oil, for oil changes, filters and other waste materials. I'm unaware of that service being provided now and he just commented on complying with all the regulations. I believe that was made part of the permit requirement. I'm asking if the Director is aware that the condition has been complied with by the lease?" Mr. Wisniewski responded, "The service that has been committed to will be provided to boaters." Mr. Wisniewski asked Mr. Levine whether he has a timeline developed to provide the service. Mr. Levine responded, "I believe we were working in conjunction with Joe Chesler..." Mr. Wisniewski informed the Commission that he would report back regarding when the service would be provided. Mr. Levine said, "I would have to comment that the only specific service that was to be provided along these lines as a condition of our Coastal Development Permit was a pump-out station, which has been provided and is open and currently being used with the first phase of the dock reconstruction." Mr. Wisniewski informed Mr. Levine that he believed there was a condition that he had to provide for hazardous waste removal as service to the slip tenants. Mr. Levine responded, "We do that through our own slip tenants. We have that available already as part of our periodic trash and other hazardous waste collection. All you have to do is call our management office and they take care of it." Mr. Wisniewski commented, "In that case, I don't have to do a report back if they're already providing it."

Mr. Sokalski said, "It was not my understanding that it was being provided for removing oil. I heard information to the contrary. I just wondered if you might check on that. I do have a videotape and the printed minutes from that Coastal Commission meeting if you want exactly what transpired and I can make that available if there's any dispute as to what it should cover."

b. <u>Ongoing Activities Report</u>

Mr. Wisniewski reported that the Board approved the lease extension agreement for Oakwood Garden Apartments at its May 20 meeting. The lease extension agreement was previously considered and recommended by the Small Craft Harbor Commission. He said the Ongoing Activities Report includes an update on the Marina del Rey Water Shuttle Service. Copies of statistics identifying the shuttle service ridership between May 16 – June 8, 2003 were placed on the public information table. The shuttle service's operating hours are expanded to 11:00 p.m. for the July 4th holiday. Fireworks will begin at 9:00 p.m.

Mr. Wisniewski said the shuttle's operating hours are expanded until 11:00 p.m. and include Thursdays for the series of Chace Park concerts. The concerts are scheduled from 7:00 p.m. – 9:00 p.m. on Thursdays and Saturdays during the summer months. He explained that the Thursday water shuttle service wasn't in the contract, however, the Department had the ability to add it, pursuant to Mr. Wisniewski's authority, and he made the decision to add the Thursday service from 5:00 p.m. – 11:00 p.m.

Mr. Wisniewski said there hasn't been a lot of visitation to the harbor recently because of the lousy weather and the shuttle service statistics reflect this. He said a chart would be provided at the July meeting that shows the water shuttle usage linked with the temperature in the Marina.

Mr. Wisniewski said 1,611 people have used the shuttle to date and there is an average of 400 people a week. The Department is looking forward to expanding the shuttle service to 9, 10, 11 or 12

sites and the plan for its expansion would be brought before the Commission. Mr. Wisniewski added that comments from people using the water shuttle are really phenomenal.

Mr. Wisniewski reported that the Design Control Board meeting of May 15, 2003 was cancelled; therefore, there are no minutes to present to the Commission.

8. COMMUNICATION FROM THE PUBLIC

Vice-Chairperson Stevens called for communications from the public on matters not on the agenda.

Mr. Davis said, "I'm speaking on my own behalf and this indeed is an item on the agenda, not for action, but indeed an item on the agenda requiring the public to be able to participate via the Brown Act. I incorporate, because they are germane, all of my comments regarding Items 5c, d, and e and 7a. I would have to say, the County approached the Coastal Commission with the Marina shuttle claiming it's a temporary pilot program, however, it operated...during several months last year and the County has given a long-term lease, so how could a company with a long-term lease to operate the shuttle possibly be a demonstration program? Furthermore, I would have to say that none of the items under 7b are within the County of Los Angeles purview. As per the approval of the Coastal Zone Management Program for the state of California August 1976, the Coastal Commission should be completely controlling the entire Marina and the reason they are not, according to a correspondence I received from Alex Halpern, an attorney from the Coastal Commission, is the Coastal Commission did not know this is a federal project. However, that's disingenuous because in the California Coastal Plan of 1975, it clearly shows Marina del Rey as being delineated as excluded from the Coastal Zone and under the jurisdiction of the United States government or its trustees. Therefore, all of the actions taken by the County, as of August 1976, are invalid on their face and will be challenged. I am currently providing all of the information again to the California Coastal Commission on Thursday showing the federal ownership, showing the exclusion. I've contacted Deputy Director Brown of NOAA's Office of Coastal Zone Resource Management. I've asked him to instruct the County and the state regarding this matter. I'm sure he has and if it comes down to it, a lawsuit will be filed against the Coastal Commission for violating the Coastal Act because they have made mistakes before. They have been sued before and I have personally seen them defeated on their decisions on more than one occasion. I do believe that the Coastal Commission will administratively exclude Marina del Rey from the Coastal Zone and thereby take every bit of control from the County of Los Angeles because that is the letter of the law. I do believe County Counsel is misinformed about this subject and is providing false and misleading information to this Small Craft Harbor Commission."

Mr. Wisniewski said he wanted to make a correction for the record. He said, "First of all, the person that's providing the water shuttle service is doing it under a contract and not a lease as Mr. Davis referred to. Second of all, the contract expires with this service on Labor Day, so it is a short-term contract. Third, it is called the pilot program because we didn't operate the program last year. We did it with the cooperation of the Coastal Conservancy and Environment Now. We're the standard bearer on this now. We called it a pilot program because we've introduced another dock sight and I think, frankly, it's gonna be a pilot until we've expanded it to its ultimate size. I'm hoping that, once again, that will be 9, 10, 11 shuttle sites. I'm confused as to why anyone would object to calling it a pilot and why they would give the public misleading information about a long-term lease for the operation of the shuttle." Mr. Davis said, "I stand corrected."

Mr. Dave Lumian, Fleet Captain of the Fairwinds Yacht Club, informed the Commission and the public about an upcoming training, called the Dockwalker Training Program, that is sponsored by the Coastal Commission. The program provides training on environmentally correct procedures for changing oil and using head pump-outs and keeping the environment clean. He invited all those interested to come to the Marina del Rey Library on Saturday, May 17, at 10:00 a.m. Mr. Wisniewski

thanked Mr. Lumian for his activities in the Marina and said Mr. Lumian was honored as the Volunteer of the Year for the Department of Beaches and Harbors at an event at the Dorothy Chandler Pavillion. Mr. Wisniewski said Mr. Lumian's work in the Marina is phenomenal and he wished there were 10,000 of him.

Relative to the Fairwinds Yacht Club, Mr. Cohen said, "This is a for-profit business operating on a residential dock, which is completely illegal. So, to have 10,000 more of them would be outrageous because it's just more illegal activity in a federal project. I used to share the same dock with the Fairwinds Yacht Club and people would come down, get checked out and put on boats on a for-pay basis and this is all done on residential docks. They need to take their Fairwinds Yacht Club and put it in a commercial facility like the other large tour boats that don't belong in Marina del Rey that dump sewage in the Marina and cause havoc. To say we need 10,000 more of them is outrageous. I think the Fairwinds Yacht Club needs to be removed from the residential dock and put on a commercial dock because it is a commercial organization."

Mr. Wisniewski informed the Commission that the California Coastal Commission recognized the program that's provided by Fairwinds, which is a non-profit organization, as one the Coastal Commission hopes to reproduce at other harbors throughout California.

Mr. Klein said "There's an item here that recently came up concerning the insufficient boater parking on Parcel 18R, which was formed from a letter written November 2002 to the Beaches and Harbors Department and was then referred to Ms. Harriet Lange at the Regional Planning Enforcement Division with a letter that was put out stating that there was insufficient parking there on the two projects next to the Chart House. I would like to know what the result of that is and I would like to have that set for the agenda for the next meeting." Mr. Wisniewski said he would be happy to provide the Commission with a report and it would be agendized for the July meeting.

Mr. Klein informed the Commission, "Hannah-Beth Jackson sponsored AB12x, which basically was a bill that changed the rules of the Public Resources Code. Under the current law, the Commissioners are appointed to two-year terms and could be removed at the pleasure of their appointing authorities. Now, they want to establish a four-year term for a Commission, so forth, and they would no longer be removable at the will of their appointing authority. I want to make it clear that this Commission is also operating under those rules, as well as the Regional Planning Commission. We had a case in 2001 when we were opposing a particular project in the Marina and two of the Commissioners were very favorable to us and, all of a sudden, they vanished and then, 10 days later, there were new Commissioners appointed and the project was approved, so we're really concerned. The Coalition to Save the Marina would seek to have the rule change apply to this Commission as well as the Regional Planning Commission."

