To enrich lives through effective and caring service

Los Angeles County
Department of Beaches & Harbors

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

January 7, 2010

TO: Small Craft Harbor Commission

FROM: for Gary Jones Santos H. Kreimann, Director

SUBJECT: **SMALL CRAFT HARBOR COMMISSION AGENDA JANUARY 13, 2010**

Enclosed is the January 13, 2010 meeting agenda, together with the minutes from your meeting of December 9, 2009. Also enclosed are reports related to Agenda Items 3a, 3b, 5a, 5b, 5c 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 feel free to call me at (310) 305-9522 if you have any questions or need additional information in advance of the meeting.

SHK:jg
Enclosures

13837 Fiji Way • Marina del Rey • CA 90292 • 310.305.9503 • fax 310.821.6315 • internet: http://marinadelrey.lacounty.gov

To enrich lives through effective and caring service

Los Angeles County
Department of Beaches & Harbors

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

SMALL CRAFT HARBOR COMMISSION
AGENDA
January 13, 2010
9:30 A.M.

BURTON W. CHACE PARK COMMUNITY ROOM
13650 MINDANAO WAY
MARINA DEL REY, CA 90292

1. Call to Order and Pledge of Allegiance

2. Approval of Minutes: Meeting of December 9, 2009

3. **REGULAR REPORTS**

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

   b. Marina del Rey and Beach Special Events (DISCUSS REPORT)

4. **OLD BUSINESS**

   a. None

5. **NEW BUSINESS**

   a. Election of Commission Officers (ACTION REQUIRED)

   b. Approval of Amendment No. 4 to Lease No. 12157– Parcel 94R (Parking Lot) – Marina Del Rey (RECOMMEND TO BOARD OF SUPERVISORS)

   c. Parking Lot Right Sizing Study (PRESENTATION)

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

   a. Ongoing Activities
      - Board Actions on Items Relating to Marina del Rey
      - Regional Planning Commission's Calendar
      - Venice Pumping Plant Dual Force Main Project Update
      - Oxford Basin Project Update

- Redevelopment Project Status Report
- Unlawful Detainer Actions
- Design Control Board Minutes
- Parcel 49 and 77 Competitive Selection Process
- Diversion of Ballona Creek Dry Weather Flow to Hyperion
- Public Access on Strip of Land Between Ocean Front Walk and the Beach

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://marinadelrey.lacounty.gov

   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

3. The entire agenda package and any meeting related writings or documents provided to a Majority of the Commissioners (Board members) after distribution of the agenda package, unless exempt from disclosure Pursuant to California Law, are available at the Department of Beaches and Harbors and at http://marinadelrey.lacounty.gov

Si necesita asistencia para interpreter esta informacion llame al (310) 305-9586.

ADA ACCOMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (310) 305-9590 (Voice) or (310) 821-1734 (TDD).

SMALL CRAFT HARBOR COMMISSION MINUTES
DECEMBER 9, 2009

Commissioners: Russ Lesser, Chairman; Dennis Alfieri, Vice Chairman; Vanessa Delgado, Commissioner; Albert Landini, Commissioner; Albert DeBlanc, Commissioner (un-excused absence)

Department of Beaches and Harbors: Santos Kreimann, Director; Gary Jones, Deputy Director; Paul Wong, Chief of Asset Management Division; Dusty Crane, Chief of Community and Marketing Service Division.

County: Thomas Faughnan, Principal Deputy County Counsel; Sergeant Escamillas, Deputy Rochford and Lieutenant Gautt, Sheriff's Department.

Call to Order and Pledge of Allegiance:

Chairman Lesser called the meeting to order at 9:39 a.m. followed by the pledge of allegiance.

Chairman Lesser reminded members of the public to complete a speaker card if they wished to speak on an item.

Approval of Minutes:

Jon Nahhas asked if the September 9, 2009 minutes had been approved and Chairman Lesser confirmed they had.

Chairman Lesser asked for a motion to approve the November 18, 2009 minutes. **Moved by Commissioner Alfieri; seconded by Commissioner Delgado; unanimously approved.**

Item 3 – Regular Reports

Sergeant Escamillas presented the monthly Crime Report and the Year-to-Date Report. Chairman Lesser recommended posting crime prevention information in the Argonaut. Lieutenant Gautt spoke about the Sheriff Department's pro-active initiative to assist in crime prevention. Santos Kreimann liked the idea and Commissioner Landini suggested getting Beaches and Harbors staff involved in the process. Sergeant Escamillas spoke on the apprehension of an individual who had been responsible for several boat burglaries.

Deputy Rochford presented the Live-aboard report and said that the effort to enforce live-aboard regulations had been effective.

Dusty Crane reported on Special Events: the 47th Annual Holiday Boat Parade and the Boat Parade Committee's sponsorship of New Year's Eve Fireworks; Fisherman's Village Weekend Concerts; the Sand Snowman contest; and Hermosa Beach Pier New Year's Eve Concert and activities.

Jon Nahhas asked for PDF's on the Beaches and Harbor's website to be clearer, referencing the recent year-to-date crime report. He also requested that someone monitor parking lot usage at the upcoming Boat Parade. Chairman Lesser agreed with the PDF clarity issue and Santos Kreimann said he would look into it.

Bill Vreszk asked for an update on the recent boat fire and spoke about bike path concerns. Chairman Lesser said the bike path issue would be discussed later in the agenda. Lieutenant Gautt explained that Sheriff staff were absent from the November SCHC meeting because of the boat fire investigation; a matter still under investigation. Chairman Lesser asked to be updated on the results and Lieutenant Gautt agreed to do so.

Item 5a – Approval of Negotiated Rent-Amendment No. 12 to Lease No. 10200-Parcel 132S (California Yacht Club)

Paul Wong gave an overview of Item 5a. Russ Lesser asked for clarity on the fiscal impact section of the amendment. Paul Wong, Gary Jones, Santos Kreimann, Steve Hathaway of the California Yacht Club and Tom Faughnan gave further explanations and answered Commissioner Lesser's questions. Commissioners Landini and Lesser suggested rewriting the memo to clarify the fiscal section. Jon Nahhas suggested that the memo be resubmitted after it is rewritten and had further questions about financial implications of the amendment. Commissioner Lesser responded to Jon Nahhas' questions and Commissioner Landini agreed

that the amendment should be represented to the public after it was changed. However, Commissioner Delgado stated the issues were clear to the Commission and moved to approve the recommendation to the Board with the clarification. **Moved by Commissioner Delgado; seconded by Chairman Lesser; motion passed 3 to 1.**

