Los Angeles County
Beaches & Harbors
Caring for Your Coast

To enrich lives through effective and caring service

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

January 6, 2005

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan Wisniewski

SUBJECT: **COMMISSION AGENDA – JANUARY 12, 2005**

Enclosed is the January 12, 2005 meeting agenda, together with the minutes from your meeting of November 10, 2004. Also enclosed are reports related to agenda items 3a, 3b, 4a and 6a.

The Election of Commission Officers is included as item 5a on your agenda, pursuant to Chapter III, Section 8, of the Small Craft Harbor Commission Rules, which states, "At its January meeting, the Commission shall elect both a Chairman and a Vice-Chairman to serve until the next January regular meeting."

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

SW:tm
Enclosures

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

Los Angeles County Beaches & Harbors — Caring for Your Coast

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AGENDA

SMALL CRAFT HARBOR COMMISSION MEETING
JANUARY 12, 2005
9:30 a.m.
BURTON W. CHACE PARK COMMUNITY BUILDING
13650 MINDANAO WAY
MARINA DEL REY, CA. 90292

1. Call to Order, Action on Absences and Pledge of Allegiance

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

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

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

   b. Marina del Rey and Beach Special Events

4. **OLD BUSINESS**

   a. Marina del Rey Woodfin Suite Hotel & Vacation Ownership (DISCUSS REPORT)

5. **NEW BUSINESS**

   a. Election of Commission Officers (ACTION REQUIRED)

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

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

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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 (Ord. 93-0031 § 2 (part), 1993), relating to lobbyists. Any person who seeks support or endorsement from the Small Craft Harbor Commission on any official action must certify that he/she is familiar with the requirements of this ordinance. A copy of the ordinance can be provided prior to the meeting and certification is to be made before or at the meeting.

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

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

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

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

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

   Lloyd Taber-Marina del Rey Library
   4533 Admiralty Way
   Marina del Rey, CA 90292

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

Small Craft Harbor Commission
Meeting of November 10, 2004
Minutes

Commissioners Present

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

Department of Beaches & Harbors:	Kerry Silverstrom, Chief Deputy Director Roger Moliere, Deputy Director, Asset Mgmt & Planning Bureau Joe Chesler, Chief, Planning Division
Other County Departments:	Tom Faughnan, Senior Deputy County Counsel Lt. Greg Nelson, Sheriff's Department Deputy Paul Carvalho, Sheriff's Department
Guests:	Robert Saviskas, Executive Director, L.A. County West Vector Control District Heather Teodoro, Public Education Specialist, L.A. County West Vector Control District

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

Since Chairman Searcy was delayed, Vice-Chairperson Stevens called the meeting of the Los Angeles County Small Craft Harbor Commission to order at 9:40 a.m. in the Burton W. Chace Park Community Room, Marina del Rey.

Vice-Chairperson Stevens announced that the presentation on the West Nile Virus (Agenda Item 6a) would be taken from agenda order and occur earlier in the meeting to allow the representatives from the L.A. County West Vector Control District the opportunity to give their presentation and return to work.

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

2. APPROVAL OF MINUTES

Commissioner Crail moved and Chairman Searcy seconded a motion to approve the May 12, 2004 minutes. The motion passed unanimously.

After receiving a request from a member of the public to speak, Chairman Searcy opened the floor to public comment.

Ms. Carla Andrus asked the Commission to provide answers to the questions she posed during the May 12, 2004 meeting. She had asked the questions orally at the May meeting and they appear on page 11 of the May minutes as follows:

1) How would Doug Ring's Deauville property be reassessed?

2) Why does the County allow Bar Harbor to charge more rent for slips while Dolphin, which is new, can charge less?

Ms. Andrus informed Chairman Searcy that she complied with his request at the May meeting to put the questions in writing and submit them to the Commission Secretary; however, she has not received a response.

Chairman Searcy asked the Commission Secretary, Toni Minor, whether she received Ms. Andrus' questions. Ms. Minor responded that she wasn't sure whether she had received the written questions from Ms. Andrus and informed Chairman Searcy that she would check.

Chairman Searcy requested Ms. Minor to give the Commission the questions after she located them so that Ms. Andrus could receive a reply.

Commissioner Lesser moved and Commissioner Crail seconded a motion to approve the July 14, 2004 minutes. The motion passed unanimously.

Vice-Chairperson Stevens moved and Chairman Searcy seconded a motion to approve the September 8, 2004 minutes. The motion passed unanimously.

6. STAFF REPORTS – [TAKEN OUT OF AGENDA ORDER]

a. Ongoing Activities

--- *West Nile Virus Concerns*

Mr. Robert Saviskas, Executive Director, Los Angeles County West Vector Control District, came to the podium and informed the Commission that Ms. Heather Teodoro, Public Education Specialist, would do the presentation regarding the West Nile Virus. Mr. Saviskas said that he would answer any questions the Commission has after the presentation.

Ms. Teodoro provided the following information regarding the West Nile Virus:

> The L.A. County West Vector Control District is the lead agency responsible for mosquito control in the western portion of Los Angeles County. The District provides services to approximately 3.4 million people in this region. An arthropod vector is any insect or other arthropod that is capable of transmitting a disease or capable of producing human discomfort or injury.
>
> Some examples of vectors include mosquitoes, which can transmit West Nile Virus; ticks, which are capable of transmitting lime disease; and Africanized honeybees, which are capable of producing discomfort or injury through their venomous stings. Of the 50 mosquito species identified in California, several of these species are considered important disease vectors.
>
> West Nile Virus is a mosquito borne virus that infects birds, horses, humans and other animals and was first discovered in Africa in the 1930's. The virus is fairly widespread throughout the world and is commonly found in Africa, Europe, Asia and the Middle East. Prior to 1999, the virus had not been detected in the Western Hemisphere and was first discovered in 1999 in New York and has since spread throughout the Country.
>
> Currently, West Nile Virus has established itself in California and is now endemic to the state. In 2002, there was one human case reported in Los Angeles County. The following year, three human infections had been reported in the Southern California region. This year, the virus has spread throughout the state. Currently, there are 801 human infections reported throughout the state.
>
> West Nile Virus has been detected throughout Los Angeles County. [Ms. Teodoro displayed a map that highlighted areas with West Nile Virus activity.] The virus can be characterized as a mild feveral illness of sudden onset. The incubation period ranges from approximately three days to fourteen days. The duration of signs and symptoms may range from a few days to several weeks depending on the severity of illness.

The majority of people who become infected with West Nile Virus will not get sick. Approximately 80% of infected individuals will remain asymptomatic while the other 20% may develop flu like illness called West Nile fever. The symptoms of West Nile fever are very similar to a mild to moderate case of the flu. Less than 1% of infected persons may develop a more severe illness in which infection of the central nervous system can lead to encephalitis and meningitis. Signs of severe illness include high fever, stupor, stiff neck, disorientation, coma, convulsions, paralysis and, on rare occasions, death.

For most people, the risk of becoming severely ill from West Nile Virus is very low. In 2003, there were 264 deaths as a result of West Nile Virus in the country. In comparison, there is estimated over 25,000 deaths that occur annually in the United States as the result of the common flu. People who spend a lot of time outdoors are more likely to be exposed to mosquitoes; however, persons over the age of 50 and individuals with weakened immune systems are at greatest risks of developing a severe disease.

West Nile Virus is transmitted through the bite of an infected mosquito. The mosquito first acquired the virus by feeding on an infected bird in the region. The mosquito can then transmit the virus to other birds, humans, horses and other animals during subsequent blood feedings.

The West Nile Virus infection has been reported in over 150 different species of wild birds that serve as the reservoir host for the disease. Corvid birds, which include crows, jays, magpies and ravens, have been shown to be particularly susceptible to the virus. When the virus is introduced into a new region the area may experience large die off of these corvids.