Mr. Sokalski said, "First, a compliment to the Director and the Board. I appreciate your patience today with the public and, particularly, with the Director with his comportment and attention paid to the speakers and the tone. It seems to me to be noticeably more patient and tolerant shall we say. A comment and, perhaps, a suggestion. I noticed there appeared to be a new logo and tag line on the Department's letterhead." Mr. Wisniewski interrupted and thanked Mr. Sokalski for bringing the subject up. Mr. Sokalski continued, stating "First, for the logo with the beautiful sunset there and the simile of a boat and a ocean wriggly line. I suggest that you ghost in a background of a Manhattan skyline and shots of the traffic there because we want to reflect what's coming. Second, for the tag line, which is lovely, and modeled similar to L.A.P.D.'s 'To protect and serve': 'To enrich lives through effective and caring service.' I suggest the addition of just one word: 'To enrich <u>developers'</u> lives through effective and caring service,' because there's been many, many comments about the public wishing to have their lives enriched in the Marina, not only residents, but others, and their suggesting that, perhaps, if there were more evening meetings or times when more people could come, you might see that it's not just a few hard nosed activists that come, but there are quite a few people. I

remember well in excess of 100 on May 14 a year ago. I will challenge you to try again and you may get a substantial amount of support and lend more credibility to that tag line in the future."

Mr. Wisniewski informed the Commission that staff is always available to meet in the evenings and, as he understands it, the Commission intends to conduct another evening meeting. Mr. Wisniewski added that the Department letterhead's tag line: "To enrich lives through effective and caring service," is the mission statement for the County of Los Angeles, which he decided to place on the Department's letterhead since it is a part of the County of Los Angeles. Relative to the new logo: "Caring for your coast," Mr. Wisniewski informed members of the public who are not aware that, in addition to the Department's management of the Marina, the Department is also responsible for maintaining 21 beaches over 30 miles of noncontiguous coastline. Mr. Wisniewski said that he thinks the logo is quite appropriate and he thanked Mr. Sokalski for mentioning it.

Ms. Gallegos said, "I'm talking concerning the dinghy storage facility on Parcel 91 on Palawan Way. I'm pleased to see that it has been resurfaced and the racks are back up. I'm a recent retiree and I bought a kayak and I got on the waiting list last year. I went over to Asset Management in February and I was allowed to see the waiting list of which I am on and was shown that it had not budged since 2001 and I figure it would be 100 years before I get a space in there if the present permittees are allowed to just stay in there forever. It seems a little elitist to me. I have talked to a couple of people there who said there is no policy other than if the people write their check every year, then that is all there is and they go to the waiting list. Well, the waiting list isn't moving. I have suggested that they write a policy since they don't have one and I suggested on Monday that it should be presented to the Commission and to the public. I asked if there would be sometime in the present and they said they have terminated all the contracts of 108 occupants...Because they intend to have the applications ready for the end of June and implemented by the middle of July, I said I would of thought they had the policy available and applications by now since I talked to Walter DeSantos on May 6 and I talked to Bob Nickens day before yesterday and he said 'No, it hadn't been written.' I suggested that it come before this group and that it come before the public and I said I had a number of suggestions. I've been in communication by E-mail and telephone and visiting the office. So, the recommendation I have for this group is that they insist the policy come here and my main suggestion is that something like 'no one be permitted to stay there more than two years and if any of the present permittees are two years, then they would no longer be there and go to the back of the waiting list in order for the people to have access.' I intend to use it to go kayaking and I feel that its proximity to the water, which is approx. 15 feet, indicates that it is not a dead storage area. My belief is having viewed...some of them look mighty dusty like they haven't been used. I talked to someone at the Del Rey Yacht Club and he said they have a similar problem, people were too lazy to sell their boat and they just kept them there."

Mr. Wisniewski thanked Ms. Gallegos for bringing the matter to his attention and suggested she speak to Mr. Moliere.

Mr. Davis approached the microphone to speak. There was discussion as to whether Mr. Davis would be allowed to speak since he had already spoken regarding the water shuttle service at the beginning of Agenda Item 8--Communication from the Public. He requested that Vice-Chairperson Stevens ask the secretary, Toni Minor, to verify whether he had, in fact, spoken under this agenda item. Ms. Minor informed the Commissioners that they should not consider Mr. Davis as having already spoken under Agenda Item 8--Communication from the Public. (Ms. Minor's reason was that Vice-Chairperson Stevens did not follow the regular practice of opening the floor to public comment after hearing Agenda Item 7b--Staff Reports' Ongoing Activities. Consequently, Mr. Davis wasn't given an opportunity to comment on the water shuttle service until Vice Chairperson Stevens opened the floor to public comment under Agenda Item 8. Mr. Davis' comments about the water shuttle service pertained to Item 7b.)

Vice-Chairperson Stevens allowed Mr. Davis to speak.

Mr. Davis said, "First of all, I would like to make a suggestion regarding the design logo. The owners of Marina del Rey, the public, are bleeding. We bleed when you take our small boat slips. We bleed when you take our public parking. We bleed when you take our open space. We bleed when you fence off the bulkhead to the sea. I would suggest that the Director change the color of the text to blood red to represent his actions and misdeeds in this Marina. I'd like to state also that Fairwinds Yacht Club is improperly monopolizing public boat slips, preventing fair and equal access to those slips. I'd like to know how much the Director spent to honor a non-profit organization that is monopolizing public boat slips when the County is in a financial crisis. I don't understand that justification. I will finish my testimony by reading some history. In the late 1900's, the U.S. government was approached by Abbot Kinney in the Venice Chamber of Commerce. Kinney, the City and County of Los Angeles, applied for federal funds under the Rivers and Harbors Act to partially fund the construction of a new maritime harbor at the end to Playa del Rey now commonly known as Ballona Creek. The Secretary...denied this proposal because it was incongruent with the purposes of the Rivers and Harbors Act. Before the beginning of World War II, the County and City continued to plan for a new harbor, but the studies ended with the advent of the war. In resolutions passed by the Board of Supervisors and the city councils, both entities agreed to deed forever and in perpetuity all lands, easements and rights of ways to the U.S. government to hold in trust. House Law 780 was then passed approving a harbor of Playa del Rey under the Rivers and Harbors Act to be governed under Section 1 of the Rivers and Harbors Act of 1945. This measurement was required by the U.S. government to ensure the federal participation of the project would be predicated on purposes defined under the Act by Senate and House Document 389. In 1955, no sooner than the ink was dry on the congressional document, the City claimed it had no money to complete the harbor, completely changed the design, removed the recreational component completely according to Sea Grant Working Paper 1A produced by NOAA, preordaining luxury residential development. This obliterated the will of Congress. This is the legacy of greed and it would be determined...I think the solution is to follow the law."

Mr. Stuart Hoffman said, "In the last week, twice, I've had a couple walk by where I live near and ask me, out of the blue, the purpose of the new gates where the lessees want to put in all the gates for the docks to be. For instance, right in front of me, there's a gate of 4x8 piece of plywood, with lots of yellow ribbon saying 'caution' and two cones sitting there and they wondered, as I do, when and where those would be handled and taken care of because they're very unaesthetic for such a beautiful Marina." Mr. Wisniewski asked Mr. Hoffman whether he asked management about the gate. Mr. Hoffman responded that he hadn't. Mr. Wisniewski suggested he discuss the matter with the manager and if the manager doesn't provide an answer, Mr. Hoffman should contact Mr. Moliere.

Ms. Younis said, "I'm here today to represent the Westchester/LAX Chamber of Commerce. I would like to inform you of a very great honor that has been bestowed upon Marina del Rey businesses here. Tony Palermo has been selected the honorary mayor for the next year and in that capacity he will be welcoming businesses and people and serving in an official capacity representing Westchester, the LAX airport area and Marina del Rey. This is a chamber that encompasses 48,000 employees, hundreds of businesses. There's 800 members of this chamber and we are extremely proud that Tony at Tony P's will be the honorary mayor. Plus, we have the incoming president, David Voss, who is a tenant and a very avid boater here in the Marina. So, the chamber is well represented by Marina del Rey businesses and I just wanted to make sure that this Board was very aware of these great honors."

Mr. Wisniewski commended the Chamber for making Mr. Palermo the honorary mayor and said he is a wonderful guy and has a great restaurant.

Ms. Andrus said, "I'm wondering, can we agendize these workshops that are required by the Coastal Commission for the LCP? Let us know when we're going to have them, when they're going to start. I'd like to see EDAW there, the agency that the public paid $170,000 for..." Mr. Wisniewski asked Ms. Andrus whether she is referring to the meetings that the Coastal Commission would like on the LCP review. Ms. Andrus responded "yes." Mr. Wisniewski informed her that whatever the Coastal Commission requests would be accommodated. Ms. Andrus asked whether the Coastal Commission has already requested a workshop and she added that the workshops are required to satisfy the review. Mr. Wisniewski said he would report on this matter at the July meeting. Ms. Andrus said she would like the public to help the Department with the workshop's agenda and have EDAW included in the workshops.

9. ADJOURNMENT

Commissioner Lesser moved and Commissioner Crail seconded a motion to adjourn the meeting at 11:39 a.m. The motion passed unanimously.

Respectfully submitted,

Toni Minor
Commission Secretary

Small Craft Harbor Commission
Meeting of July 23, 2003
Minutes

Commissioners Present:

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

Excused Absences:

Joe Crail
John Law

Department of Beaches & Harbors:	Stan Wisniewski, Director Roger Moliere, Chief, Asset Management Division Dusty Crane, Chief, Community & Marketing Services Division Joe Chesler, Chief, Planning Division
Other County Departments:	Rick Weiss, County Counsel Dave Michaelson, County Counsel Captain Sam Dacus, Sheriff's Department Deputy Paul Carvalho, Sheriff's Department
Also Present:	Beverly Moore, Executive Director, MdR Convention & Visitors Bureau

1. CALL TO ORDER & ACTION ON ABSENCES

Chairman Searcy called the meeting of the Los Angeles County Small Craft Harbor Commission to order at 9:41 a.m. in the Burton W. Chace Park Community Room, Marina del Rey.