Item 5b – Approval of Renewal of Option To Amend Lease Agreements-Parcels 100S/101S (Del Rey Shores)

Gary Jones gave an overview and PowerPoint presentation of Item 5b and requested that the Commission endorse the Director's recommendation. Chairman Lesser and Commissioners Delgado and Landini asked questions about the project and Gary Jones, Santos Kreimann, Tom Faughnan and David Levine, Chief of Staff to Jerry Epstein, a principal of the lessee, provided answers. Jon Nahhas asked about occupancy rates and suggested concrete deadlines concerning the project. Commissioner Delgado asked further questions about occupancy rates. David Levine clarified the occupancy reporting process and spoke about maintenance and communication procedures with residents. Commissioner Delgado encouraged staff to follow-up on maintenance and occupancy concerns and Santos Kreimann spoke on the Department of Beaches and Harbors' active and aggressive inspection program. Chairman Lesser called for a motion for approval. **Moved by Commissioner Delgado; seconded by Commissioner Alfieri; unanimously approved.**

Item 6a – Staff Reports

Gary Jones presented the staff report. Commissioner Landini asked for copies of the Right Sizing Parking Study and Santos Kreimann said he would include the PowerPoint presentation in next month's SCHC package, stating the report had been made public for several months. Chairman Lesser requested that a presentation of the report be made at the next meeting.

Chairman Lesser asked about the priority level of the public access on strip of land between Ocean Front Walk and the beach and Santos Kreimann said that it is on Councilman Rosendahl's radar.

Chairman Lesser asked about bicycles on the promenade. Lieutenant Gautt said he would increase enforcement efforts to make sure that cyclists and pedestrians are clear about bike path usage. He recommended putting up signage. Chairman Lesser voiced his concerns about bike path usage, particularly in Hermosa Beach. Commissioner Landini and Lieutenant Gautt spoke on the structural impediments that make the bike path conducive to confusion and Commissioner Landini requested that a design study be initiated to address these concerns. Santos Kreimann said the project can be in the cue as a third tier project.

Bill Vreszk voiced his concerns about the bike path and asked the Commissioners to address the issue soon. Chairman Lesser suggested that the Sheriff's Department work with Beaches and Harbors to create short and long term plans for a safer bike path and Santos Kreimann agreed to report back with a plan.

Commissioner Alfieri asked about the frequency of meetings with Councilman Rosendahl's office. Santos Kreimann said that periodic meetings are held quarterly in addition to ongoing discussions about salient items. Chairman Lesser asked to keep the item on the agenda, even if there are no updates, so it won't be forgotten.

Jon Nahhas voiced his displeasure with the 52/GG project and asked for a copy of the report sent to the DRP in response to the LCP periodic review. Commissioner Landini asked about the status of the LCP program and Santos Kreimann said he would provide that information. Jon Nahhas asked about the locations of unlawful detainers and he and Chairman Lesser discussed the cause of unlawful detainers. Commissioner Landini said that providing unlawful detainer location information would be an invasion of privacy. Chairman Lesser stated that unlawful detainer filings were public and that the Commission will continue to receive unlawful detainer information in the current format.

Item 7- Communication from the Public

Jon Nahhas asked that the County make the bike path a tier one project and made design suggestions. Chairman Lesser said he would like to see creative proposals and Commissioner Delgado commented that due to resource restraints, it should be a tier 3 project.

John Rizzo said that people can find money for what they think is a priority and spoke about the bike path's importance in the community. He asked about the timeline for the pipeline running through the marina and Santos Kreimann said the project was going through but he didn't know the schedule.

Alan Egusa read a letter he had written complaining about the hazardous location of the mast-up storage boat wash area and the wash stations' shortened cycle to one minute. Chairman Lesser gave the letter to staff to review and respond at the next meeting. Commissioner Alfieri said that something must be done about the boat washing time and Santos Kreimann said he would address the issue by the next meeting.

Santos Kreimann presented Commissioner Landini with a scroll from Supervisor Zev Yaroslavsky in recognition of his service on the Commission.

Chairman Lesser adjourned the meeting at 11:18 a.m.

*A compact disc of the recorded meeting can be purchased from the Commission's secretary immediately following the meeting.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART I CRIMES- DECEMBER 2009

Part I Crimes	MARINA AREA (RD'S 2760-2763)	EAST END (RD'S 2764-2768)
Homicide	0	0
Rape	0	1
Robbery: Weapon	1	2
Robbery: Strong-Arm	0	2
Aggravated Assault	1	4
Burglary: Residence	1	11
Burglary: Other Structure	2	1
Grand Theft	8	6
Grand Theft Auto	3	2
Arson	0	0
Boat Theft	0	0
Vehicle Burglary	5	8
Boat Burglary	0	0
Petty Theft	6	5
Total	27	42

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

Source- LARCIS, **Date Prepared –JANUARY 4, 2010**
CRIME INFORMATION REPORT - OPTION B

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART I CRIMES-DECEMBER 2009

Community Advisory Committee	Upper Ladera 2764	Lower Ladera 2766
Homicide	0	0
Rape	0	0
Robbery: Weapon	0	0
Robbery: Strong-Arm	0	0
Aggravated Assault	1	0
Burglary: Residence	3	3
Burglary: Other Structure	1	0
Grand Theft	0	3
Grand Theft Auto	0	0
Arson	0	0
Boat Theft	0	0
Vehicle Burglary	2	2
Boat Burglary	0	0
Petty Theft	2	1
Total	**9**	**9**

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

Source- LARCIS, **Date Prepared JANUARY 4, 2010**
CRIME INFORMATION REPORT - OPTION B

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
MARINA DEL REY STATION
PART I CRIMES DECEMBER 2009

	West Marina 2760	East Marina 2761	Lost R.D. 2762	Marina Water 2763	Upper Ladera 2764	County Area 2765	Lower Ladera 2766	Windsor Hills 2767	View Park 2768	TOTALS
Homicide										0
Rape									1	1
Robbery: Weapon	1							2		3
Robbery: Strong-Arm						1			1	2
Aggravated Assault	1				1			2	1	5
Burglary: Residence	1				3		3		5	12
Burglary: Other Structure	1	1						1		3
Grand Theft	3	4		1	1		3	2		14
Grand Theft Auto	3							1	1	5
Arson										0
Boat Theft										0
Vehicle Burglary	4	1			2		2	1	3	13
Boat Burglary										0
Petty Theft	4	2			2		1	2		11
REPORTING DISTRICTS TOTALS	**18**	**8**	**0**	**1**	**9**	**1**	**9**	**11**	**12**	**69**