West Nile Virus is primarily transmitted by the Western encephalitis mosquito and the Southern house mosquito. Mosquitoes can complete their life cycle in about 7-10 days. All mosquitoes require water to develop. Under ideal conditions, one female mosquito may lay approximately 100-400 eggs per batch. By day seven, 200 of these eggs may hatch, develop and turn into reproductive female mosquitoes. By day fourteen, these mosquitoes in turn may produce more female mosquitoes. By day twenty-one, 8 million fetal mosquitoes could have arisen from this one single mosquito.

Future infections of West Nile Virus can be prevented through mosquito control and personal protection. The likelihood of becoming infected with West Nile Virus can be greatly reduced by following the five Ds, which include: drain, deny, dawn and dusk, dress and DEET. Potential breeding sources include any place that can contain stagnant water for more than a few days. Local residents and employees can reduce the amount of breeding around their homes or facilities by draining and eliminating potential breeding sources or contacting Vector Control for assistance.

Approximately 80% of all mosquito breeding occurs on residential property. Some common breeding sources include ornamental ponds, unmaintained swimming pools, containers, animal water troughs, saucers underneath flower pots, septic tanks, ground drains, boat and car covers. Breeding can also occur on public commercial and industrial properties, such as industrial areas where water may not drain...water along curbs and unused tires.

Mosquitoes will readily enter homes and buildings through unscreened doors and windows. It is important to deny the entry of mosquitoes into your workplace or home by installing tight fitting attached screens on all doors and windows. Mosquitoes in the area are most active during dawn and dusk. It is recommended to try and go indoors

during this time to prevent becoming bitten by infected mosquitoes; however, while outdoors it is recommended to wear long sleeve clothing, long pants, and apply insect repellant containing up to 30% DEET while outdoors to offer additional protection from infected mosquitoes.

The state continues to rely on dead bird reports for its continuing surveillance of the West Nile Virus in the area. Please contact the West Nile Virus hotline at (877) WNV-BIRD to report a dead bird that has been dead for less than 24 hours. If the specimen is suitable for testing, Health Services may arrange for pickup of this bird. It's important never to handle a dead bird with bare hands.

Please contact the District to report a mosquito problem or to obtain free mosquito fish for ornamental ponds or animal trough or fountain. It's important to decrease your exposure to mosquitoes by following the 5 Ds. Please report dead birds to the West Nile Virus hotline and contact your doctor immediately if you suspect you've been infected with West Nile Virus.

For further information, please visit the District website at *www.lawestvector.org.*

Mr. Saviskas referred to the material that he gave the Commission pertaining to the West Nile Virus, including a map showing the Marina and surrounding areas that are routinely treated. The map identifies these areas as "points." He said to the Commission:

We always have questions about these areas because they are water and large amounts of it. Point 1 is the Grand Canal. With the Venice Canal, Point 2, there's not mosquito problems there because you need freshwater primarily for mosquitoes. This particular area has saltwater intrusion...and canals where the homes are too high of saline for to be a problem there. We do occasionally have boats that have been abandoned or haven't been taken care of. Rainwater will get inside of those and that's where we'll get some mosquito breeding on small locations.

Point 3 is the Oxford Basin and that is also saltwater intrusion. The salinity is high enough to prevent mosquito breeding. Also, just across the boundary line is the Oxford underground storm drains and that's an area that has poor gradient. We treat those areas to make sure that mosquitoes don't breed there. That's a runoff that sits in small ponds underneath the street because of the poor gradient. Also, some areas on the Southern side of the Marina along Fiji Way. There's a canal there that we routinely inspect and treat as needed. Sometimes runoff from the neighborhood to the east fills up those areas.

Points 6, 7, 8, and 9, which are across the channel, are all flood basin areas that, during heavy rains, will retain water. We routinely have those on our computer routes, checked and treated if need be.

The final one is the Del Rey Lagoon, which is across the other side of the Marina. That's freshwater and is treated on a routine basis.

These are the areas that we usually get questions about and you may have received questions about. Also, all of the restaurants you see and all of the hotels here in the complex have box drains. Those are little drains where sprinklers are run. Everyone has them in their homes and water runs into them and is supposed to go out into the street or into the storm drains. Those are routinely checked because they're designed nowadays to have a little area in the bottom about two inches deep where they're supposed to catch sediment before that runs out any further. That also holds water so that water isn't routinely flushing that area out. There's a whole route of those that are checked on a weekly basis by our inspector in this area. Also any fountains that they

have, make sure that they're running or operating. When you have any turbulence in a fountain, even if it's freshwater, mosquitoes won't lay their eggs there. It has to be calm water. It has to be freshwater or the salinity, if it gets high enough, won't prevent them from breeding in those areas.

Chairman Searcy thanked Mr. Saviskas and Ms. Teodoro for their presentation. Chairman Searcy then proceeded to Agenda Item 3 since the Commission did not have any questions and did not receive any requests to speak from members of the public.

3. REGULAR REPORTS

a. Marina Sheriff's Department Report

-- *Crime Statistics*

Lt. Greg Nelson reported a decrease in crime on the Westside due to a precipitous drop in bicycle thefts after one of the deputies, Deputy Moreland, discovered a chop shop in Venice and informed L.A.P.D.

Lt. Nelson informed the Commission of a recent robbery at Bar Harbor Apartments by a police impersonator who presented a badge to a woman in the carport at approximately 10:00 a.m. The thief robbed the woman and tried to get her to access her truck, but she fought and fled. Lt. Nelson said that the woman acted correctly. The suspect is not in custody and the Department is trying to get a composite drawing of him. A similar robbery occurred in Burbank and the Sheriff's Department is exploring whether there is a correlation between the two robberies.

Further, Lt. Nelson reported on a robbery at the Universal Jewelry Store in the Marina's Waterside Shopping Center, in which three individuals with sledgehammers smashed the window case, took approximately $200,000 worth of jewelry and ran. A few days later another criminal committed a snatch and grab with a store employee. There is now an armed guard and the owner is obtaining better monitoring equipment.

Lt. Nelson explained that even though the jewelry store had a video monitor, it wasn't high quality enough to identify the criminals. He said that video surveillance with high-resolution capabilities is an important tool that assists law enforcement officers in keeping the community safe and should be a requirement for developers when planning their projects.

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

Deputy Carvalho reported that the Department continues to follow up on the Notices to Comply that were issued. He said that during the follow up period staff noticed two of the vessels had left the Marina and a couple more vessels remain that staff will look into.

Further, Deputy Carvalho said that the impounded vessels have increased at the Sheriff's docks. There is a problem getting rid of the vessels, one reason being because the Department of Motor Vehicles (DMV) requires a time consuming procedure to be followed.

Chairman Searcy asked whether DMV's procedure is new or is there new enforcement of an existing procedure. Deputy Carvalho responded that the latter is correct. Deputy Carvalho added that he is in contact with DMV staff that deals with lien sales and he hopes to streamline the process of eliminating the boats.

Mr. Donald Klein, president, Coalition to Save the Marina, asked: 1) of the 173 vessels that were disposed of, how many were disposed under Seaworthy Ordinance No. 19.12.160; 2) how many of the 9 vessels scheduled for disposal were cited under Seaworthy Ordinance No. 19.12.160; and 3) how

many of the remaining 15 vessels awaiting lien sale procedures were cited under Seaworthy Ordinance No. 19.12.160.

Mr. Tom Faughnan informed the Commission that Coalition to Save the Marina filed a lawsuit against the County regarding its enforcement of the Seaworthy Ordinance; therefore, Mr. Klein should make his request concerning Seaworthy Ordinance enforcement through the proper channels in the litigation or submit a written request under the Public Records Act.