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

2. APPROVAL OF MINUTES

There wasn't a quorum of Commissioners present today who attended the May and June meetings; therefore, Chairman Searcy postponed action on the minutes to the August meeting.

3. SERVICE AWARDS

Mr. Wisniewski informed the Commissioners that the service awards are being presented to Vivian Paquin and Lynn Atkinson, who collectively have 60 years of experience with the County of Los Angeles. He presented Ms. Paquin with the 25-year service award, a plaque, and informed Commissioners that Ms. Paquin began working in the accounts payable section after joining the Department. She currently supervises the Department's parking operation. Mr. Wisniewski said the parking system is now automated and it is through Ms. Paquin's efforts that the system performs well and has created a tremendous increase in parking receipts.

Mr. Wisniewski presented the second award, a brass desk clock, to Ms. Lynn Atkinson, who has 35 years of service with the County. Ms. Atkinson issues the Department's Special Beach and Marina Use Permits. Mr. Wisniewski commended Ms. Atkinson for her years of service to the County.

4. REGULAR REPORTS

a. Marina Sheriff's Department Report

--- Crime Statistics

Captain Sam Dacus reported that during the summer months there is a crime increase in the areas of vehicle burglaries and auto theft. The summer enforcement team is not deployed this summer because of the budget. He said a small contingent of officers are used during the summer concerts. Civilians and Explorer Scouts also lend their assistance. Captain Dacus said that he noticed, when reviewing the reports, that the vehicle burglaries could be attributed to people leaving their vehicles open with valuables inside.

Captain Dacus invited everyone to attend an open house at the Marina Sheriff's Station on July 26. The open house is from 10:00 a.m. – 4:00 p.m. He also informed the Commissioners that August 5 is national law enforcement night out, which is an event that takes place all over the United States and highlights the community and law enforcement. Captain Dacus said he believes it will be held at the Del Rey Yacht Club at 7:00 p.m.

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

Deputy Paul Carvalho reported that until the Department could dispose of some of the impounds it has at the docks, the Department will probably not pursue the matter as aggressively as in the past. Three more vessels have been disposed of and money for this came out of a special fund through property and evidence. Deputy Carvalho said that until the budget is officially approved, there probably won't be much movement relative to derelict vessel disposal.

b. Marina Special Events

Mr. Wisniewski reported that the Marina del Rey Special Events section includes the Marina concert series every Thursday and Saturday night. The water shuttle operates on concert nights. He said that the first Thursday night had approximately 65 water shuttle users. He senses the usage will increase as the opportunity for the water ride becomes more known to residents and visitors. Mr. Wisniewski said the Special Events Report also includes information on the Old Fashioned Day in the Park and Fisherman's Village Weekend Concert Series. Mr. Wisniewski said the report now includes a section on beach events since the Department also manages Los Angeles County operated beaches. Hermosa Beach has a concert series on Sundays at 6:00 p.m. The International Surf Festival is scheduled from August 1 – August 3.

5. OLD BUSINESS

a. Election of Commission Officers

Commissioner Lesser moved and Vice-Chairperson Stevens seconded a motion to re-elect Chairman Searcy as Chairman of the Small Craft Harbor Commission for the remainder of 2003. The motion passed unanimously.

Commissioner Lesser moved and Chairman Searcy seconded a motion to re-elect Vice-Chairperson Stevens as Vice-Chairperson of the Small Craft Harbor Commission for the remainder of 2003. The motion passed unanimously.

b. Rules Regarding Ceding of Time for Speakers to Address the Commission

Relative to the Commission's rules regarding ceding of time, Commissioner Lesser said that "I was the one who caused the problem in the first place, which was done with all good intentions, but I failed to realize that some people would take advantage and totally abuse it. It seems to me that what we did then was wrong anyway because, according to the rules, the Chairman has the prerogative if he wants to allow additional time to certain speakers; he can do this. The present rules seem to solve any problem that we have. It's a shame that we tried to do something to help and it got totally abused by certain individuals, which ruins it for everybody...the present rules we have in existence are perfectly adequate, which gives you the prerogative to set time, allow additional time, cut people off if they're going over the same subject over and over again or wasting people's time. I see nothing wrong with the existing rules."

Chairman Searcy asked Commissioner Lesser whether he wished to make a motion and, if so, would Mr. Weiss' input be needed to help him craft it. Chairman Searcy added that if a motion was made, the Commission would hear public input before voting on the motion. Mr. Weiss said that he believes it's a good idea to make a motion to clarify the Commission's position for the public. Mr. Weiss said, "In this instance, I think the motion would be to make no changes to the rules and continue to allow the Chairman to exercise the discretion that the rules currently allow regarding the allocation of time in a reasonable manner to speakers."

Chairman Searcy opened the floor to public comment. Mr. Weiss said for the record, "I think your Commission has already provided substantial time for members of the public to speak on this item. It is not the first opportunity that they've had." Chairman Searcy said Mr. Weiss' comments are duly noted.

Ms. Carla Andrus asked to whom Commissioner Lesser was referring when stating that certain speakers took advantage of the Commission's good intentions. Chairman Searcy responded that he thinks Commissioner Lesser was referring in general to the fact that speakers who had additional time ceded to them repeated the same thing during the ceded three minutes that they said in the prior three minutes. The speakers repeated the same redundant information and often took time away from other members of the public who hadn't ceded their time and wished to be heard. Chairman Searcy said that Commissioner Lesser's comments should not be taken personally and Ms. Andrus was not being singled out. Ms. Andrus suggested that answering the public's questions would reduce redundancy.

Commissioner Lesser moved and Vice-Chairperson Stevens seconded a motion for the Small Craft Harbor Commission to return to its existing Commission Rules, which were included in the Commission's meeting materials today. The motion passed unanimously.

c. Marina del Rey Jurisdictional Issues

Chairman Searcy complimented Mr. Weiss on the Marina del Rey Ownership and Jurisdictional Issues Report and said it was excellent, in-depth and clearly reflects the amount of time that County Counsel invested in developing it. Mr. Weiss thanked Chairman Searcy and introduced Dave Michaelson to the Commission. Mr. Weiss said that Mr. Michaelson is one of County Counsel's senior members and will replace him as advisor to the Department and to the Commission at future meetings. The Commissioners welcomed Mr. Michaelson to the meeting.

Mr. Weiss said concerning his report, "Our office tried to provide answers to some, and I realize that they're not all, what I would call, ongoing comments from members of the public regarding the authority of the County ownership issues, jurisdictional issues, with respect to the Marina. As you can

tell from the report, we have concluded that, in a nutshell, the County is properly exercising its authority over the water and land areas of the Marina. More specifically, reference has been made repeatedly to this Commission that the County has given up authority over the Marina with respect to a 1958 perpetual right of way and easement. As indicated in our report, the County owns the fee interest to substantially all of the water area and all of the land area of Marina del Rey. The federal government owns two easements, one of which is the 1958 easement. Those easements were provided for the federal government to first do the actual dredging of the main portion of the Marina, the harbor, and provide for their ongoing right and responsibility for maintaining the design depth and channel width for the Marina in order to ensure that it's navigable waters of the United States of America. Those easements have not eliminated the County's land use authority over the land. The easements do not even encompass any of the land areas, as indicated in a chart, which is attached to the report. Those easements specifically provide that no authority of the County has been taken away other than with respect to maintaining the federal government's right to maintain and keep the waters of the Marina navigable waters. I point out in the memo that the federal government has had a presence in the Marina since the early 60's albeit by the Coast Guard. The Army Corps of Engineers is constantly in the Marina. Mr. Wisniewski can, I'm sure, recount many boat tours he's taken with the colonel or other officers in charge of the Army Corps. To our knowledge, the Army Corps, or other federal agencies, have never taken the position that we are in any way interfering with their easements."

Mr. Weiss used a laser pointer on the Community Room's aerial wall map to show the area that is covered by the 1957 easement. He explained that, "This area is the one area that's not owned in fee by the County, that's actually owned by the state and is operated by the city of Los Angeles. The City has an agreement with the state of California to operate many of its beaches. We operate some of those beaches. This is covered by that overall operating agreement. The city of Los Angeles franchised that area to the County in 1957 and we in turn provided an easement to the federal government. That used to all be dry land. Ocean Front Walk is referred to in the report." Mr. Weiss pointed to Ocean Front Walk on the map. He said, "That is the only area of the Marina in fee that is not owned by the County. With respect to the second major issue, which we addressed in our report, which was whether or not the Marina includes public trust tideland. As indicated by our report, the Marina does not. There are submerged lands and there are lands which are physically tidelands, but they are not subject to the California Public Trust Doctrine. That was determined not by me, but by the United States Supreme Court in a landmark decision in 1984, which essentially determined that the area, including all of the Marina, was not subject to a California Public Trust Easement or other rights and based upon tracing the title of the property back to when it was owned by the Talamantes and Machado families, having been granted to them by the governor of the then Californias. That issue was an issue and was a large issue in this area in the late 70's and early 80's. It was disposed of in 1984. As a result, the Marina's not impressed with the California Public Trust Easement for Fishery, Navigation and Recreation. It is, however, subject to regulatory authority of the California Coastal Commission. As a result, that document does not apply here and as it does not, it does not affect the County's rights with respect to exercising control over the Marina."