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

Source- LARCIS, **Date Prepared JANUARY 4, 2010**
CRIME INFORMATION REPORT - OPTION B

MARINA DEL REY HARBOR
LIVEABOARD COMPLIANCE REPORT
2009

Liveaboard Permits Issued		
	November	**December**
New permits Issued:	13	4
Renewal Issued:	15	24
Total:	28	28
Notices to Comply Issued:	23	20

Totals:	**November**	**December**
Liveaboard:	328	326
Current Permits:	291	211
Expired Permits:	16	115
No Permits:	21	16

Total reported vessels in Marina del Rey Harbor:	4690
Percentage of vessels that are registered liveaboards	6.95%
Number of currently impounded vessel:	8

Thursday, January 07, 2010

To enrich lives through effective and caring service

Los Angeles County
Department of Beaches & Harbors

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

January 13, 2010

TO: Small Craft Harbor Commission

FROM: Gary Jones for Santos H. Kreimann, Director

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

MARINA DEL REY

FISHERMAN'S VILLAGE WEEKEND CONCERTS
Sponsored by Pacific Ocean Management, LLC
Concerts are from 1:00 p.m. - 4:00 p.m.

Saturday, January 9
Eric Ekstrad Ensemble, playing Swing, Jump, Jazz & Boogie

Sunday, January 10
2 AZZ 1 Body & Soul Band, playing Smooth Jazz with Vocals

Saturday, January 16
Homer Broadnax Blues & Soul Band, playing Blues & Soul

Sunday, January 17
Bernie Meisinger Band, playing American Song Book & Jazz Standards

Saturday, January 23
J.T. Ross Band, playing Harmonica Blues & Jazz

Sunday, January 24
Keiko Okamoto, playing Latin Jazz

Saturday, January 30
LA Love Band, playing Classic Jazz, Blues & Soul

Sunday, January 31
Susie Hansen Latin Jazz Band, playing Latin Jazz

For more information call: Pacific Ocean Management at (310) 822-6866.

BEACH EVENTS

There are no beach events this month.

SHK:DC:cm

13837 Fiji Way • Marina del Rey • CA 90292 • 310.305.9503 • fax 310.821.6345 • internet: http://marinadelrey.lacounty.gov

To enrich lives through effective and caring service

Los Angeles County
Department of Beaches & Harbors

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

January 13, 2010

TO: Small Craft Harbor Commission

FROM: Gary Jones for Santos Kreimann, Director

SUBJECT: **AGENDA ITEM 5a – ELECTION OF COMMISSION OFFICERS**

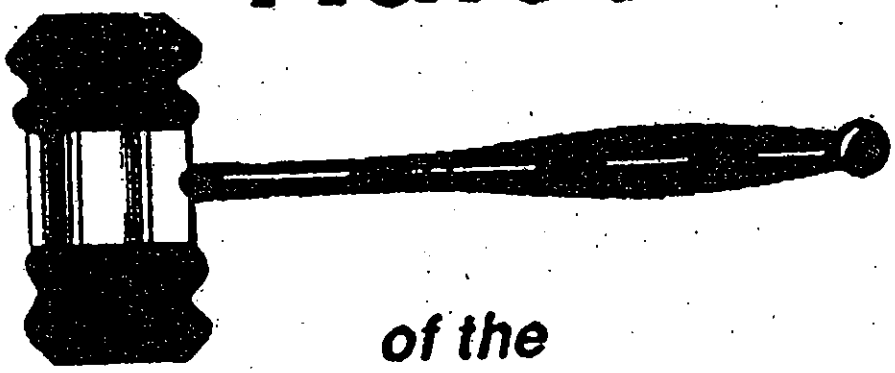
The Election of Commission Officers is included as Item 5a on your agenda, pursuant to Chapter III, Section 8, of the Small Craft Harbor Commission Rules, which states, "At its January meeting, the Commission shall elect both a Chairman and a Vice-Chairman to serve until the next January regular meeting."

I have attached the Commission Rules for your information. Please contact me at (310) 305-9522 if you have any questions or need additional information.

SHK:jg
Attachment

13837 Fiji Way • Marina del Rey • CA 90292 • 310.305.9503 • fax 310.821.6315 • internet: http://marinadelrey.lacounty.gov

Rules



of the Los Angeles County Small Craft Harbor Commission

RULES OF THE SMALL CRAFT HARBOR COMMISSION

TABLE OF CONTENTS

	PAGE
CHAPTER I - GENERAL PROVISIONS	1
CHAPTER II - COMMISSION MEETINGS	1
CHAPTER III - ELECTION, POWERS, AND DUTIES OF CHAIRMAN AND VICE-CHAIRMAN	2
CHAPTER IV - CONDUCT OF MEETINGS	3
CHAPTER V - MISCELLANEOUS PROVISIONS	6

RULES OF THE
SMALL CRAFT HARBOR COMMISSION

CHAPTER I
GENERAL PROVISIONS

Section 1. APPLICATION. These rules shall apply to the Small Craft Harbor Commission of the County of Los Angeles (the "COMMISSION").

Section 2. RULES OF ORDER. The proceedings of the Commission shall be governed by the Ralph M. Brown Act (the "Brown Act"), and such other laws of the State of California as may apply, and to the extent the Brown Act and other statutory laws of the State of California do not apply, by Robert's Rules of Order, newly revised, except as herein otherwise provided (collectively, the "Rules"). The foregoing notwithstanding, compliance with the Rules shall not be mandatory except to extent required by law. The County Counsel shall act as parliamentarian and, on request of the Chairman, shall give parliamentary advice.

CHAPTER II
COMMISSION MEETINGS

Section 3. REGULAR MEETINGS. The regular meetings of the Commission shall be held on the second Wednesday of each month, commencing at the hour of 9:30 a.m., in the Community Room of Los Angeles County's Department of Beaches and Harbors' Chace Park, at 13650 Mindanao Way, Marina del Rey, California or such other day, time, or place, as the Commission may decide for its next scheduled regular meeting. If any regular meeting day falls upon a holiday, the regular meeting of the Commission shall be held at the same place upon the first succeeding day which is not a holiday commencing at the same hour.

Section 4. SPECIAL MEETINGS. The Commission may elect to hold a special meeting on a day, at a time, or in a location other than that prescribed in Section 3 for regular meetings. All Rules pertaining to regular meetings of the Commission shall apply to special meetings to the extent they may be applicable to the special meeting to be conducted.

Section 5. PUBLIC HEARINGS. The Commission may hold public hearings and may appoint one of its members to be the hearing officer, with responsibility for reporting his findings and recommendations to the Commission. Guidelines for public participation at a public hearing are included in Exhibit 1.