Mr. Klein said that he wants to pose his question now since the Commission meeting is a public meeting and he is a member of the public. Chairman Searcy explained to Mr. Klein that the Coalition's litigation is the proper forum to seek an answer or, alternatively, Mr. Klein can submit the request to the Department in writing after today's meeting so that there would be a written record of the request and the Department would have the opportunity to research the information and provide an accurate answer. Chairman Searcy assured Mr. Klein that, if Mr. Klein submitted written questions, the Department would provide a written response to him.

Mr. Klein commented that there seems to be a problem with the County's adherence to a state ordinance requiring the County to help boat owners pull back their boats that were washed ashore during heavy winds. Mr. Klein said that it's difficult to legislate posture and procedure but he believes the County handled the boats incorrectly. He said that some of the boats were damaged either intentionally or because of the lack of experience of whoever handled the boats; consequently, the boats could not be returned back to sea.

Chairman Searcy commented that he doesn't know what Mr. Klein is referring to and asked staff to respond. Mr. Faughnan explained that there have been a number of issues with boats washing ashore and the Department took steps to remove the boats. This is appropriate under state law, which deems it appropriate to remove unattended vessels from navigable waterways. He informed the Commission that a claim was filed against the County that relates to one of the vessels that was damaged. The Department does not know when the boat was damaged or how but is addressing the claim.

Mr. Hans Etter expressed his concern about the Sheriff's Department's efforts to expedite the lien procedures for getting rid of the boats at the Sheriff's docks. He said that the boaters have constitutional rights and are property owners who pay property taxes on their vessels.

Mr. Etter also said he noticed that with several boats that have washed ashore, within ten hours, County staff appeared on the beach with a bulldozer and made no effort to save the boats and pull them from the beach. Mr. Etter informed the Commission that he has pictures [which he later distributed to the Commission] of the damaged boats as well as pictures of staff members who supervised the boats' destruction.

Vice-Chairperson Stevens asked Ms. Silverstrom to explain the County's policy for handling the vessels that are washed ashore. Ms. Silverstrom responded that the boats that are anchored south of the channel in the breakwater are coming unmoored, usually during windy or rainy weather. She explained that the Department has an obligation to protect the health and safety of the beach visitors and remove the boats from the surf line. The boats are pulled onto the beach and surrounded with safety fencing while the Department works to determine ownership and find out whether a boat was abandoned so that staff could proceed with the process of removing the boats.

Vice-Chairperson Stevens asked what the bulldozers, mentioned in Mr. Etter's testimony, were used for. Chairman Searcy responded that he believes the Department used bulldozers to pull up the boats. Chairman Searcy clarified that the issue really is about protecting the safety and welfare of the beach visitors and determining whether adequate measures were taken to protect boats from further damage.

Ms. Carla Andrus asked why there isn't a policy that would make the transient docks more receptive to boaters during bad weather so that the boaters don't have to anchor their boats outside of the channel.

Ms. Andrus also requested Deputy Carvalho to submit the DMV regulations to the Commission for the record so that the public could review them.

Mr. Faughnan informed the Commission that the DMV regulations regarding lien sales are included in the Harbor and Navigation Codes and are available to the public.

After hearing from Tom Faughnan that the codes are lengthy, Chairman Searcy proposed that a summary of the regulations as well as the location to find them in their entirety be provided on the Department's website. Mr. Faughnan said that all of the relevant code sections are available by contacting the DMV or accessing the Department of Boating and Waterways' website. Ms. Silverstrom added that the State of California website also has all of the codes.

b. Marina del Rey and Beach Special Events

Ms. Silverstrom informed the Commission that the 42nd Annual Holiday Boat Parade has been expanded to two days, beginning Friday, December 10 through Saturday, December 11. The Friday parade is actually a preview and will not have judges, entry fees or fireworks.

Ms. Silverstrom also informed the Commission that the tall ships, The Lady Washington and The Hawaiian Chieftain, are returning to Fisherman's Village from December 9 – 26, 2004.

4. OLD BUSINESS

None.

5. NEW BUSINESS

a. Appointment of Member and Alternate for 2005 to Marina del Rey Convention and Visitors Bureau Board of Directors

Commissioner Lesser moved and Chairman Searcy seconded a motion to reappoint Vice-Chairperson Carole Stevens to the Marina del Rey Convention and Visitors Bureau Board of Directors for 2005. The motion passed unanimously.

Chairman Searcy moved and Commissioner Crail seconded a motion to reappoint Commissioner Lesser as alternate member to the Marina del Rey Convention and Visitors Bureau Board of Directors for 2005. The motion passed unanimously.

6. STAFF REPORTS

a. Ongoing Activities

-- *Concerns about Proper Handling of Asbestos Materials*

Ms. Silverstrom noted that the Ongoing Activities Report includes information regarding the proper handling of asbestos materials during construction projects. Vice-Chairperson Stevens expressed appreciation for the report. She asked Ms. Silverstrom whether all of the lessees are aware that a large amount of asbestos is airborne and that their workers should handle materials and use appropriate covering with this in mind. Ms. Silverstrom responded that when the Department engages in discussion with lessees concerning their development projects, every regulatory issue is discussed, including asbestos removal and the need to comply with the regulations.

Ms. Silverstrom said that she plans to attend the Lessees Association luncheon today and would be happy to inform the lessees of Vice-Chairperson Stevens' request that they collectively be informed of their obligation with respect to removing asbestos materials. Vice-Chairperson Stevens said that she

suspects the lessees follow correct procedures; however, she wants to make sure that they utilize the appropriate protective covering, particularly on windy days.

Chairman Searcy opened the floor to public comment.

Mr. Etter said that when Deauville Marina was torn down, there was a cloud of dust coming toward Chace Park and he personally knows of people who became ill with "sick-building syndrome." Also, the park's picnic tables had dust on them from the construction project and boats were covered with dust. When the building site was washed to keep the dust down, the debris went into the storm drain and into the basins. Mr. Etter said that he also saw pieces of lumber from the construction floating in the water.

Commissioner Lesser asked Mr. Etter whether he is stating that the inspector from the Air Quality Management District (AQMD) who inspected the Deauville Marina construction project did not know what he was doing. Mr. Etter responded, "probably not because he [the inspector] missed it. I have seven people here sick. Do you want to check on those people?" Chairman Searcy informed Mr. Etter that the AQMD, rather than the Commission, is the appropriate agency to address injuries.

-- *Design Control Board Minutes*

Ms. Silverstrom informed the Commission that the DCB minutes are attached to the report.

b. Marina del Rey Convention and Visitors Bureau

Ms. Beverly Moore expressed appreciation to the Commission for its support of the MdR Convention and Visitors Bureau. She also thanked both Vice-Chairperson Stevens and Commissioner Lesser for their willingness to serve on its board.

Ms. Moore distributed pictures from the Bureau's new ad campaign, which in September began appearing in advertising and travel trade magazines that are read by meeting planners, association executives and company event planners. She said that the Bureau took a themed approach to the ads, promoting the Marina's unique location on the water and focusing on the recreational boating opportunities and the fact that the Marina is a unique alternative site to other meeting and event sites in L.A.

Ms. Moore said that the Bureau created a series of ads, which play on the idea of getting groups to consider the water as a location for business-related activities. For example, groups can conduct seminars at sea and have retreats and board meetings that actually take place on boats. These ads have been well received and the Bureau is receiving a lot of mention from the travel industry and meeting planners about its approach.

Further, Ms. Moore said that over the next several months the Bureau would generate approximately 150,000 advertising impressions to meeting planners in the Western United States that hopefully will draw more attention to the unique tourism services and facilities in the Marina community.

The Commission members commended Ms. Moore on the Bureau's advertising campaign.

Chairman Searcy opened the floor to public comment.