Vice-Chairperson Stevens said that, as she understands it, the United States has an easement over the entrance channel and the main channel. She said that the Corps of Engineers has consistently refused to dredge the main channel. Vice-Chairperson Stevens asked whether something could be done to encourage them to take more interest in their easement. Mr. Wisniewski responded that the Corps has "stepped to the plate regarding their responsibilities on dredging...unfortunately, President Clinton's Administration did not believe that the Corps ought to be dredging recreational harbors. They were prioritizing ports for dredging and recreational harbors had to scramble for any federal funding that they could through their lobbyists in Washington. The Corps has always recognized its responsibility. It is sometimes very difficult to legally compel them to perform, however. It's a balancing act. We have a very good relationship with them and were able to, through our

congressperson at the time, get the funding allocated and, through Supervisor Knabe, the money was ultimately allocated for the dredging."

Chairman Searcy asked whether there was a point when the Marina was not getting what it needed. Mr. Wisniewski responded that there would always be a fight to obtain dredging funds for recreational harbors. Chairman Searcy asked whether the Department has overcome the point when the Marina was in danger of not having a navigable entrance in the main channel. Mr. Wisniewski responded that the Department has a significant leg up when dealing with the federal government because the Marina has a Coast Guard base, which for public safety reasons, is part of the LAX emergency response plan.

Vice-Chairperson Stevens asked whether the main channel was dredged. Vice-Chairperson Stevens explained that she is referring to the area that runs north/south where the curve is. Mr. Wisniewski responded "no." He explained that the area was surveyed and determination was made that it was at design depth and there was no need for dredging.

Chairman Searcy opened the floor to public comment.

Mr. Daniel Cohen said, "I read County Counsel's fiction and it was very interesting. I don't see any documentation behind what he claims are the boundaries for the easement. I plotted some of these boundaries myself and they seem to encompass the entire Marina and part of the Marina peninsula. I would like to see his surveyor's map with who surveyed it and who drew it out and how they arrived at this fiction that it's just the harbor entrance and the main channel. Also, he says that tidelands trust laws don't apply because this was dry land. Apparently, he's never seen the old pictures of people water skiing in Mud Lake or Lake Washington, as it was known, where people used to come and water ski inside the harbor. This was tideland. In 1890, this was the L.A. riverbed. In 1890, it jumped its banks and went down to L.A. harbor. This was obviously tideland. We have numerous historic pictures of them, which I suppose he hasn't seen. Yesterday, I was contacted by my congressman, who has decided to authorize a letter to the General Accounting Office (GAO) to have them come in and find out what happened to the federal project at Marina del Rey and to see if it is in compliance with the federal mandate. I have been charged with writing the letter that's going to the GAO under my congressman's letterhead asking GAO to come in here and find out what happened to the money and federal project. These federal documents state that this is to be a small craft harbor surrounded by visitor serving centers, public open spaces and wildlife reserve. In the 1958 easement it says that the federal government retains the right to enter upon, dig and dredge, anywhere on the federal easement. They could come up to the Marina City Club today and drive a bulldozer through it and I hope that will happen soon and they could do that to a number of buildings that have been illegally built on the federal easement. That's where we're going. The County Counsel is misrepresenting the boundaries of this federal easement to this Commission and I would like to see their documentation behind how they arrived at this. I went to the Army Corps of Engineers. They had their cryptographer draw up the easement. What did he do? He started on the computer screen, drew it, overlaid it in the Marina and said it looks like it describes the harbor entrance. I asked him, 'What did you pick for a starting point?' 'Oh,' he 'just started on the blank screen.' 'How do you reference that to any place on dry land'? He says, 'Oh, well, we didn't reference it to any landmark anywhere on the map. We just drew it and it seemed to fit.' So, we're dealing with an Army Corps of Engineers, as well as County Counsel, that's misrepresenting the size, shape and character of this easement to this Commission and I have no choice but to take this up with the federal government."

Commissioner Lesser asked Mr. Cohen the name of his congressman. Mr. Cohen responded that, "I have several congressman. I'm working with all of them. When the letter goes to the GAO and ends up on your door step, you'll find out where it came from."

Mr. Wisniewski said for the record that, "We're satisfied with County Counsel's response and we propose no further work at this time. If the individual would like, he/she could go to Public Works and do a public record search to get further documentation, but we're happy with what we have."

Ms. Andrus said, "I think the documentation of all of the things that County Counsel has put in front of us shouldn't be the responsibility of the public to get these documents. It was brought up at a public meeting. We want to see the documentation. I think it's the only appropriate way to settle this issue, to have it in writing, a real dateline that he referred to in his analysis. A real dateline would be helpful, would be a start. I'd like to see the Public Trust Doctrine. I don't think the public should be asked to do this. This is a public meeting. This is the information that came out, that County Counsel's put on the table. Mr. Davis brought out his documentation. Let's be fair about this."

6. NEW BUSINESS

a. Approval of Deemed Assignment and Lease Assignment Parcels 111/112

Mr. Moliere informed the Commission that this item is the reorganization of the lessee entity and some amendments to the lease in order to facilitate upcoming financing and to enable construction of the project. He said there are many complex documents that were not completed in time for Commission consideration and the Department would like the item continued to a future meeting.

Commissioner Lesser moved and Vice-Chairperson Stevens seconded a motion to continue to a future meeting the discussion of the Deemed Assignment and Lease Assignment for Parcel 111/112. The motion passed unanimously.

b. Approval of Negotiated Rental Rates – Parcel 41 (Catalina Yacht Anchorage) – Marina del Rey- Amendment No. 12 to Lease No. 5601

Mr. Moliere informed the Commissioners that this item is a regular decennial rent adjustment that's provided for in the lease. This is one of the leases that proceed by a formula wherein any increases are tied to the greater of either the rate in effect at the leasehold before the adjustment or the average of certain other leaseholds with similar types of activities on them. The only adjustment called for in applying the percentage is an increase in percentage for boat haul-out and repair and that would go up from 4% to 5% resulting in a very slight increase in annual rent. Additionally, a regular adjustment of minimum rent is called for, which would increase from approximately $9,400 to $11,000 per month. An increase in liability insurance has also been negotiated from a previous level of $1 and $2 million to $4 million per occurrence and $6 million aggregate to bring it more into line with the general run of things that are being asked for in terms of risk management.

Chairman Searcy opened the floor to public comment. Hearing no public comment, the Commission took the following action.

Vice-Chairperson Stevens moved and Commissioner Lesser seconded a motion to Approve Negotiated Rental Rates – Parcel 41 (Catalina Yacht Anchorage) – Marina del Rey- Amendment No. 12 to Lease No. 5601. The motion passed unanimously.

7. STAFF REPORTS

a. Dolphin Marina (Parcel 18) – Permit Violation Update

Mr. Wisniewski reported that the Department submitted to the Commissioners a copy of a May 5, 2000 letter from the Department of Regional Planning (DRP) to Dolphin Marina's lessee, Goldrich and Kest Industries, regarding a few areas in which the lessee isn't in compliance with its permit. Mr.

Wisniewski said that Goldrich and Kest were given a three-day notice to comply by June 5. As he understands it, the lessee claims it has complied with permit conditions, however, the zoning officer requested additional information and has yet been convinced that the lessee is in compliance. The lessee must formally respond to Regional Planning with remedies in order to avoid further enforcement action.

Vice-Chairperson opened the floor to public comment.

Mr. Donald Klein, president of Coalition to Save the Marina, said that, "From the start we've had a problem with actually believing there was going to be enough parking for this unprecedented evisceration of all the parking in Marina del Rey. I certainly hope that this is not going to be a model for all of the other lessees intending to build on parking structures presently situated in the Marina." He referenced a section of DRP's letter to Goldrich & Kest, which said, "Spaces shall be available to the general public use, except that the restaurant [Chart House] may restrict over night use." Mr. Klein said that the wording "needs to be defined a little bit more. I guess you could construe that to mean somebody is on their boat overnight or, perhaps, they've gone somewhere and left the space, the parking space. These parking spaces used for the public could possibly be not effective or not counted as public parking unless the Chart House specifically says there will be no overnight parking and what are those time limits what is considered to be overnight parking. So, there's going to be a problem with that. Also, I wonder why it has taken so long for this to surface. It's been more than six years since the Marina del Rey specific plan amendment was granted to the lessee on Parcel 18 to do this and it's been a very long period of time since this has come to surface here. They say they have enough physical parking spaces, that the parking program doesn't exist. What appears to be happening is that people are not having access to their vessel vis-à-vis not being able to park either ingress or egress. One person I know that left the vehicle there, they have some kind of valet parking, and left the keys, but couldn't leave because the valet people had locked up the keys. So, this goes way back to the very origin of the Marina, with allowing the boaters to have parking within, I think it's 300 yards, of where their vessels are located. This goes back to the bond issue, the Marina master lease, also the CDP and the Marina del Rey specific plan."

Mr. Wisniewski suggested that Mr. Klein speak to Mr. Chesler after today's meeting. He said that there is a regularly scheduled day when a DRP staff person meets with Planning Division staff and a time could be arranged to meet with Mr. Klein.