Section 6. QUORUM. A majority of the Commission shall constitute a quorum, and a quorum must be present for the Commission to conduct its business.

Section 7. MAJORITY VOTE. No act of the Commission shall be valid or binding unless a majority of the Commission concurs. However, if there is less than a majority vote of the Commission on an item, the Commission may refer the item to the Board of Supervisors with a notation of the Commission's vote.

CHAPTER III
ELECTION, POWERS, AND DUTIES OF CHAIRMAN AND VICE-CHAIRMAN

Section 8. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN. At its January meeting, the Commission shall elect both a Chairman and a Vice-Chairman to serve until the next January regular meeting. No member of the Commission shall be elected to the same office for more than two consecutive terms of one year each.

Section 9. CHAIRMAN DUTIES AND POWERS. The Chairman shall possess the powers, and perform the duties prescribed, as follows:

a. Have general direction over the Commission Meeting Room;

b. Preserve order and decorum;

c. Assure that attendance of the public at meetings in the Meeting Room shall be limited to the number which can be accommodated by the seating facilities regularly maintained therein;

d. Allocate the length of time for public discussion of any matter in advance of such discussion, with the concurrence of the Commission;

e. Allocate equal time to opposing sides insofar as possible taking into account the number of persons requesting to be heard on any side;

f. 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; and

g. Appoint hearing officers and set dates for public hearings.

In the event of the resignation, removal, or death of the Chairman, the Vice-Chairman shall serve as Chairman for the remainder of the term.

Section 10. VICE-CHAIRMAN DUTIES AND POWERS. The Vice-Chairman shall have all of the powers and duties of the Chairman during the absence of, or inability to act of, the Chairman.

In the event of the resignation, removal, or death of the Vice-Chairman, or the assumption of duties and powers of the Chairman by the Vice-Chairman as provided in Section 9, the Commission shall elect another member to serve as Vice-Chairman until the end of the term.

CHAPTER IV
CONDUCT OF MEETINGS

Section 11. PUBLIC MEETINGS. Meetings of the Small Craft Harbor Commission are open to the public.

1. The general public is invited to comment upon agenda items after introduction of the item by a member of the Commission or Department.

2. 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.

3. At the conclusion of the public comments the Commission will consider the item without any further comment or debate from the floor.

4. The "Communications From the Public" item on the agenda provides time for any party to address the Commission on any matters that are within the subject matter jurisdiction of the Commission. A person may make one presentation under this agenda item per Commission meeting. Individual speakers may be limited to specific time periods of not less than three minutes in length; the number of speakers under this item may be limited to five.

5. 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.

6. The Chairman shall order removed from the Commission Meeting Room any person who commits the following acts with respect to a regular or special meeting of the Commission:

   a. Disorderly, contemptuous or insolent behavior toward the Commission or any member thereof, tending to interrupt the due and orderly course of said meeting;

   b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;

   c. Disobedience of any lawful order of the Chairman, which shall include an order to be seated or to refrain from addressing the Commission;

   d. Any other unlawful interference with the due and orderly course of said meeting.

Any such removal shall be effected by a peace officer upon being directed by the Chairman.

Section 12. ORDER OF BUSINESS. The business of each regular meeting of the Commission shall be transacted as far as practicable in the following order:

1. Call to order and action on absences.

2. Action on minutes of prior meeting.

3. Posted agenda items, e.g., regular reports, old business, new business, staff reports.

4. Items not on the posted agenda to be discussed and (if requested) placed on the agenda for action at a future meeting of the Commission, or items requiring immediate action because of an emergency situation involving severe impairment to the public health or safety or where the need to take action arose subsequent to the posting of the agenda.

5. Presentation of scrolls.

6. Comments by members of the public on matters that are within the subject matter jurisdiction of the Commission.

Section 13. AGENDAS AND POSTING REQUIREMENT. The Commission may set items for each agenda and Agendas will be posted at least 72 hours in advance of each meeting at the Administration building of the Department of Beaches and Harbors located at 13837 Fiji Way, Marina del Rey. The agenda will describe each agenda item to be considered, the proposed action, and the location and time of the meeting.

Section 14. MATTERS FOR CLOSED SESSIONS. The Brown Act allows the Commission to go into closed session to discuss the following matters:

1. The purchase, sale, or lease of real property with the agency's negotiator, or to instruct the negotiator.

2. Pending litigation.

3. National security, or the security of public buildings and/or threats to public access to public services and facilities.

4. The issuance of a license to a person with a criminal record.

5. The appointment, employment, performance, or dismissal of an employee, or to hear complaints or charges against an employee, unless the employee requests a public hearing.

6. Salaries, compensation, or fringe benefits for employees.

Section 15. CLOSED SESSIONS - PROCEDURES. In order to maintain compliance with the Brown Act, the intent of which is to insure that the public's business is conducted in open meetings, the following procedures will be followed whenever the Commission holds a closed session:

1. Prior to or after any closed session, the Commission must publicly state the general reason or reasons for the closed session. Specific statutory authority may be cited.

2. If the closed session is to discuss pending litigation which has been formally initiated before a court, an administrative body, a hearing officer, or an arbitrator, the title of the litigation must be cited in the public statement, unless it would jeopardize the County's ability to serve process on an unserved party or to conclude settlement negotiations, and a memorandum of reasons and authority for the closed

session shall be prepared by the County Counsel and filed with the minutes and records of the Commission.

3. In the closed session, the Commission may only discuss the matters covered in the public statement.

4. A minute book shall be kept of the topics discussed in the closed sessions and the decisions made. This book shall not be a public record and may only be viewed by members of the Commission, or court of general jurisdiction in the event of an alleged violation of the Brown Act.

CHAPTER V
MISCELLANEOUS PROVISIONS

Section 16. SECONDED MOTION. Each motion made by any member of the Commission shall require a second. Motions and seconds may be made by any member of the Commission, including the Chairman.

Section 17. ROLL CALL. The roll need not be called in voting upon a motion except where specifically required by law or requested by a member. If the roll is not called, in the absence of objection the Chairman may order the item unanimously approved. When the roll is called on any motion, any commissioner present who does not vote in an audible voice shall be recorded as "Aye."

Section 18. SIGNS. Except with prior authorization of the Chairman, no placards, signs or posters or packages, bundles, suitcases or other large objects shall be brought into the Meeting Room.

Section 19. DISRUPTIONS. All demonstrations, including cheering, yelling, whistling, hand clapping and foot stamping are prohibited.

Section 20. DISTRIBUTION OF LITERATURE. Except with prior authorization of the Chairman, the distribution of literature, of whatever nature or kind, is prohibited.