Mr. Etter commented that the Bureau's advertising campaign is a waste of money and he suggested that the Bureau instead focus on promoting real boating activities for real people in the Marina. He exemplified the need for a shift in focus by informing the Commission of a boater from Michigan who recently stayed for seven days at Chace Park. The boater requested a two-day extension from Dusty Crane, the Chief of the Community Services Division, but never received a response. Chace Park staff informed the boater that he would have to leave the park no later than 8:00 a.m. the next day or staff would contact the Sheriff's Department and the boater's vessel and documentation would be seized. The boater told Mr. Etter that he has never before experienced such an unfriendly community.

7. COMMUNICATION FROM THE PUBLIC

Chairman Searcy opened the floor to public comment.

Mr. Etter came to the podium and gave the following testimony:

> This morning I was out on my boat and I actually made a phone call to Captain Dacus in the Sheriff's Department. I noticed that at 10 minutes to 9:00, the vessel, The Regency, was leaving to go outside again to dump the sewage. I jumped in my dinghy and followed them out on the ocean. I tracked them and they were within the 3-mile limit when they dumped and I came back at 20 minutes to 10:00 and then I came over here to attend this meeting.
>
> I complained to Industrial Waste and the Sewage Department before. Industrial Waste is a different agency from Beaches and Harbors. They're untouchable and can't be corrupted. They have actually busted him dumping sewage in the manhole. The Sewage Department went out when I told them he was continuing to pick up the manhole and dumping the sewage in the past. They went out and physically bolted down the manhole on the two properties to keep him from doing that.
>
> I figured out last year, since he never had a commercial vendor to pump out his sewer and never used the pump out station, he has three vessels and he has dumped close to 600,000 gallons of raw sewage in this harbor.

Vice-Chairperson Stevens asked Mr. Etter to identify whom he is talking about. Mr. Etter responded:

> He is Uri Ginzburg. He is the owner of Fantasea Yacht Club, USG Enterprise. He has a dock behind the Boy Scouts where he installed an illegal sewer pipe. I called Building & Safety and they came out and condemned him [Mr. Ginzburg] and told him [Mr. Ginzburg] to remove them and to have a building permit. Mr. Ginzburg still doesn't have a building permit and the pipes are still there.
>
> This has been going on since last year. I also busted him...I had a Coast Guard pull the ? permit because he was performing illegal welding and torching on February 6. That was done in his slips and also in the main channel on The Regency. They have violations of the County ordinance and federal rules and regulations...I have videotapes of it.
>
> The latest vessel, The Admiral, did not have any current registration on the side of the bough, CF registration, or name of import of the vessel for three months. It was sitting right in front of the Sheriff's station during the summer... I finally got the sheriffs to go out once and actually fine them for it. I talked to Captain Dacus yesterday and it's in the District Attorney's hands. They have actually filed charges against one of the individuals for doing the welding. That's one time out of the daily abuse on the vessel.
>
> On the 24 of September, I videotaped them on the Fantasea One cutting out the exhaust system on the porch side behind the Boy Scouts with a welder and torches. I called the Fire Department and they came out. The County ordinance says that you can't use torches and welding equipment on your slips. You have to be in an approved facility like a boatyard. He's [Mr. Ginzburg] not afraid of being fined or anything cause nothing gets done to him.
>
> I've talked to the Water Quality Management Control Board. I've spoken to Fish & Game. I've spoken to the Coastal Commission. I've spoken to the Sewer Department and Industrial Waste and the Argonaut.

> You know what? You asked me to call the Air Quality Management Department? It's just another bureaucracy. The other day you had a meeting here in this room with 40 people regarding the sewage. It doesn't take 40 people to find out who is dumping the sewage. I know who is dumping the sewage right here in the harbor and his name is Uri Ginzburg.

Ms. Silverstrom informed the Commission that the Department would investigate and provide a follow up report on the matter. Commissioner Lesser commented that if Mr. Etter's complaints are valid, something should be done. On the other hand, if the complaints are not valid, the Commission should know that as well.

Commissioner Lesser requested staff to inform the Commission whether Mr. Etter's complaints are valid or not. Commissioner Lesser also asked staff to verify with the various agencies mentioned in Mr. Etter's testimony whether there actually has been a problem with Mr. Ginzburg's operation.

Ms. Carla Andrus said that she read an Argonaut article about the DCB, Woodfin hotel and changing Parcel 9U's designation to wetlands. She asked who the Department is communicating with in the Army Corp of Engineers and whether there will be an LCP review and public workshops. Ms. Andrus also asked if the area could be used for park land if its designation is changed.

Ms. Silverstrom responded that before the presentation to the DCB, the Small Craft Harbor Commission was presented with the Woodfin project's economic deal points. Ms. Silverstrom gave some background on the issue, explaining that at a Commission meeting several years ago, there was public comment that wetlands might be present on the property. The Department had an initial investigation done that showed the presence of wetland indicators. The Department contacted the State Department of Fish and Game, which declined jurisdiction and the Army Corps of Engineers took jurisdiction. The project is now undergoing an Environmental Impact Review (EIR) and the developer commissioned a further investigation, which is currently occurring. The outcome of the investigation to determine if there are any wetlands present on Parcel 9U is expected early next year.

Chairman Searcy asked whether a report or outcome of the investigation would be available to the public. Ms. Silverstrom responded that a draft report will come from the EIR study and will be made available for public comment/review.

Chairman Searcy asked whether Beaches and Harbors would receive a copy of the draft report. Ms. Silverstrom responded that the Department would receive a copy.

Chairman Searcy asked how the public would be informed of the report's availability. Ms. Silverstrom responded that the matter would be discussed by the DCB and its members have requested a copy of the report. She said that the Commission could also be provided a copy of the report.

Chairman Searcy asked Commission members whether they are interested in receiving copies of the report. All of the Commissioners responded that they would like to receive the report. Chairman Searcy then informed staff that when the Commission receives the report, it should be agendized so that the public has the opportunity to obtain a copy and provide comment.

Vice-Chairperson Stevens said that she read the DCB minutes and it appears that the apartment units on Parcel FF and the hotel on Parcel 9U would utilize the same two acre park for their view shed to the water. Ms. Silverstrom said that this is incorrect and explained that there was a misinterpretation initially. Parcel 10 and Parcel FF have met their view corridor obligations independent of Parcel 9U's view corridor obligations.

Ms. Andrus requested a presentation on Parcel 9U. She also asked whether the EIR is for the entire Marina and whether the public is able to provide input regarding the EIR now. Ms. Silverstrom responded that the EIR is the typical document prepared in connection with an individual development project to determine the project's impact on the environment. The EIR is not available right now and is

being prepared. Members of the public can review and comment on the document when the Regional Planning Commission releases it to the public.

As for Ms. Andrus' request for a presentation on Parcel 9U, Mr. Faughnan responded that the issues pertaining to Parcel 9U were discussed and presented at the Design Control Board meeting. This meeting was the appropriate place to receive information on the project.

Chairman Searcy asked Mr. Faughnan whether the DCB presentation materials are available to the public. Mr. Faughnan responded that the development team made the presentation and the information is not readily available.

Chairman Searcy suggested that Ms. Andrus remain in contact with Beaches and Harbors' Planning Division office so that she can be informed when the issue is scheduled on the DCB meeting agenda. When the issue is agendized, the public can attend the DCB meeting, obtain material and provide comment.

Vice-Chairperson Stevens said the DCB minutes mention that the Small Craft Harbor Commission heard the Parcel 9U project; however, she remembers the Commission only being presented with information on the proposed hotel and apartment units. The Commission was not presented with the specific issues that were brought before the DCB and she thinks that this information is important. Vice-Chairperson Stevens said that she would like the Commission to have a presentation from the developer regarding the issues that are at stake.