Chairman Searcy asked Mr. Wisniewski whether Regional Planning is the enforcement agency for the issues pertaining to this item. Mr. Wisniewski responded "yes." Chairman Searcy said he wanted the public to be aware that Beaches and Harbors and the Commission are not "passing the buck" relative to the Dolphin Marina permit violation. Regional Planning is the enforcement agency and Mr. Wisniewski is offering to assist by suggesting that Mr. Klein meet with a representative from the responsible agency as well as a Beaches and Harbors' staff member. Mr. Wisniewski explained that Beaches and Harbors has the ability, under the master lease, to issue notices of default, and if Regional Planning indicates that it isn't getting cooperation, Beaches and Harbors will issue a notice of default.

Vice-Chairperson Stevens asked whether Goldrich and Kest would build the amenities mentioned in DRP's letter on the other side of the street. Chairman Searcy read the first paragraph of page 2 of DRP's letter to Goldrich and Kest, which states, "While certain amenities are depicted on the approved Landscape Plan labeled L.1.01, the bike rack, shade structures, water fountains, and the jitney stop have not been established. Please submit a timeline for completion of these conditions." Chairman Searcy asked whether the location Vice-Chairperson Stevens is questioning is shown on the Landscape Plan. Mr. Chesler responded that the specific locations of the amenities are on the Site Plan and Landscape Plan. The applicant, as late as this morning, has indicated that within two weeks all of the amenities would be in place and the DRP enforcement officer is scheduled to be on

site early next week to verify it. All of the amenities listed in the letter should be in place before August 1. Chairman Searcy asked whether this includes the Parking Management Plan. Mr. Chesler responded that he understands from talking to the lessee and DRP that there is adequate parking on the site but it has to be subject to the Parking Management Plan. Mr. Chesler stated that the Plan has been submitted to DRP but has not been field verified, which will be part of DRP's follow up action next week.

Vice-Chairperson Stevens said that Mr. Goldrich has valet parking for Dolphin's residents, which she thinks is superb. She commented that valet parking solves problems since there doesn't seem to be ample parking for guests. Vice-Chairperson Stevens added that she wished all major redevelopments included valet parking because it is a great help to Marina residents.

b. Marina del Rey Local Coastal Program Periodic Review

Mr. Wisniewski reported that, per the Commission's request, the Department provided members with a Local Coastal Program Periodic Review Report, with California Coastal Commission (CCC) correspondence attached. He said the CCC's staff indicated that the process technically started on April 30, 2002 and was scheduled for completion by April 30, 2004. The Department has not had any formal communication from the CCC since its February submission. The Coastal Commission is aware that as soon as it is ready to proceed with public input, both Beaches and Harbors and DRP will provide assistance. Mr. Wisniewski said the Department's report has an attached letter from CCC Chair Mike Reilly indicating that CCC staff would likely be unable to comply with court imposed timelines for the LCP review. The CCC is considering different options and Beaches and Harbors is monitoring the situation with DRP and the County's Chief Administrative Office. Mr. Wisniewski indicated that he would like to have the names/addresses of those who want notification of LCP hearings. He requested interested members of the public to provide their names/addresses to the Commission Secretary or Joe Chesler. Mr. Chesler said the official planning office is the Department of Regional Planning. DRP is the designated point of contact with the Coastal Commission and the Department of Beaches and Harbors works in tandem with DRP. Chairman Searcy commented that several people have indicated their interest in receiving notification about the hearings. Their names should be included on the list that the Department maintains. As people continue to express their interest, their names should be added to the list.

Commissioner Lesser asked what happens now since the Coastal Commission can't comply with the court mandate. Mr. Weiss responded that it is his understanding the "Coastal Act provides that all of the local coastal programs have to be reviewed every five years. It is my understanding that the Coastal Commission has not completed a five-year review for any coastal program in the state, with the exception of maybe one or two. I don't believe that the failure of the Coastal Commission to do that would expose them to criminal sanctions although it is possible that a private party might commence an action in court and get an order from the court mandating that the Coastal Commission comply with its statutory duties or face sanctions, orders, injunctive orders mandating that they complete it by a certain time period. I believe the specific arrangement made for the review of the Marina Local Coastal Program was pursuant to a consent decree or a stipulation that would resolve litigation that had been filed by the Coalition to Save the Marina against the Coastal Commission...that was more pursuant to a stipulation. If a party to a stipulation or judgment doesn't comply with the stipulation or judgment, the other party may go back to court and ask for application for the non-compliant party to be found in contempt or non-compliance." Commissioner Lesser asked whether anything would happen if the party that sued did not return to court to seek further action. Mr. Weiss responded that if no one seeks to enforce an order, it's something like "a tree falling in the woods and no one being there to hear it."

Mr. Donald Klein said, "Mr. Weiss is essentially correct in what he said. The actual language in the consent decree said that the Coastal Commission could appeal to the Coalition for more time or that

they may also appeal to the courts for more time. We don't know exactly how that's gonna turn out, but we feels it's a pretty callous and arrogant disregard for the public in terms of preserving the coastal dependent uses in the Marina. It's exactly as you stated Commissioner Lesser, 'where do we go with this?' It's mandated by Congress, so we're not sure. We're investigating this now and we've got a team to see where we're gonna go with this. Certainly, we don't want to lose all of our coastal dependent resources and have a lot of density and so forth and so on without having an LCP review. It's extremely important...It will be an interesting situation to see how this plays out, but we are going to see it all the way through." Chairman Searcy asked Mr. Klein to continue to update the Commission on the matter.

c. Ongoing Activities Report

Mr. Wisniewski reported that a chart of the water shuttle's usage is included in the report. The chart shows the relationship between the shuttle's usage and the weather. The shuttle's usage continues to grow dramatically. He said that as additional stops are added, usage would increase even more.

Vice-Chairperson Stevens opened the floor to public comment. Hearing none, Vice-Chairperson Stevens proceeded to Item 7d--Marina del Rey Convention and Visitors Bureau Report.

d. Marina del Rey Convention and Visitors Bureau

Ms. Beverly Moore, Executive Director, MdR Convention and Visitors Bureau, distributed the Bureau's first Marina del Rey harbor directory, which is geared to boaters visiting the community and will be distributed throughout the Marina. She highlighted some of the directory's contents, such as boating navigation information and a detailed harbor map.

Ms. Moore reported that, "The Visitors Bureau is collaborating with the Department of Beaches and Harbors to create a series of flagpole banners and wind disks throughout the Marina. You've already seen that the banners are up along Admiralty Way and on the side streets. We've had very nice feedback from residents, visitors and the general public about the good feeling that is brought to the Marina. We are in production right now with some wind-activated disks, which are to be installed along the waterfront walk area. Those should be up in the next several months. First and foremost, I would like to thank Stan Wisniewski and the Department of Beaches and Harbors' staff. They've been very proactive in doing everything they can to help improve the feeling and the ambiance of the community. We're very grateful for that and that helps tourism. Lastly, we continue to do everything we can to generate positive media coverage of this community. In the upcoming August edition of "Sunset" magazine the Bureau helped generate a nice little travel story on Marina del Rey called "Fun Marina Style." Ms. Moore informed the Commissioners that the story resulted from travel writer Matt Jaffey's visit to the Marina a few months ago.

Commissioner Lesser commended Ms. Moore on the harbor directory. Vice-Chairperson Stevens referenced the directory's map and said the Argonaut recently contained a letter to the editor discussing the way the Santa Monica Windjammer's Yacht Club was treated. She said the letter is not consistent with what Beaches and Harbors' staff told the Commission, which was that the Department would not let a yacht club go out of business as long as it wished to remain in the Marina. Vice-Chairperson Stevens asked whether the directory's map shows the current location of the Santa Monica Yacht Club. Mr. Wisniewski responded that the map is slightly off. It shows the Yacht Club as encompassing Parcel 47 and Parcel 44, which is not under lease to the Yacht Club. Vice-Chairperson Stevens asked whether the Department would let the Santa Monica Yacht Club "go begging." Mr. Wisniewski responded it is the Department's intent to provide an economic location for the Yacht Club to relocate.

8. COMMUNICATION FROM THE PUBLIC

Chairman Searcy opened the floor to public comment. He informed members of the public that this is the opportunity for them to speak on non-agenda items.

Ms. Nadine Gallegos said, "I spoke at the June 11 meeting regarding my desire to have a place to park my kayak on Palawan Way. At that meeting, the Director suggested I talk to Mr. Moliere. I have been corresponding with him on E-mail and I've gotten some interesting replies and I was hoping he would be on the agenda today. One of the things he said was that he was directing his staff to investigate the practices of other Southern California anchorages to see what their practices are on various things, not just kayaks. Also, on the 18th, he said, 'be assured we will thoughtfully solicit and consider input from a wide range of sources for implementing policies.' I'm here to see if there's any progress. I know that I picked up a May document on the Marina del Rey Boat Launch Guest Dock, which says that the dinghy storage is located at Mothers Beach and there's currently an 18-month waiting list...I've been there more than a year. My interest now that I've retired is having a place by the water, which is 15-feet from the water. Another thing Mr. Moliere said was 'they're attempting to locate areas that would add storage areas.' Those are the kinds of things that I'm interested in, just finding out how they're doing because I'm interested in parking my kayak there."