Section 21. SMOKING. Smoking is prohibited in the Commission Meeting Room.

Section 22. ADDRESSING THE COMMISSION. No person shall address the Commission until he or she has first been recognized by the Chairman. The decision of the Chairman to recognize or not recognize a person may be changed by order of the Commission. All persons addressing the Commission shall give their names for the purpose of the record and state whether they are addressing

To enrich lives through effective and caring service

LOS ANGELES COUNTY
Department of Beaches & Harbors

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

January 13, 2010

To: Small Craft Harbor Commission

From: Gary Jones for Santos H. Kreimann, Director

Subject: **ITEM 5b – APPROVAL OF AMENDMENT NO. 4 TO LEASE NO. 12157 – PARCEL 94R (PARKING LOT) – MARINA DEL REY**

Item 5b on your agenda pertains to Amendment No. 4 for Parcel 94R (Parking Lot), which will adjust the minimum rent to an amount equal to 75% of the average annual rent due the County over the prior three years, increase the security deposit, and modernize the lease's insurance provisions.

Note that the minimum rent is the holding rent the County collects up front at the beginning of each month. The actual rent due the County is the greater of the minimum rent or the aggregate of all the percentage rents applied to the revenues generated from the leasehold, which is reported at the end of the month.

Attached is a copy of the Board letter that explains the details of the proposed amendment. Your Commission's endorsement of the recommendation to the Board of Supervisors to approve the proposed amendment as contained in the attached letter is requested.

SHK:sp.pw-gj
Attachment

13837 Fiji Way • Marina del Rey • CA 90292 • 310.305.9503 • fax 310.821.6315 • internet: http://marinadelrey.lacounty.gov

February 2, 2010

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

Dear Supervisors:

APPROVAL OF AMENDMENT NO. 4 TO LEASE NO. 12157
PARCEL 94R (PARKING LOT)-MARINA DEL REY
(FOURTH DISTRICT)
(4 VOTES)

SUBJECT

This Board letter requests approval of a Marina lease amendment to keep all ground lease percentage rental rates unchanged, increase the rental security deposit, adjust the square foot rental, and update the insurance provisions.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the proposed lease amendment is categorically exempt under the California Environmental Quality Act pursuant to class 1(r) of the County's Environmental Document Reporting Procedures and Guidelines.

2. Authorize the Chair to sign the attached Amendment No. 4 to Lease No. 12157 – Parcel 94R, Marina del Rey, to 1) keep all percentage rent categories unchanged; 2) adjust rental security deposit; 3) adjust square foot rental (also known as minimum rent); 4) change insurance provisions as negotiated for the 10-year period ending May 31, 2018.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

All Marina del Rey leases provide for the periodic review of leasehold rents and liability insurance coverage to ensure that the rental rates payable to the County are maintained at current fair market levels and that the amount of general liability insurance is adequate to protect the County's interests. County rents are typically computed as the greater of either a fixed minimum rent or the total of varying percentages of the lessee's gross receipts from the leasehold's uses.

The Parcel 94R lease requires adjustment of rents on June 1, 1998, and every tenth anniversary thereafter. The lessee has agreed to keep all percentage rent categories unchanged.

The existing percentage rent categories are within the range of comparable rates for parking fees and miscellaneous sales at other leasehold parcels.

The proposed lease amendment also provides that the minimum rent will be adjusted on the first day of June of every third year, from the 2008 Rental Adjustment Date, to an amount equal to 75% of the average annual rent payable by the lessee to the County over the prior three years. The first adjustment will result in a change from $10,986 to $18,456, an increase of $7,470.

The proposed lease amendment further provides that the rental security deposit will be maintained at an amount equal to a quarter of the annual square foot rental of the leasehold premises.

Additionally, the lease amendment incorporates changes to the indemnity clause, insurance requirements, and miscellaneous insurance provisions to conform to the Chief Executive Office's Risk Management Branch's new and more stringent requirements.

Implementation of Strategic Plan Goals

The recommended action will keep County percentage categories at this parcel comparable to other Marina del Rey parcels and incorporates the new insurance provisions, in fulfillment of Strategic Plan Goal No. 1, "Operational Effectiveness", Strategy 1, "Fiscal Sustainability".

FISCAL IMPACT/FINANCING

All percentage rent categories will remain at their current rates. There will be no fiscal impact as a result of this action.

Operating Budget Impact

The recommended actions will not result in a change in the overall rent revenue due the County, as the increase in the minimum rent will decrease the percentage rent proportionally.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Commonly known as Parcel 94R, the parcel is improved with a parking lot and an attendant booth. The leasehold currently occupies 39,971 square feet of land in Marina del Rey. The 60-year ground lease between the County and lessee was executed in 1967.

This Amendment has been approved as to form by County Counsel. At its meeting of January 13, 2010, the Small Craft Harbor Commission _____ the Director's recommendation that your Board approve and execute the Amendment.

ENVIRONMENTAL DOCUMENTATION

The proposed lease amendment is categorically exempt under the provisions of the California Environmental Quality Act pursuant to Class 1(r) of the County's Environmental Document Reporting Procedures and Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact on current services or projects.

CONCLUSION

Please have the Chair of the Board of Supervisors sign all three copies of Amendment No. 4 and have the Executive Officer of the Board return two executed copies, as well as a copy of the adopted Board letter to the Department of Beaches and Harbors.

Respectfully submitted,

Santos H. Kreimann, Director

SHK:GJ:ks.pw

Attachments (1)

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors

AMENDMENT NO. 4 TO LEASE NO. 12157

Parcel No. 94R--Marina del Rey

THIS AMENDMENT TO LEASE is made and entered into this _____ day of _____, 2009 (the "Effective Date"),

BY AND BETWEEN	**COUNTY OF LOS ANGELES, hereinafter referred to as "County,"**
AND	**DEL REY PROFESSIONAL ASSOCIATION, a general partnership, hereinafter referred to as "Lessee."**

WITNESSETH:

WHEREAS, County and Lessee entered into Lease No. 12157 under the terms of which County leased to Lessee that certain real property located in the Marina del Rey Small Craft Harbor, County of Los Angeles, State of California, now commonly known as Parcel 94R, which leasehold premises (the "Premises") are more particularly described in Exhibit "A" attached to and incorporated in said lease, as amended (the lease and all amendments are collectively hereafter referred to as the "Lease"); and

WHEREAS, Section 15 of said Lease provides that as of June 1, 1998, and as of June 1st of every tenth (10th) year thereafter (each such date is hereafter referred to as a "Rental Adjustment Date"), the rates for square foot rental and all categories of percentage rentals, and liability insurance requirements (collectively, the "Adjusted Rentals") shall be readjusted by Lessee and County in accordance with the standards established in said Section 15;