Ms. Silverstrom offered to provide the Commission with the same material that was presented to the DCB. Commissioner Lesser requested that an executive summary also be provided that identifies the steps that the project has gone through, the questions that have to be answered and issues that have yet to be decided. He said to also include "what the options are based on various answers."

8. ADJOURNMENT

Chairman Searcy adjourned the meeting at 10:45 a.m.

Respectfully submitted,

Toni Minor
Commission Secretary

MARINA DEL REY HARBOR ORDINANCE
SEAWORTHY & LIVEABOARD COMPLIANCE REPORT

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

Total Reported Liveaboards By Lessees - 569
Total Liveaboard Permits Issued - 462
Percentage of Compliance - 81

No new Warnings were issued in the month of December.

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

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

Number Of Impounded Vessels Demolished

To date, one hundred and eighty one (181) vessels have been removed from the marina for disposal. Currently, eight (8) vessels are ready for disposal and fifteen (15) are awaiting lien sale procedures.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART I CRIMES- NOVEMBER 2004

Part I Crimes	MARINA AREA (RD'S 2760-2763)	EAST END (RD'S 2764-2768)
Homicide	0	0
Rape	0	0
Robbery: Weapon	2	2
Robbery: Strong-Arm	1	0
Aggravated Assault	2	2
Burglary: Residence	1	5
Burglary: Other Structure	5	1
Grand Theft	7	3
Grand Theft Auto	7	9
Arson	0	1
Boat Theft	0	0
Vehicle Burglary	3	8
Boat Burglary	2	0
Petty Theft	8	1
Total	38	32

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

Source- LARCIS, **Date Prepared – December 1, 2004**
CRIME INFORMATION REPORT - OPTION B

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

	West Marina 2760	East Marina 2761	Lost R.D. 2762	Marina Water 2763	Upper Ladera 2764	County Area 2765	Lower Ladera 2766	Windsor Hills 2767	View Park 2768	TOTALS
Homicide										0
Rape										0
Robbery: Weapon	1	1					1		1	4
Robbery: Strong-Arm		1								1
Aggravated Assault	1			1			1		1	4
Burglary: Residence	1						1	4		6
Burglary: Other Structure	2	2		1				1		6
Grand Theft	2	2		3			1	1	1	10
Grand Theft Auto	6	1					3	2	4	16
Arson								1		1
Boat Theft										0
Vehicle Burglary	3				1		2	3	2	11
Boat Burglary				2						2
Petty Theft	5	1	1	1				1		9
REPORTING DISTRICTS TOTALS	**28**	**8**	**1**	**8**	**1**	**0**	**9**	**13**	**9**	**70**

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

Source- LARCIS, **Date Prepared – December 1, 2004**
CRIME INFORMATION REPORT - OPTION B

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

	West Marina 2760	East Marina 2761	Lost R.D. 2762	Marina Water 2763	Upper Ladera 2764	County Area 2765	Lower Ladera 2766	Windsor Hills 2767	View Park 2768	**TOTALS**
Homicide										0
Rape										0
Robbery: Weapon							1	2		3
Robbery: Strong-Arm							1	1		2
Aggravated Assault			1				2		1	4
Burglary: Residence	2				1			8	4	15
Burglary: Other Structure	5	5	1	3		1		1		16
Grand Theft	2	1	1	5			2	2	1	14
Grand Theft Auto	5	1					1	3	3	13
Arson										0
Boat Theft										0
Vehicle Burglary	8							3	3	14
Boat Burglary			1							1
Petty Theft	1	1		1		1	1	1		6
REPORTING DISTRICTS TOTALS	**23**	**8**	**4**	**9**	**1**	**2**	**8**	**21**	**12**	**88**

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

Source- LARCIS, **Date Prepared – January 3, 2005**
CRIME INFORMATION REPORT - OPTION B

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART I CRIMES- DECEMBER 2004

Part I Crimes	MARINA AREA (RD'S 2760-2763)	EAST END (RD'S 2764-2768)
Homicide	0	0
Rape	0	0
Robbery: Weapon	0	3
Robbery: Strong-Arm	0	2
Aggravated Assault	1	3
Burglary: Residence	2	13
Burglary: Other Structure	14	2
Grand Theft	9	5
Grand Theft Auto	6	7
Arson	0	0
Boat Theft	0	0
Vehicle Burglary	8	6
Boat Burglary	1	0
Petty Theft	3	3
Total	44	44

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

Source- LARCIS, **Date Prepared – January 3, 2005**
CRIME INFORMATION REPORT - OPTION B

Los Angeles County
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

County of Los Angeles
California

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

January 5, 2005

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan Wisniewski

SUBJECT: **MARINA DEL REY AND BEACH SPECIAL EVENTS**

MARINA DEL REY

MARINA DEL REY BIG BOAT SHOW

January 13 - 16
Dockside at Burton Chace Park
13650 Mindanao Way
10:00 a.m. to 6:00 p.m.

The Marina del Rey Big Boat Show, celebrating its 30th anniversary, will be twice as large as ever, making it L.A.'s biggest sail and powerboats in-water display. There is plenty to see and something for every boater's taste, so bring the family and make a day of it! Adults $10 and children under 12 years of age are free.

For more information call: ADS Productions at (310) 301-9019 or visit their website at www.mdrboatshow.com

FISHERMAN'S VILLAGE WEEKEND CONCERTS

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

Saturday, January 15
The Chris Glik Band, playing Jazz

Sunday, January 16
Susie Hansen Latin Jazz Band, playing Latin Jazz

Saturday, January 22
The Gregg Wright Band, playing Jazz

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Sunday, January 23
The Chris Ho Band, playing Jazz

Saturday, January 29
Mike Gealer & Euphoria, playing R&B, Contemporary Jazz & Pop

Sunday, January 30
Six Foot Halo, playing Pop-Rock Combo

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

BEACH EVENTS

There are no beach events this month.

SW:DC:mc

Los Angeles County
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

January 6, 2005

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director

SUBJECT: AGENDA ITEM 4 – PARCEL 9U – MARINA DEL REY WOODFIN SUITE HOTEL & VACATION OWNERSHIP

In response to your Commission's request at the November 2004 meeting, following is a summary of information provided to the Design Control Board (DCB) at its August, September and October 2004 meetings regarding the proposed development of the Woodfin Suite Hotel & Vacation Ownership (Woodfin) project on Parcel 9U. The proposed project is located at the northeast corner of Via Marina and Tahiti Way, on the west side of the Marina. Your Commission requested that we identify the issues yet to be decided and the options available in resolution of those issues. The following executive summary presents the issues and alternative methods of resolution now under consideration:

Potential Presence of Wetland

During the course of negotiating the development plan and economic deal points with Woodfin – the successful proposer pursuant to a County-sponsored Request for Proposals (RFP) for the site – it came to our attention that there were possible wetland indicators on the site in low-lying areas of the parcel as a result of pilings and excavation from a failed 1980s hotel project, which left terrain of the parcel uneven rather than flat.

A preliminary biological constraints analysis for Parcel 9U was conducted, which found certain wetland plants and terrain indicators on a portion of the parcel. As a result of review of the preliminary report by our Coastal Commission consultant and others, the Department contracted in May 2004 for a peer review of the initial report and further analysis of the parcel. This further report recommended that additional and more detailed hydrological monitoring and soil studies be conducted in order to determine whether a wetland does, in fact, exist on the parcel and, if so, to determine the character and precise delineation of any such wetland in order to inform any decisions relating to potential remediation and site use.