Mr. Moliere responded that the Department has reopened the dinghy storage area. He explained that over 30 people were taken off the waiting list and given spaces. There were some non-renewals and approximately 50 people might be removed from the waiting list and given storage spaces. Mr. Moliere said that the longer-term solution is to increase capacity and there is a demand for it. Staff is actively investigating this possibility. The Department's design consultants will review the whole storage area and provide direction on master planning and creating a more efficient use of space. Mr. Moliere said staff also looked into the possibility of other marinas providing storage, but it turned out to be difficult for a variety of reasons, not the least of which is the issue of liability. Chairman Searcy asked Mr. Moliere whether staff has a timeline to resolve the problem. Mr. Moliere responded that the dinghy racks are currently open and people are being moved from the waiting list and given space. Mr. Wisniewski added that a study by EDAW will be commissioned that would master plan all of the public beach area. Additionally, responses to the Request for Proposals for the Mother's Beach area are due August 11. It is in the Department's best interest to master plan the public facilities in light of what private facilities would be there. He said that since this is a year's process, the Department would request EDAW to explore an interim solution that would get everyone off the waiting list and into a temporary storage space. Chairman Searcy requested staff to report on this issue on a monthly basis.

Mr. Gerald Sobel said, "It's very well known that boats are being evicted from this harbor, the smaller boats are having a hard time finding slips. I'm at Pier 44. There are no vacancies. There's a waiting list. All of this stuff about too many small slips is bogus. I wonder what this harbor is doing putting up tall buildings. If you know anything about sailing, if you get next to another sailboat it could screw up your wind. The buildings that already exist affect the wind, creating vortices and changing the wind direction radically 180 degrees as you sail up the main channel. This whole marina was founded in a congressional act. I believe it was 389 in 1953. It was supposed to be a recreational boat harbor. In fact, the original plan calls for a giant lagoon surrounded by slips, I mean by marinas. It was supposed to be 8,500 slips for boats. Within a year after this agreement from Congress, practically after the ink was dried, they changed it into a yacht harbor saying they didn't have enough money to build what they were going to build. There are issues with gas, oil wells, polluted land seeping out of the ground, yet they want to disturb more land, build high rises. These high rises, if you sail along the main channel, as you go past the basins, the wind is funneled down those basins, you get hit by a major gust of wind. Then you go a little further where there's a mole, there's very little wind. When you increase the height of these buildings you're going to have much less wind at the end of each

mole. You're going to have a canyon like effect of accelerated wind down the basin. A child sailing in el toro might flip over, if it's in the winter time it might mean that he dies because of hypothermia. There's been an assault on boating facilities, such as the Santa Monica Windjammer's Yacht Club, which sponsors so much recreational boating, racing activities, etc. You got the eviction of the Sea Scouts from their ship building and now the County is talking about demolishing the ship building....there's some story of asbestos. There's prejudice against wood boats. I don't happen to have a wood boat, but when this harbor was built, there were practically no fiberglass boats in existence, so how can they go around saying you can't have a slip because you have a wooden boat? That's so ridiculous."

In response to Mr. Sobel, Chairman Searcy said, "We have looked at some of these issues, if not all of these issues, previously in terms of the wind studies, etc. It is very apparent to the Chair, and, perhaps, other members of the Commission, that there is a difference of opinion as to whether or not the consultants we have utilized at the County of Los Angeles are either accurate, to be believed, misrepresenting, etc. The issue of wind shear coming off buildings is something that is looked at during the time of any new buildings, renovations, or increase in height or even decrease, and the effect there. In the absence of some contrary scientific data, which is presented by recognized people in that field, which would show that either some assumptions were incorrect or data interpretation was incorrect...or however it is that it's wrong, we have nothing other than the information that's been provided. I know that this has been looked at. We haven't just relied on one set of consultants in this regard. We've looked at and utilized several. These are third party consultants out there who do this for harbors across the country as well as the California basin. Oil wells, etc., this is an issue that's been looked at, people have raised it. We have specifically commissioned staff to go back and look at that to see if things identified in the public record, exactly what they were, how they were dealt with... All of the construction that occurs has to go through traffic studies, environmental studies, etc. It isn't something that we ignore. We have looked at it. If there's a discrepancy in the data, the data is available. Regional Planning has these materials. They will certainly let you go down, sit and pour over it, either individually, or bring a consultant with you, so that you could determine where these matters have gone wrong. In the absence of some other data that says we made a mistake, we have to go with the data that's on file."

Mr. Steven Alexander, a legal liveaboard at Marina Harbor, said, "I've been a legal liveaboard in Marina del Rey for 12 years. You Commissioners are aware that there is a critical slip shortage in Marina del Rey. I believe you understand that as long as Deauville Marina is vacant there are over 600 slips taken out of availability to boaters. However, there is an additional development project proceeding in Basin A at Marina Harbor. Over 150 boaters have been told to vacate the premises. I'm one of these people. I'm a legal liveaboard and I absolutely have no where to go. In fact, none of the other marinas accept new liveaboards. I do have a fiberglass boat. It is well maintained. It is self-navigable. It's a sailboat with a working engine and I cannot find a slip. I cannot find a slip in Marina del Rey. I cannot find a slip in L.A. Harbor, Long Beach, San Pedro, Ventura or Oxnard. I believe me and my neighbors need some help. Perhaps, the project in Marina Harbor should be delayed until the problem at Deauville Marina is solved. I don't understand how you can exacerbate the known existing problem that you have. You know you have 650 slips unavailable. You know there is a critical shortage of slips in Marina del Rey. The sheriff told you today that his impound is full. He can't impound any more boats and there will indeed be dozens, dozens of abandoned boats in Marina harbor because they have nowhere to go. They are not derelict boats by any means. These are legitimate boats. The owners of these boats have nowhere to take them, nowhere to put them. I think this Commission should look into this problem and consider mitigating it. It would be easy enough just to simply not allow additional development programs to proceed while you have the problem ongoing at Deauville Marina, while you have a known critical shortage of slips. This is the planning commission. I think you should do some planning."

Mr. Wisniewski said, "When lessees develop new slips, we encourage them to do it on a phased basis so they minimize the displacement of tenants." He requested Mr. Levine to come to the microphone to discuss the efforts he's made in this regard. Chairman Searcy commented that Mr. Alexander made a valid point relative to the number of slips that are out of service. Mr. Wisniewski said that 650 slips are not out of service, it's more in the 400 range. He said that last month's slip vacancy report showed a significant number of vacancies in the 30' and below category. Mr. Wisniewski said that, relative to liveaboards, the County has never mandated that a lessee accept liveaboards. Lessees have been encouraged to allow liveaboards. Approximately 10% of slips at anchorages throughout the Marina are allocated to liveaboads.

Mr. Levine, representing owners of Marina Harbor Apartments and Anchorage said, "Several years ago, the owners of Marina Harbor and the County of Los Angeles came to an agreement on the terms of an amended lease that would call for reconstruction and reconfiguration of the anchorage. We went through an arduous planning process and secured a Coastal Development Permit (CDP) after extensive hearings at both the Regional Planning Commission, Design Control Board, and California Coastal Commission, to proceed with a phased reconstruction and reconfiguration of Marina Harbor. We received the final CDP last fall and we proceeded with the phased reconstruction of the Harbor as mandated by the California Coastal Commission. We are only allowed to do construction in the water in a limited period of time, which forces us to phase the construction in a way that actually minimizes the impact on boaters in Marina del Rey. Last winter we carried out the first phase of that work. We constructed two entirely new docks and we rebuilt two other existing docks as is. We, at the time, were the first anchorage to propose a phased reconstruction and we did so in order to minimize the impact on the public. For the last several years we have had a policy at Marina Harbor of not making any slips available to any member of the public without first making that slip available to boaters within Marina Harbor in order to try to minimize the impact of potential dislocation on boaters in Marina Harbor. We have kept our boaters apprised of the phasing of the construction at meetings that we've had that have been open to the public as well as to our boaters on our site. As a result of this, a few months ago, we notified boaters in a section of the anchorage that we intend on rebuilding...beginning October 1. We notified them some six months in advance what docks would be affected by construction next winter. These are boaters that have known that construction would take place over a period of years. As I've already suggested to you, these are boaters that have had the opportunity to move to other portions of Marina Harbor that are subject to later reconstruction, if you will, on an ongoing basis whenever those slips were available. Unfortunately, there will be boaters at Marina Harbor that we will not be able to accommodate, particularly, during the period of construction itself, which is likely to last from October 1 until March 31 of this year and next winter. We provide our boaters with an extensive list of other anchorages for them to call. Our management staff is empowered and asked by the ownership to cooperate whenever possible with boaters. We have tried to be sensitive to our boaters throughout this entire process and, I think, frankly, we've done more than what's required of us and we've done everything we believe we possibly can to make this situation, as difficult as it is, as easy as possible for boaters within our anchorage. I will tell you that right now we actually do have boat slips that are available for boats in the 35', 30' and 25' categories. The real problem in Marina del Rey is not the availability of slips for small boats. The real problem in Marina del Rey is the lack of availability for boats that are 40'-60' in length. This is a point that needs to be emphasized to this Commission and to all of the planning bodies associated with Marina del Rey. As much as there is concern expressed by a limited number of small boaters with boats 35' and under, the reality of the market place is there is a substantially larger number of boaters with boats 40'-60' that Marina del Rey can't presently accommodate because of the configuration of the anchorages in Marina del Rey."

Mr. Levine added, "If Mr. Alexander has an issue with something going on in the anchorage, this is the first I'm hearing about his particular individual case. I'm happy to sit down and explore what the situation is with his boat. What I talked to you about today is our general principle of management. To have a conversation without having the courtesy and benefit of an intelligent conversation

beforehand with me privately will not be as productive because I simply need to have some time and notice to look into the individual situation."