WHEREAS, the parties have agreed to adjust the security deposit Section 7 (Rental Security Deposit); and

WHEREAS, Section 15 further provides that Adjusted Rentals may be determined by Lessee and County by mutual agreement at any time; and

WHEREAS, the parties hereto have determined that there shall be no adjustment to any category of percentage rental for the ten (10) year period commencing on June 1, 2008 (the "2008 Rental Adjustment Date"); and

WHEREAS, the parties have agreed to adjust the square foot rental for the ten (10) year period commencing on the 2008 Rental Adjustment Date; and

WHEREAS, the parties have reached agreement with respect to the amount of liability insurance required to be maintained by Lessee for the ten (10) year period commencing on the 2008 Rental Adjustment Date; and

NOW, THEREFORE, in consideration of the mutual agreements, covenants and restrictions contained herein, the parties, and each of them, agree as follows:

1. **Rental Security Deposit.** The first paragraph of Section 7 (RENTAL SECURITY DEPOSIT) of said Lease is hereby amended to read as follows:

"The Lessee shall deliver to and maintain with County a security deposit (the "Security Deposit") in an amount equal to one-fourth (1/4) of the annual square foot rental for the leasehold premises, as this rental may change over the term of this lease due to the periodic changes that may be made in the rent pursuant to Section 15 of the lease. This sum shall be maintained by the County as a security deposit to cover delinquent rent and any other financial obligations of the Lessee under this lease, and shall be so applied at the discretion of the County."

2. **Square Foot Rental.** Commencing as of the 2008 Rental Adjustment Date, the fourth paragraph of Section 12 (SQUARE FOOT AND HOLDING RENTALS) of the Lease is amended to read as follows:

"Effective June 1, 2008 and every three years thereafter, the annual square foot rental for the whole of the Premises shall be readjusted to equal seventy-five percent (75%) of the annual average of all rents payable by the Lessee under Section 13 of the Lease for the immediately preceding three-year period, provided that no adjustment shall result in a decrease of the square foot rental."

3. **Retroactive Rent.** Lessee shall pay to County, within ten (10) days following the Effective Date, for the period between the 2008 Rental Adjustment Date and the actual date of payment (the "Retroactive Period"), the difference between (i) the minimum annual rent payable by Lessee under the rental rate in effect prior to the effectiveness of this Lease Amendment from the 2008 Rental Adjustment Date to the Effective Date and (ii) the minimum annual rent payable from the 2008 Rental Adjustment Date to the Effective Date based upon the rental adjustment set forth in this Lease Amendment ("Retroactive Payment").

4. **Insurance Provisions.** Commencing as of the Effective Date, Sections 25 through 28 of said Lease are deleted in their entirety and following substituted therefor:

"25. INDEMNITY CLAUSE.

Lessee shall indemnify, defend and hold the County, its Special Districts, elected and appointed officers, employees and agents harmless from and against all liability, including, but not limited to demands, claims, actions, fees, costs and expenses (including attorney and expert witness fees), arising from or connected with Lessee, its members, agents and invitees, operations and use of the Premises.

26. INSURANCE REQUIREMENTS.

Without limiting Lessee's indemnification of County and during the Term of this Lease, Lessee shall provide and maintain the following insurance specified in this Lease. Such insurance shall be primary to and not contributing with any other

insurance or self-insurance programs maintained by County, and such coverage shall be provided and maintained at Lessee's own expense.

A. General Liability insurance (written on ISO policy form CG00 01 or its equivalent) and endorsed to name County as an additional insured, with limits of not less than the following:

General Aggregate:	$2 million
Products/Completed Operations Aggregate	$2 million
Personal and Advertising Injury:	$1 million
Each Occurrence:	$1 million
Fire Legal Liability:	$10,000

B. Automobile Liability insurance (written on ISO form CA 00 01 or its equivalent) with a limit of liability of not less than $1 million for each accident and providing coverage for all "owned", "hired" and "non-owned" vehicles, or coverage for "any auto". If and when valet parking services are provided at the Premises, Lessee shall provide Garagekeeper's Legal Liability coverage, (written on ISO form CA 99 37 or its equivalent) with limits of not less than $3 million for this location.

C. Workers' Compensation and Employers' Liability insurance providing workers compensation benefits, as required by the Labor Code of the State of California and for which Lessee is responsible. If Lessee's employees will be engaged in maritime employment, coverage shall provide workers compensation benefits as required by the U.S. Longshore and Harbor Workers' Compensation Act, Jones Act or any other federal law for which Lessee is responsible.

In all cases, the above insurance shall also include Employers' Liability coverage with limits of not less than the following:

Each Accident:	$1 million
Disease - policy limit:	$1 million

Disease - each employee: $1 million

D. Commercial Property Insurance. Such insurance:

(1) Shall cover damage to Premises including improvements and betterments, from perils covered by the Causes-of-Loss Special Form (ISO form CP 10 30) or its equivalent, including earthquake (if Lessee deems if reasonable), Ordinance or Law Coverage and Business Interruption equal to two (2) years annual rent;

(2) Shall be written for the full replacement value of the property, with a deductible no greater than $250,000 or 5% of the property value, which every is less; and

(3) Upon the occurrence of any loss the proceeds of such insurance shall be held by County in trust for the named insureds as their interests appear. In the event of such loss, Lessee shall be obligated to rebuild or replace the destroyed or damaged buildings, structures, equipment and improvements to the full satisfaction of the County. Said obligation to rebuild or replace is not dependent upon the existence of insurance. County shall reimburse Lessee for said rebuilding or replacement out of and to the full extent of the proceeds of said insurance as payments are required for said purposes. Any surplus proceeds after said rebuilding or replacement shall be distributed to the named insureds as their interests may appear.

27. MISCELLANEOUS INSURANCE PROVISIONS.

A. Waiver of Subrogation: Lessee shall obtain appropriate endorsements upon all insurance policies waiving subrogation by the insurer(s) against County.

B. Evidence of Insurance: Certificate(s) or other evidence of coverage satisfactory to County shall be delivered to County prior to the Effective Date. Such certificates or other evidence shall:

(1) Specifically identify this Lease.

(2) Clearly evidence all coverages required in this Lease.

(3) Contain the express condition that insurer will use its best efforts to give written notice by mail to County at least thirty (30) days in advance of cancellation for all policies evidenced on the certificate of insurance.

(4) Identify any deductibles or self-insured retentions exceeding $25,000.