Much of this work can only be accomplished during the winter months when natural rainfall occurs, thus allowing appropriate observation and analysis. Additionally, it must be gathered in conformance with the requirements of the appropriate agencies that will assess

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the data and it cannot be performed prematurely as the investigational data is required to be recent. In this regard, any of four agencies may assume jurisdiction under current law: a) the Army Corps of Engineers (Corps), pursuant to either Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbor Act; b) the Los Angeles Regional Water Quality Control Board, pursuant to Section 401 of the Clean Water Act; c) the California Department of Fish and Game (CDFG), pursuant to Division 2, Chapter 6 of the California Fish and Game Code; or d) the California Coastal Commission, pursuant to California Public Resources Code Division 20. Each of the jurisdictional criteria differs slightly, although CDFG criteria closely mirror those of the Corps.

In October 2004, Woodfin contracted for this additional work, which will become a component of its Environmental Impact Report (EIR), a planning requirement that typically commences once a development application has been submitted to the Regional Planning Department and the regulatory process commences. Thankfully, there has been sufficient rain during this winter season to conduct the necessary detailed hydrological monitoring and the more detailed soils testing necessary to make a wetland determination, as well as the precise mapping of any such area within the parcel. The results of the study will inform the decisions as to potential methods of remediation, site use and project design.

If a wetland were to be designated, depending upon its characteristics, the following options would be available to Woodfin:

A) Project Redesign

The project facilities may be amenable to redesign so as to avoid any incursion on areas of the parcel that may be designated as wetlands pursuant to applicable legislative criteria.

B) Off-Site Mitigation of Wetlands

If project redesign is not a viable option due, for instance, to the size and/or location of the wetland area, off-site wetland mitigation may be a possibility, which can be accomplished by creating or restoring similar habitat at an appropriate ratio determined by the agencies having jurisdiction (typically between 2:1 and 4:1) or by paying fees into a wetland mitigation bank or another type of in-lieu fee program, whereby resources are pooled for accomplishment of a larger wetland restoration than could otherwise be achieved.

Replacement Park Space Credit for Space on the Water

In negotiating this deal contemporaneous with that of the adjacent Parcel 10/FF (Legacy/Neptune Marina) project, it was contemplated that the Parcel FF open space designation would be transferred to Parcel 9U and a public park would be developed and subsequently maintained by Woodfin, but operated and under the control of the Department. Parcel FF is a 2.048-acre parcel, whereas the landside park contemplated in the current Woodfin design is at 1.854 acres, 0.194 acre less than the Parcel FF parcel. Thus, at the Department's instigation, Woodfin has proposed to add approximately 0.194 acres of water area with 10 to 12 transient boat slips to the 1.854-acre park for the public's use. The Department believes this provides a rare opportunity for new direct public access to the water on the west side of the Marina and would not only add a maritime dimension to the park, but would also increase use of the park by the boating public and complement boater access to the project site and other regional land uses. Therefore, the Department believes that Woodfin has met its obligation to provide public open space of a size analogous to the 2.048 acres on Parcel FF, even though a portion of the park is constructed on the water.

Status of the Regulatory Process

At its October meeting, the DCB conceptually approved the development proposal for Parcel 9U, subject to the following conditions: a) a determination by the appropriate jurisdictional agencies and governmental bodies as to whether a wetland exists must be completed; b) the Department must investigate and report to the DCB on the most appropriate ways in which the DCB can participate and contribute to the wetland analysis (completed); and c) no work on the site can be commenced until all of the required studies are completed and the wetland issue resolved.

Woodfin has filed its permit application with the Regional Planning Department and is currently continuing its work with its consultants on the EIR, including the analysis previously discussed as regards the existence of a wetland. We intend to keep both the DCB and your Commission advised as further developments occur.

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

SW:kgs

Los Angeles County
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

County of Los Angeles
California

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

January 5, 2005

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan Wisniewski

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

BOARD OF SUPERVISORS ACTIONS ON ITEMS RELATING TO MARINA DEL REY

There were no Marina-related Board actions during the months of November and December 2004.

DESIGN CONTROL BOARD MINUTES

The minutes from the November 18, 2004 meeting are attached. The December 16, 2004 meeting was cancelled.

RESPONSE TO PUBLIC INQUIRIES

At your Commission's November 2004 meeting, the following inquiries were posed by members of the public.

-- Discussion with Lessees on Proper Handling of Asbestos Materials

Commissioner Stevens expressed concern relating to the lessees' awareness of the proper handling of asbestos materials during construction projects and requested the Department to inform lessees of their obligations in this regard. We have previously indicated to your Commission that as a part of the regulatory and permitting process, each Marina demolition/construction project is required to provide evidence to relevant agencies of its compliance with all environmental rules and regulations, including the hiring of specially licensed contractors for the removal of any asbestos or other environmentally sensitive materials. Further, at the regular monthly Marina del Rey Lessees Association meeting held later the same day of your Commission's November meeting, Ms. Kerry Silverstrom, Chief Deputy Director, discussed these concerns with the lessees and further reminded them of the obligation to provide appropriate handling of asbestos and other materials during demolition operations.

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-- **Mr. Hans Etter's complaints about Mr. Uri Ginzburg's operations**

Mr. Hans Etter presented a series of complaints relating to the operations of the Fantasea One charter boat and other of Mr. Uri Ginzburg's activities in relation to his charter operations. The complaints ranged over a period of years and have also been reviewed by various other public agencies. Following is a summary of Mr. Etter's complaints relating to Mr. Ginzburg's operations:

1. Dumping of sewage within the 3-mile limit;
2. Discharge of sewage directly into sewer manholes at the Marina City Club;
3. Dumping of raw sewage in the harbor in 2003;
4. Installation of an illegal sewer pipe behind the Scout base; and,
5. Illegal welding work aboard the FantaSea One vessel.

We have reviewed the available information relating to Mr. Etter's concerns and have found the following:

1. Acting on a contemporaneous complaint from Mr. Etter, Sheriff's deputies conducted an investigation, including covert surveillance, to determine if sewage was being illegally discharged into the harbor. We have been informed that Mr. Ginzburg's vessel went beyond the 3-mile limit before discharging sewage, which activity is compliant with applicable law. Moreover, Sheriff's deputies indicate that they have never been presented with any evidence of illegal sewage discharges by Mr. Ginzburg's operations within the Marina or within the 3-mile limit.

2. We have been presented with no evidence that Mr. Ginzburg's operations involve lifting sewer manholes and illegally discharging into the sewer lines at his Marina City Club location. Mr. Ginzburg has a permit from the Department of Public Works' Building and Safety Division for a sewer pipeline at this location.

3. We have been unable to substantiate Mr. Etter's allegation that some 600 gallons of raw sewage was dumped from Mr. Ginzburg's vessel into the harbor in 2003. We have verified that Mr. Ginzburg's operations have direct permitted sewage lines at both his Marina City Club and Parcel 77 locations, and sewage discharges are accommodated via this method.

4. The alleged "illegal" sewer line cited by Mr. Etter behind the Scout base is actually a legal sewer line, located on the adjacent Parcel 77 leasehold premises at which Mr. Ginzburg's operation is sited. While we determined that Mr. Ginzburg, after relocating the Fantasea One vessel to that site, began using the line prior to obtaining the required permit for hook-up, he has since received the required permit for use of this sewer line.

5. The Sheriff's Department did find that Mr. Ginzburg's operation recently conducted illegal welding work in the harbor aboard one of his vessels. Mr. Ginzburg has been cited for the violation and we understand the County District Attorney's office is handling the case.

Mr. Ginzburg has conducted charter boat operations in the Marina for many years and, although we have raised periodic questions relating to his operations, we have found him to be cooperative in correction of matters that we bring to his attention. Our conversations with the Fire Department, the South Coast Air Quality Management District (AQMD) and various other regulatory agencies indicated that there appear to be no current pending matters relating to Mr. Ginzburg's operations.