Ms. Patricia Raye asked Chairman Searcy whether he has ever tried to sail a boat. Chairman Searcy responded that he has done some sailing. He said that his brother worked as an instructor at the Fairwinds Yacht Club and has owned a series of boats since 1969. Ms. Raye asked Chairman Searcy whether he is the primary captain of a boat. Chairman Searcy responded that he is not the primary captain. Ms. Raye asked the Commissioners whether they are aware that large boat owners were given notification to vacate, but small boaters did not receive notification and became transients. Chairman Searcy informed her that the anchorages, not the Commissioners, give notices to vacate.

Ms. Raye read a prepared statement: "I stand before you all today, not only on behalf of myself and Johnny Rotero, but also many others. Some that could not make this meeting and, hopefully, especially for those who could not. Those who work and who've been working and were taken from their slips and falsely afterward were accused of being a transient, as if that were the worse crime ever committed by a man, and now live in shame due to the allegations that they are no good nor a contribution any longer to this Marina del Rey community. When it comes to the 4-hour dock there is one particular person, Jose Mata, who stands with his finger, tries everyone, and decides according to the size of their boats, how shiny it is, the size of their pocketbooks and whether they can reason well enough. Let's not even bother with incidentals, such as they lived happily on these waters from the beginning...maintained peace and respect and governed their lives according to the universal golden rules, which are: to serve, not to be served; to understand, not to be understood; and live to give, not to receive. How are you paying them back? How are you paying them back? By turning them into so-called transients, so-called criminals?...I stand in direct defiance of...the claims made by Jose Mata, the rather emotionally disturbed claims that are increasing daily, and the list. I want that damned list...According to the sheriffs, they have gotten rid of that list. They erased it, but I've lived with it for 10 ½ months."

Mr. Wisniewski informed the Commission that the transient boat facility has slips that cost 50 cents a foot that could be used on a night-to-night basis for a certain number of days per month. There is also a 4-hour guest dock that is free. A number of individuals have tried to use the 4-hour dock as a permanent mooring and would come back at night after the Chace Park staff has left. Legitimate users of the transient docks have complained that they don't want to use the transient facilities because they fear there would be theft and other problems. The Department had to increase enforcement action at the docks and has coordinated its efforts in this regard with the Sheriff's Department, as well as hired a private security firm, to ensure the transient facility is used for its intended purposes. Unfortunately, there are people who continue to try and take advantage of the system. Mr. Wisniewski said the Department has checked into the allegations against Jose Mata, Chace Park's manager, and found them to be retaliatory. He commended Mr. Mata's management of the docks.

Mr. James Sokalski, president, MdR News, said, "It's apparent that the Commission and staff have been moving in a more responsive way towards many community concerns and writing the reports as directed by the Commission. It seems to have helped the tone or sense of being left out by a number of people, particularly those who have been coming to this meeting or this body for a long time, such as myself. I would suggest that you look in the area of public participation at what the Coastal Commission does. As the ceding of time by speakers is back clearly in the hands of the Chair, you might want to look at what the Coastal Commission does. They are the lead agency in regard to public participation and the interpretation of 30006. That's not only a nice thing to do, but it would give you legal cover in the event someone or someones filed suit in this regard. Also, in the comment that Carla Andrus raised earlier about documentation not being available, using the particular case of the legitimacy of the County's ownership of the Marina, you might follow the model that the Coastal Commission uses as well. At their office, they have all of the original documents available for

inspection by the public. They also put much of it on a website. It's low cost, relatively simple to do, for the Department to move in that direction as well. They did that in some regard in the past year, but they could put much original documentation as well. Just about all the documentation is prepared in electronic format now, so it's not much of an effort to ask submitters to submit electronic copies as well. This is being done in court processes right now, so it would be relatively simple, a few minutes, to convert it to a Adobe Acrobat document and post it on a website. It would further enhance those who want to research or look at documentation or have some credibility issue regarding County governance and/or major lessees caring about them, that they could look at this documentation. It would also serve your mission that it also is a complex process, this governing, anywhere, but particularly the Marina, with all the overlapping jurisdictions. It gives them some guidance that there's some rhyme and reason to what's going on. I see that as a frustration in many, many people, many that I talk to. It's all about that actually. I'm speaking in your behalf more than anything of the complexity of government and of managing such a thing. I think there are some advantages to the Department, and to this Commission and County government, to move in that direction."

Mr. Wisniewski informed the Commission, "When the mailing is made to your Commission all of the documentation that you get is put on our website; it has been for quite a number of months now." Chairman Searcy explained that Mr. Sokalski was suggesting making the background information that Mr. Weiss used for his report available on the website as well.

Ms. Carla Andrus said relative to documentation, "You can go to the library and it's not even complete. I've asked for records and they've told me it's budget concerns. We should have a timeline. We have EDAW, the agency we paid $170,000 for, and they focus on history as an important and primary way for them to look at how they're going to see this Marina. I hope we have a meeting, a public night meeting with that agency so that we could all chime in on what this Marina should be about. It shouldn't be about, what I think is, market manipulation. You have Deauville over there and I know everybody wants to think it's the public's fault that Deauville hasn't proceeded. That lawsuit had merit to it and we still want to be able to participate in what Doug Ring is doing over there. Why hasn't he started yet? I have no idea. In the meantime, his residents at Bar Harbor are getting rent increases on docks that are scheduled for demolition. I don't see what's fair and reasonable about rent increases in that dilapidated marina. It seems to me like it's a way to raise the rents and chase the riff raff out. We're gentrifying this Marina. Even in our promotion with the Information Center, they talk about the glistening million dollar yachts. This Marina isn't just about glistening million dollar yachts, although I love million dollar yachts. I'm glad they're here. They help the economy, but this is for recreational boating. The little docks over here where they can have their kayaks and stuff, I don't understand why all that recreational use, that's 100 and some odd boats, are being eliminated from that area. Are you going to bring it back to that area and expand that area? There's 108 recreational opportunities there for people to take their boats off of those racks." Mr. Wisniewski responded that the area was renovated and the dinghy storage is back in service. There is intent to expand the area. Ms. Andrus added that she likes that Mother's Beach was opened up, but doesn't like that the trees were chopped down. Mr. Wisniewski informed her that those are shrubs, not trees. Ms. Andrus suggested the shrubs be removed and the area be landscaped. Mr. Wisniewski informed her that he would look into the matter.

Ms. Kimberly Townsend, who shares a liveaboard with Steve Alexander, said "Half of those 40'-60' slips are vacant. Where it comes from that there's a high demand for 40'-60' docks, I don't understand. Most of the boats here are 35', 30' slips. We have nowhere to go. We're going to have to sell our boat. That means we're going to be homeless. Have any of you ever been homeless?" Chairman Searcy responded that he has. Ms. Townsend continued, "I've been homeless too. I want to ask you, what do you think all of the displaced liveaboards should do? There's going to be a lot of us displaced on September 14 when they say you have to be out of there. What do you think we should do? Where should we go?" Mr. Wisniewski informed her that Mr. Levine will discuss the matter with her after today's meeting. Ms. Townsend asked, "What about the rest of us? There's a

lot of people here who are retired and live on their boats. They have no where else to go either." Mr. Wisniewski responded that she should speak to the lessee first. He reiterated his earlier statement that the County does not mandate lessees to accept liveaboards. Lessees, through their own policies, have generally adhered to a rule of 10% liveaboards in their anchorages. Commissioner Lesser suggested that, perhaps because of the unique temporary situation, the lessees could increase the percentage of liveaboards in their anchorages. Mr. Wisniewski said he would encourage lessees to do it on an interim basis if their facilities could accommodate it. He suggested that Mr. Levine, as president of the Lessee's Association, bring this suggestion to the attention of the lessees. Mr. Levine informed the Commission that Marina Harbor has traditionally had a higher percentage of liveaboards than the 10% average. He said he isn't responsible for the management policies of other anchorages in the Marina and his anchorage deliberately pursued the policy of a phased reconstruction to minimize the impact on the public. Mr. Levine said he is happy to meet with any of the Marina Harbor boat tenants to try and assist them.

Mr. Wisniewski said to Mr. Levine, "To the extent there are displaced liveaboards that can't be accommodated in the reconstruction, I request that you go to members of the Lessees Association and find out if there are any that could accept the liveaboards on an interim basis until you have facilities that could be made available after your construction." Mr. Levine responded that he would do that.

Mr. Joe Crist said, "I have a 32' powerboat, twin engine. I used to use it for fishing until I was placed in the slip that I have now. I listened with some interest to Mr. Levine say that there's no shortage of small boat slips. My boat is small, it's under 34 feet. I talk to the dock master daily to the point where he doesn't want to see me come in his office anymore because there aren't any. Mr. Levine says there are. I would like to know where they are. If he will tell the dock master where there are I will be there...my boat will be there in an hour. So, please help me. I was told I have to get out by September 15. Where? Tell me where? Somehow, in the planning of the Marina, you have allowed Dolphin, B Basin North, to be totally emptied, which destroyed the number of available slips in the rest of the Marina, totally destroyed it. So, we have no place to go. There's no place available. Mr. Levine says there are places for the small boats. I would like to again ask him where."

Chairman Searcy suggested that Mr. Levine speak to Mr. Crist about the location of the available slips.