C. Review of Insurance Requirements: Throughout the Term of this Lease and upon Notice to Lessee, County may review and adjust at any time the types and limits of insurance required under this Lease to a commercially reasonable level. Insurance is to be provided by insurers acceptable to the County with an A.M. Best rating of not less than A:VII, unless, otherwise approved by County.

D. Failure to Maintain Coverage: Failure by Lessee to maintain the required insurance, or to provide evidence of insurance coverage acceptable to County, shall constitute a material breach of this Lease.

E. Notification of Incidents, Claims, or Suits: Lessee shall report to County any accident or incident relating to services performed under this Lease which involves injury or property damage, which might reasonably be thought to result in the filing of a claim or lawsuit against Lessee and/or County. Such report shall be made in writing within 72 hours of Lessee's knowledge of such occurrence.

F. Compensation for County Costs: In the event that Lessee fails to comply with any of the indemnification or insurance requirements of this Agreement, and such failure to comply results in any costs to County, Lessee shall pay full compensation for all reasonable costs incurred by County.

28. [INTENTIONALLY OMITTED.]"

5. **Miscellaneous.** Except as herein specifically amended, all terms, conditions and provisions of the Lease shall be and continue to remain in full force

and effect and are unmodified, and each of the parties hereto reaffirms and reacknowledges its respective obligations under the Lease as amended hereby.

IN WITNESS WHEREOF, County has, by order of its Board of Supervisors, caused this Amendment to Lease to be subscribed by the Chairman of said Board and attested by the Executive Officer thereof, and the Lessee, by its duly authorized representative, has executed the same.

Dated:_____, 2009

COUNTY OF LOS ANGELES

By:_____
Chairman, Board of Supervisors

ATTEST:

SACHI A. HAMAI
Executive Officer-Clerk of the
Board of Supervisors

By:_____
Deputy

LESSEE:

DEL REY PROFESSIONAL
ASSOCIATION

By: R Vaughn Armond MD

Its: General Partner

APPROVED AS TO FORM:

ROBERT E. KALUNIAN
Acting County Counsel

By:_____
Deputy

Legal Description

MARINA DEL REY
LEASE PARCEL NO. 94R

EXHIBIT A

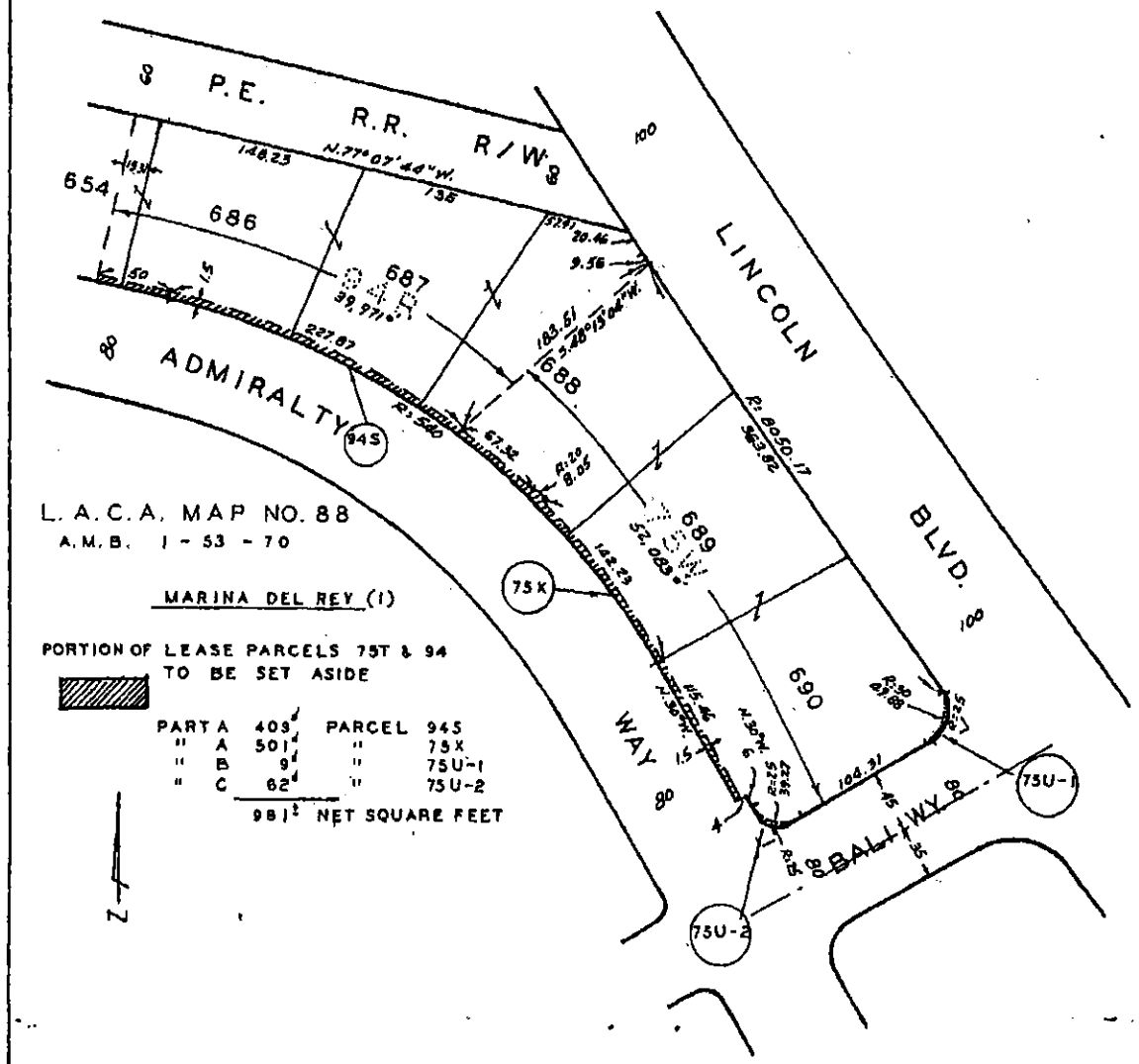
Those portions of Parcels 654, 686, 687 and 688, in the County of Los Angeles, State of California, as shown on Los Angeles County Assessor's Map No. 88, filed in Book 1, pages 53 to 70 inclusive, of Assessor's Maps, in the office of the Registrar-Recorder of said County, within the following described boundaries:

Beginning at the northwesterly terminus of the northeasterly boundary of said Parcel 688; thence South 32°36'06" East along said northeasterly boundary 20.46 feet to the northwesterly terminus of that certain 8050.17 foot radius curve in said northeasterly boundary; thence southeasterly along said certain curve 9.56 feet to a point, a radial of said certain curve to said point bears South 57°19'48" West; thence South 48°13'04" West 183.51 feet to a curve concentric with and 1.5 feet northeasterly, measured radially, from that certain 540 foot radius curve in the southwesterly boundary of said Parcel 688; thence northwesterly and westerly along said concentric curve 227.87 feet to a line parallel with and 1.5 feet northerly, measured at right angles, from the straight line in the southerly boundary of said Parcel 686; thence North 77°04'44" West along said parallel line 50.00 feet to the westerly line of the easterly 15.31 feet of said Parcel 654; thence North 12°52'16" East along said westerly line 123.50 feet to the northerly line of said last mentioned parcel; thence South 77°07'44" East along the northerly lines of said Parcels 654, 686, 687 and 688 a distance of 355.95 feet to the point of beginning.