-- **Ms. Carla Andrus' Concerns over Deauville and Bar Harbor Marinas**

Ms. Carla Andrus requested answers to questions she indicated she had raised at your Commission's May 12, 2004 meeting as follows: 1) How would Doug Ring's Deauville property be reassessed? 2) Why does the County allow Bar Harbor to charge more rent for slips while Dolphin, which is newer, can charge less? Although Ms. Andrus' questions have never been submitted in writing, we can provide Ms. Andrus the following information.

Real property assessment is within the purview of the office of the County Assessor. The Assessor's office advises that the Deauville Marina leasehold possessory interest will be reassessed based on the total improvement value at the time construction is completed, plus the base value of the land it leases from the County, in accordance with its regular procedures. Further information about the manner in which a possessory interest is assessed is available by contacting the County Assessor or on his office's website: www.lacountyassessor.com.

Regarding Ms. Andrus' question relating to slip rental rates, as a matter of routine, the Department conducts periodic slip vacancy and price surveys to stay abreast of developing trends. According to our most recent survey, Bar Harbor's per linear foot rent for slips are within the Marina's range of prices for similar slips, as well as within the range of prices charged at other comparable Southern California marinas. Our review indicates that Bar Harbor's rates are not universally higher than rates charged at Dolphin Marina. While Bar Harbor may charge higher rents for some slips, Dolphin's rates are higher for others. Individual boat slip rates are based upon a variety of factors, including location, amenities, condition and management practices, and, accordingly, considerable variation exists. Upon presentation of any specific question relating to slip pricing for any affected individual, we will be pleased to conduct a review consistent with the methodology provided in the Department's policy relating to boat slip pricing.

SW:kgs

DRAFT

MINUTES
OF
MARINA DEL REY
DESIGN CONTROL BOARD

November 18, 2004

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

Members Present:	Susan Cloke, First District, Chair David Abelar, Second District Katherine Spitz, Third District Peter Phinney, Fourth District
Member Absent:	Tony Wong, Fifth District
Department Staff Present:	Kerry Gottlieb-Silverstrom, Deputy Director Joseph Chesler, Chief, Planning Division LaTrina Hancock-Perry, Secretary
County Staff Present:	Kevin Johnson, Regional Planning Tom Faughnan, County Counsel
Guests Present:	Donald Klein, Coalition to Save the Marina Bambi Blitz Carla Andrus Robin Perkins, Selbert Perkins Design John Lutz, Selbert Perkins Design Tom DeFloure Pat Younis, Bridge Group and Westchester LAX MdR Chamber of Commerce

DRAFT

1. **Call to Order & Absences**
Ms. Cloke called the meeting to order at 2:18 p.m. Mr. Abelar led the Pledge of Allegiance. Ms. Spitz (Abelar) moved to excuse Commissioner Tony Wong from today's meeting.

2. **Approval of Minutes of October 21, 2004**
Held until the end of the meeting.

3. **Confirmation of Past Actions**

A. DCB# 02-023-B – Parcel 56 – Lighthouse Fountain & Grill at Fisherman's Village
Approval of the record of the DCB's October 2004 action for a four-month extension of the sign, with the requirement that the lessee provide a signage program during that time or the sign must be removed.
Ms. Spitz (Phinney) moved to approve DCB #02-025-B as submitted. Motion passed unanimously.

B. DCB# 04-014 – Parcel 10 & FF – Neptune Marina
Approval of the record of the DCB's October 2004 action for a conditional approval of the demolition and new construction of Neptune Marina apartments (526 units) and anchorage (161 slips plus 7 end-ties) pending confirmation that related project DCB #04-015 is not on a wetlands.
Ms. Spitz (Phinney) moved to approve DCB# 04-015 as amended. Motion passed unanimously.

C. DCB# 04-015 - Parcel 9 – Woodfin Suite Hotel and Vacation Ownership
Approval of the record of the DCB's October 2004 action for a conditional approval of the development of the 20-story, 178-suite Woodfin Suite Hotel on the first 11 floors and 108 luxury timeshare units on floors 12 through 20, a parking structure, a 1.854-acre public park, and 0.194 acres of water area containing 10 to 12 transient boat slips pending confirmation that this project is not on a wetlands.

There was some discussion between Staff and the Board regarding the language used in the motion of the Minutes and the Board Reviews both were re-worded for clarification. The standard language regarding the applicant returning to the Board post-entitlements for review of design details was added.

Mr. Phinney (Abelar) moved to approve DCB# 04-015 as amended. Motion passed unanimously.

- Carla Andrus asked the Board for clarification regarding item 3C on today's agenda.

- Mr. Tom Faughnan, County Counsel, explained the Board Review #04-015 and the conditions that were applied to it.

- Ms. Cloke advised Ms. Andrus that the process by which wetlands are designated was not on today's agenda and advised Ms. Andrus to contract California Coastal Commission or Staff regarding the wetlands issue after the meeting.

Public Comments

- Mr. Klein, Coalition to Save the Marina, also commented on the wetland issues, item 3C, and felt that the Board should not approve the applicant's request before the issue has been resolved.

- Ms. Cloke addressed Mr. Klein's concerns and reminded him that at the developers and the County's own risk, the applicant could proceed with their application, but needed to resolve the issue of the wetland with the official agencies involved, which are the Army Corp of Engineers (USACE) and the California Coastal Commission (CCC).

- Mr. Faughnan reminded Mr. Klein about the Public Records Request, whereby following a written request, the Department would review that request and provide the responsive information.

- Mr. Klein questioned the trade of park land for water space for the transient boats at Parcels 9U, 10 and FF.

- Ms. Cloke advised Mr. Klein that there are many different agencies that have a role in the decision making on that issue.

- Bambi Blitz, working on an environmental TV show, commented on the importance of the wetlands to the survival of the entire planet.

- Ms. Cloke commented that the Board and Staff have a difference of opinion regarding the possible wetland area. She explained that the Board is willing to let the applicant proceed because there will be an Environmental Impact Report (EIR). Regional Planning will have to hear the matter along with the Coastal Commission and USACE will make the final decision.

- Carla Andrus commented that the Marina does not need another tall 5-star hotel, suggested making Parcel 9U a beautiful place for the birds even if not a wetland, and that the she received information from someone at Public Works that the road will not be able to handle the traffic that would result from a new hotel.

4. Old Business

A. Parcel [illegible] CB# 04-007-D
Consideration of tenant signage program.

WITHDRAWN

- Ms. Cloke asked why the applicant withdrew their application.

- Ms. Gottlieb-Silverstrom advised the Board that the Department was against the billboards in the Marina.

- Mr. Phinney asked what the Department objected to, in greater detail, regarding advertising.

- Ms. Gottlieb-Silverstrom explained that there is no billboard advertising in the Marina. The Department felt that business wall signage was inappropriate and discussed using murals for the project with the applicant. The Department was also interested in a discussion of how people would recognize the Waterside Shopping Center, since signage with the name was missing from the application.

5. New Business

A. Marina del Rey Curb Treatment – DCB# 04-018
Proposed curb treatment to improve identification and wayfinding in the Marina.

Ms. Robin Perkins and John Lutz, Selbert Perkins Designs, were at the meeting to answer questions.

- Ms. Cloke made the following questions/concerns:
  - It the yellow color used behind the numbers the same yellow used in the discs?
  - Could the treatments be could be changed to show the icon, address number, icon, name of the street, and then the icon again?
  - Use only blue, green and yellow, and delete the color red, which would make the treatments look cooler and softer.

- Ms. Perkins advised the yellow colors being used are the same and that the treatments could be changed to include the street name.

- Mr. Abelar asked what is the size of the numbers.

- Mr. Lutz advised the numbers are 6 inches high and pointed out the full size curb mock up that was brought to the meeting to show what the numbers and icon would look like once on the curb.

- Mr. Abelar questioned the spacing of the addresses on the curbs.

- Ms. Gottlieb-Silverstrom explained that Staff and the applicant have discussed putting the addresses close to accessible driveways.