Mr. Al Lehman said, "You mentioned that there's a list maintained by the superintendent at the park." Chairman Searcy informed Mr. Lehman that he didn't hear Mr. Wisniewski indicate that a list existed, rather, Mr. Wisniewski explained that he was aware there was abuse of the docks and there had been incidences when Mr. Mata had to deal with repeat offenders. Mr. Wisniewski affirmed that he hadn't mentioned the existence of a list. Mr. Lehman continued, "While I was at Bar Harbor my boat sank under somewhat suspicious circumstances. I was given a three-day notice to bring it back up or vacate. It takes more than three days for us to bring a boat up, so that was a little unreasonable. I went over to the park and stayed there. I was in the 4-hour zone. I was told that if I didn't take the boat out to anchor I would be arrested for trespassing. I informed the Coast Guard and they said 'if you put that boat out there to anchor it creates a problem with navigation and you shouldn't do it.' I was on the phone talking to the Coast Guards when the sheriffs come up and start threatening me. Don Klein was there when they originally started threatening me...I said I could put it out to anchor if I thought it was safe. I then moved it from the 4-hour zone into another park anchorage and paid. I called the sheriffs and told them I moved it from the 4-hour zone and think I solved the problem for now. They said 'we told you if you weren't out of the park we were gonna come and arrest you,' which they did. The money was in the envelope in the park's office. They arrested me, impounded my boat and basically created quite a few problems for me...I've never been arrested before. It was an experience. The sheriffs were fairly polite. They've always been somewhat reasonable in doing what they're doing. I don't always agree with what they're doing, but they've always been fairly easy

to talk with and usually try to help out the situation rather than compound it. The things that concern me: 1) I was legally registered in the park and they still were trying to get me to do something that was unsafe. To put the boat out there was a hazard to navigation. I just want to express my concerns. There will be things happening to try to correct the things that happened to me and that will be through the legal course. I just want to make sure you are aware of that; and 2) There are things going on with the small boats and slip availability, there is a shortage."

9. ADJOURMENT

Chairman Searcy adjourned the meeting at 11:45 a.m.

Respectfully submitted,

Toni Minor, Secretary

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART I CRIMES- JULY 2003

Part I Crimes	MARINA AREA (RD'S 2760-2763)	EAST END (RD'S 2764-2768)
Homicide	0	1
Rape	1	1
Robbery: Weapon	0	1
Robbery: Strong-Arm	0	0
Aggravated Assault	5	5
Burglary: Residence	2	14
Burglary: Other Structure	4	3
Grand Theft	11	5
Grand Theft Auto	8	9
Arson	0	0
Boat Theft	1	0
Vehicle Burglary	9	8
Boat Burglary	1	0
Petty Theft	5	9
Total	47	56

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

Source- LARCIS, **Date Prepared** – August 14, 2003
CRIME INFORMATION REPORT - OPTION B

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
MARINA DEL REY STATION
PART I CRIMES- JULY 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									1	**1**
Rape		1					1			**2**
Robbery: Weapon							1			**1**
Robbery: Strong-Arm										**0**
Aggravated Assault	3	1		1	1		2	2		**10**
Burglary: Residence	1	1			1		6	3	4	**16**
Burglary: Other Structure	1	3					1	2		**7**
Grand Theft	9			2				3	2	**16**
Grand Theft Auto	6	2				1	3	3	2	**17**
Arson										**0**
Boat Theft		1								**1**
Vehicle Burglary	4	5					2	3	3	**17**
Boat Burglary				1						**1**
Petty Theft	2	3					3	3	3	**14**
REPORTING DISTRICTS TOTALS	**26**	**17**	**0**	**4**	**2**	**1**	**19**	**19**	**15**	**103**

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

Source- LARCIS, **Date Prepared – August 14, 2003**

CRIME INFORMATION REPORT - OPTION B

Los Angeles County
Beaches & Harbors
Caring for Your Coast

To enrich lives through effective and caring service

August 21, 2003

TO: Small Craft Harbor Commission

FROM: Kerry Gottlieb for Stan Wisniewski, Director

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

MARINA DEL REY EVENTS

THE MARINA DEL REY SUMMER CONCERT SERIES FINALE

Presented by Arrowhead Mountain Spring Water
Burton Chace Park
August 30
7:00 p.m. – 9:00 p.m.

Patti Austin and the Gregg Field Big Band will close the Marina del Rey Summer Concert Series on Saturday, August 30. Parking is available in Lot 4 on Mindanao Way and Lot 5 on Bali Way for $2.00 per vehicle.

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

FISHERMAN'S VILLAGE WEEKEND CONCERT SERIES

Sponsored by Pacific Ocean Management, LLC
All concerts from 2:00 p.m. – 5:00 p.m.

Saturday, August 30
The New Orleanians, playing Dixieland

Sunday, August 31
The Nic & Kid Show, playing Jazz & Swing

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

13837 Fiji Way • Marina del Rey • CA 90292 • 310.305.9503 • fax 310.821.6345 • internet: http://beaches.co.la.ca.us
Stan Wisniewski Director • **Kerry Gottlieb** Chief Deputy

BEACH EVENTS

THE HERMOSA BEACH FALL FESTIVAL

Sponsored by Hermosa Beach Chamber of Commerce
Pier & Hermosa Avenues
August 30, 31 and September 1
10:00 a.m. – 6:00 p.m.

Arts and crafts from throughout the West will be featured at the Hermosa Beach Chamber of Commerce Fall Festival on Memorial Day Weekend from 10:00 a.m. to 6:00 p.m. on all three days and includes free admission. The family-oriented festival will also feature kiddy rides (for a minimal fee), a restaurant cantina, two sound stages, and a beer and wine garden.

The street fair is located at Pier and Hermosa Avenues. Parking in town is limited, so visitors are encouraged to park at the TRW parking lot at Manhattan Beach Boulevard and Doolittle Street. A free shuttle bus will run continuously from 7:30 a.m. to 7:30 p.m. from the lot to Pier at Manhattan Avenue. Parking is also available at Mira Costa High School, with the Wave Buses providing free shuttle service to and from the festival.

For information call: Hermosa Beach Chamber of Commerce at (310) 376-0951.

THE SANTA MONICA TWILIGHT DANCE SERIES FREE CONCERT

Presented by the Santa Monica Pier Restoration Corporation
Santa Monica Pier
August 28
7:30 p.m. – 9:30 p.m.

Renegade trumpet player Russell Gunn and special guest, Hiromi Uehara, will close the Pier's 19th Annual Twilight Series.

For more information call: (310) 458-8900.

THE SANTA MONICA "DRIVE-IN" AT THE PIER

Sponsored by the Santa Monica Film Festival
& Santa Monica Pier Restoration Corporation
Santa Monica Pier
August 26
8:00 p.m.

You're invited to experience a classic American pastime by watching the movie, "Grease," under the stars and over the waves on the Santa Monica Pier. Be sure and bring something or someone to keep you warm. Admission is free, but tickets are required. Doors open at 6:30 p.m. and shows start at sunset, around 8:00 p.m.

For more information call: (310) 458-8900.

THE CITY OF LOS ANGELES TRIATHLON
@ VENICE BEACH
Venice Beach Pier
September 7
6:30 a.m.

The triathlon will feature Olympic and Sprint races. Categories include individuals, relays, collegiates and a professional race. The "Pro" prize purse is $60,000. The Olympic distance is a 9-mile swim, 24.8-mile cycle and a 10K run. The Sprint distance is a 4-mile swim, 20-mile cycle and a 5K run. This is a point-to-point triathlon with two transition areas.

For more information visit website: http://www.latriathlon.com.

SW:DC:mc

Los Angeles County
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

County of Los Angeles
California

August 21, 2003

TO: Small Craft Harbor Commission

FROM: Kerry Gottlieb for Stan Wisniewski, Director

SUBJECT: **ITEM 4a - CONSENT TO ASSIGNMENT OF PARTNERSHIP INTEREST IN MARINA PACIFIC ASSOCIATES, L.P.; APPROVAL OF REVISIONS TO THE PROPOSED AMENDED AND RESTATED LEASE; AUTHORIZATION OF EXERCISE OF OPTION AS TO REVISED AMENDED AND RESTATED LEASE; AND APPROVAL OF AGREEMENT REGARDING ENCUMBRANCE OF LEASEHOLD ESTATE (PARCELS 111T/112T – MARINA HARBOR APARTMENTS AND ANCHORAGE)**

Item 4a on your agenda appeared on your last month's agenda, however, certain of the necessary underlying documents were not completed in time to provide appropriate time for review by your Commission prior to the meeting. The item relates to a set of proposed actions as to the Parcels 111T and 112T leaseholds that are being implemented to facilitate financing and enable the approved redevelopment of these parcels, which consist of the following:

- An assignment of general partnership interest in the leasehold in order to facilitate financing of the proposed project improvements (the action is an internal reorganization of the leasehold entity and does not represent a sale of the leaseholds);

- Revisions to the previously approved amended and restated lease to allow the lessee to obtain construction financing by clarifying and in some cases enhancing the protections afforded an approved encumbrance holder under the lease, i.e., enhancing the lenders' ability to cure leasehold defaults and assure completion of proposed construction; and

- Approval of an agreement among the County, the lessee, and prospective lenders to establish and record public notice of priority among lenders.

The attached Board letter and exhibits provide details relating to these actions. Your concurrence with my recommendations to the Board of Supervisors is requested.

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Attachments

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Stan Wisniewski Director • Kerry Gottlieb Chief Deputy