- Mr. Phinney asked the applicant for clarification on the type of turtle that would be used in the curb treatment, land turtle or sea turtle.

- The applicant confirmed that the sea turtle would be used for the project.

DRAFT

Public Comment

- Tom LaFlour, Marina del Rey resident, was concerned that it would be redundant to include the name of the street in the curb treatment design. The streets and the building themselves are already marked with an identifier.

- Pat Younis, Bridge Group/Westchester LAX Marina del Rey Chamber of Commerce, likes the curb treatment design. She also had some concerns regarding the three large shopping centers in the Marina. Listing all the addresses for each business may lead to too much signage. Ms. Younis also mentioned possible problems addressing the apartment buildings in the Marina.

Ms. Cloke (Spitz) moved to approve the curb treatment with the amendments regarding color as discussed today. Staff must return to the Board with a Marina map showing the proposed locations of the curb signs. Staff must take into account the comments that were made today regarding multiple addresses and entrances. In all cases where possible, the street name should be included on the curb signage. This too must be shown on the Marina map that Staff must return to the Board again. Options can be discussed once the map identifying the curb signage locations has been submitted. Motion passed unanimously.

B. Sunset Review Evaluation
Sunset Review of the DCB

- Mr. Wisniewski advised the Board that he sent an email to the, Ms. Violet Varona-Lukens, Executive Officer of the County of Los Angeles and explained that he thought it was inappropriate that the DCB had to respond to the Sunset Review. The DCB unlike the other two commissions, Beach Commission and Small Craft Harbor Commission, is embodied in the Local Coastal Plan (LCP). As long as there is redevelopment in the Marina, the Sunset Review is a needless and unnecessary task. Mr. Wisniewski advised that he would be sending a cover letter with the Sunset Review that has been completed for the Boards review. Ms. Varona-Lukens is out this week and was not able to respond. Mr. Wisniewski suggested to the Board that they approve the response and he will send a letter with it advising the Executive office that this would be the DCB's last response to the Sunset Review. Mr. Wisniewski also advised the Board that there is no ordinance requirement for the DCB.

- Ms. Cloke agreed with Mr. Wisniewski and directed that his explanation to the Board should be put in the cover letter to them. She advised that the Board would like a copy of the cover letter going to the Executive Office.

Public Comment
Carla Andrus wanted clarification on the Sunset Review, asked how it is tied into the LCP and wanted to know if there would be workshops for the Sunset Review.

- Ms. Faughnan explained the Sunset Review, which helps to ensure that the Commissions are functioning efficiently and properly, noting that it has nothing to do with the LCP and there will not be any workshops regarding it.

Mr. Phinney (Spitz) moved to approved DCB# 04-018 as amended adding a cover letter to the Sunset Review that will be submitted to the Executive Office. Motion passed unanimously.

6. Staff Reports

A. Temporary Permits Issued by the Department.

TP #04-017 -- Temporary permit for temporary signage at County Parking Lot #12, 14151 Marquesas Way (Parcel FF). One metal sign (8.5 inches wide by 11 inches high) will be attached to the existing entry sign. The sign will be white with blue text stating "All Parking Patrons Are Responsible For Displaying A Paid Parking ticket On Dashboard" in 1-inch lettering. The temporary sign will be attached to the existing entry sign with metal screws. The sign is permitted from November 1, 2004, to November 30, 2004.

TP #04-018 – Temporary permit for five temporary "open during construction" banners at Parcel –50 – Marina Waterside Shopping Center. The sign is permitted from November 13, 2004 through December 13, 2004.

TP #04-019 – Temporary permit for ten temporary flags to be placed at 15-foot intervals along the Ritz Carlton promenade between docks E-800 and E-1000. The flagpoles are permitted for November 13, 2004 only and must be removed by noon on November 14, 2004.

Public Comments
None

B. Ongoing Activities Report

- Ms. Cloke suggested that for Parcel 9U, in addition to EIR issues, any action taken on that property should be added to the monthly DCB reports.

- Mr. Wisniewski suggested adding Parcel 9 to the agenda as an ongoing item. Mr. Wisniewski also reminded all of the upcoming Holiday Boat Parade, which will be held in two phases this year, the regular parade will be on December 11, 2004 and a preview parade will be on December 10, 2004. Mr. Wisniewski suggested receiving and filling the other ongoing activity reports on today's agenda.

7. Public Comments

- Donald Klein, President of the Coalition to Save the Marina, complained about the time of day for the DCB meetings. Mr. Klein does not think that the public is able to

participate in a meeting that is being held in the middle of the day. He asked the Board to consider putting on the agenda a request for a time change of the meetings.

- Mr. Wisniewski advised that there is not any legal impediment for continuing the meetings at 2:00 p.m.

- Mr. Faughnan advised that he is not aware of reason that the meetings could not continue at the scheduled times.

- Ms. Cloke advised that she has asked Staff to hold meetings at different times, evenings or weekends, etc. and to have them publicized to see if there would be a different level of involvement, but it did not seem to make any difference. Ms. Cloke advised Mr. Klein if he came to the Board with a list of hundreds of names for evening meetings it would be considered. Mr. Klein also advised that he is opposed to any construction projects that have been presented without having a valid LCP.

- Ms. Andrus asked about the LCP Reviews. She reminded the Board that it has been thirteen years since it has been reviewed and is overdue.

- Mr. Wisniewski advised that there is a periodic review that the CCC is pursuing at this time.

- Ms. Andrus asked about a moratorium on development.

- Mr. Wisniewski responded, no.

- Ms. Andrus asked Mr. Wisniewski what law allows the projects on the agenda to be pushed through without any real consideration for the LCP that is badly needed and way overdue.

- Ms. Spitz asked if there is a standard requirement for a review within a certain time frame.

- Mr. Wisniewski advised there was a standard review for LCP's generally and the one that is due for Marina del Rey, as well as those due throughout the state, which are also overdue. Staff heard from the CCC and they are pursuing the periodic review.

- Ms. Andrus suggested the LCP Review be completed, something should be done to pursue it and there should be public workshops public input and suggestions. She also suggested having special meetings for the DCB so that the public can participate.

- Mr. Abelar asked how should the public handle comments regarding the LCP Review.

- Mr. Faughnan advised that the public should make their comments to the CCC.

- Mr. Wisniewski advised that Mr. Chesler can also be contacted and he can give the address to the CCC.

DRAFT

2. Approval of Minutes of October 21, 2004

- Ms. Cloke suggested establishing a template for the minutes. She asked the commissioners their suggestions regarding the minutes.

- Mr. Wisniewski suggested a full staff report on options for the minutes after the meeting with Staff.

- Mr. Phinney was concerned with the language of the motions. Following the motion, the secretary should read the motion back for accuracy.

- Ms. Spitz suggested Staff look at the other Commission meetings for suggestions.

- Ms. Cloke suggested that every comment be a paragraph, staff reports should not be repeated as part of the minutes, bullet points for the main points the applicants make. Staff needs to be responsible for reading the minutes and understanding them architecturally. The purpose of the minutes is to communicate the Boards thinking and action.

- Mr. Wisniewski suggested that Staff might supplement or offer additional background to the Board or the applicant at the time of the meeting. This perspective should be incorporated into the minutes in summary form. Mr. Wisniewski complimented the recording secretary on the transcription of the minutes.

- Mr. Phinney reminded the recording secretary to make the changes in the minutes that were made on the Board Reviews, DCB# 05-014 and 05-015 as amended.

Mr. Phinney (Abelar) moved to approve the minutes of October 21, 2004 as amended. Motion passed unanimously.

8. Adjournment

Meeting adjourned at 4:14 p.m.

Respectfully Submitted,

La Trina Hancock-Perry

Design Control Board Secretary