Reserving and excepting unto the County of Los Angeles 10 foot rights of way for access, power line and harbor utility purposes over those portions thereof designated on said map as easements to be reserved by said County for such purposes.

DESCRIPTION APPROVED
July 11, 1979
STEPHEN J. KOONCE
County Engineer

By _____ Deputy



COUNTY OF LOS ANGELES / SMALL CRAFT HARBORS

DATE 5-30-80	A.M.B.	SUP. DIST 4TH	1" = 100'	COUNTY OWNED PROPERTY TO BE SET ASIDE FOR PUBLIC ROAD & HIGHWAY PURPOSES	JOB NO. ADMIRALTY PARK
THO. GUIDE 49 E-5	I.M.	RD. DIST.	D.R.		PROJECT

To enrich lives through effective and caring service

LOS ANGELES COUNTY
Department of Beaches & Harbors

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

January 13, 2010

To: Small Craft Harbor Commission

From: Gary Jones for Santos H. Kreimann, Director

Subject: **ITEM 5c – PARKING LOT RIGHT SIZING STUDY – MARINA DEL REY**

Item 5c on your agenda pertains to a presentation to be made by staff of the County Department of Regional Planning (DRP), as requested by your Commission in a prior meeting.

During the presentation of the Staff Report in the December 2009 meeting, your Commission inquired about the Marina del Rey parking lot right sizing study. I informed you that the study was complete and available for public review on the Department's website. Additionally, I offered to make a PowerPoint Presentation on the subject matter. Since staff members of the DRP are well versed in the subject matter, they will be making a presentation to your commission at this meeting and answer any questions you may have.

SHK:GJ:pw

13837 Fiji Way • Marina del Rey • CA 90292 • 310.305.9503 • fax 310.821.6315 • internet: http://marinadelrey.lacounty.gov

To enrich lives through effective and caring service

Los Angeles County
Department of Beaches & Harbors

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

January 13, 2010

TO: Small Craft Harbor Commission

FROM: Gary Jones for Santos H. Kreimann, Director

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

BOARD ACTIONS ON ITEMS RELATING TO MARINA DEL REY

On December 8, 2009, the Board of Supervisors, having found there is no evidence the project will have significant effect on the environment, adopted the Mitigated Negative Declaration (MND) and the Mitigation Monitoring Program for the Bay Club Apartments and Marina (Parcel 8T) lease extension. The Board also approved the recommendations to extend the term of the existing ground lease on Parcel 8T by 30 years, and instructed the Chair to sign the Amended and Restated Lease upon confirmation by the Director of Beaches and Harbors that the lessee has fulfilled the Option conditions.

On December 15, 2009, the Board of Supervisors authorized the Chair to execute the Renewal of Option to Amend Lease Agreements for Parcels 100S/101S granting an extension of the option to amend the leases to April 30, 2011, delegating to the Director of Beaches and Harbors the right to grant one additional six-month extension to no later than October 31, 2011, upon payment of a $25,000 fee by Lessee.

REGIONAL PLANNING COMMISSION'S CALENDAR

On December 16, 2009, the Regional Planning Commission (RPC) considered the proposed projects on Parcels OT (Oceana Retirement Facility) and 21 (Holiday Harbor) and directed the Department of Regional Planning to prepare the environmental impact report and to prepare findings and conditions for the projects.

On February 3, 2010, the RPC will hold the continued hearing for the proposed projects on Parcels 9U (Woodfin Hotel) and 10/FF (Neptune Marina/Legacy Apartments). Previously, the RPC held a public hearing on these projects on October 14, 2009, and referred the projects back to the Marina's Design Control Board (DCB) for review of the promenade plans. The projects have since been approved by the DCB.

As requested by your Commission in a prior meeting, a presentation will be given by the Department of Regional Planning on planned conversion of parking lots at this meeting.

13837 Fiji Way • Marina del Rey • CA 90292 • 310.305.9503 • fax 310.821.6345 • internet: http://marinadelrey.lacounty.gov

VENICE PUMPING PLANT DUAL FORCE MAIN PROJECT UPDATE

The City Engineer of the City of Los Angeles has submitted a report to the City Council. A review of the City's website found that the Public Works Committee waived consideration of the item on December 1, 2009. The project is scheduled for consideration by the City Council on January 12, 2010.

OXFORD BASIN PROJECT UPDATE

Public comments have been received on the conceptual alternatives for the basin configuration and associated public use amenities. Public Works is currently taking the public comments into account as they move into the design phase of the project. They plan to start the CEQA process and begin preparation of an Environmental Impact Report in early 2010

REDEVELOPMENT PROJECT STATUS REPORT

The updated Marina del Rey Redevelopment Projects Descriptions and Status of Regulatory/Proprietary Approvals report is attached.

UNLAWFUL DETAINER ACTIONS

For the month of January, there is one unlawful detainer lawsuit reported by the lessees. It is for failure to pay rent or other monetary obligations.

DESIGN CONTROL BOARD MINUTES

The minutes from the November 2009 meeting of the Design Control Board are attached.

PARCELS 49 AND 77 COMPETITIVE SELECTION PROCESS

The selection committee, as outlined in the Request for Proposals, is in the process of reviewing the proposed projects.

DIVERSION OF BALLONA CREEK DRY WEATHER FLOW TO HYPERION

The County's Department of Public Works (DPW) has opined that diverting Ballona Creek's dry weather flow to Los Angeles City's Hyperion Sewer Treatment Plant is technically feasible. However, the County does not presently have a budget to pursue a detailed study which will include but not limited to a full environmental impact report, review of rights of ways needed for the various project alternatives, and negotiate a

contract with the City of Los Angeles to discharge the diverted flow to the Hyperion plant.

PUBLIC ACCESS ON STRIP OF LAND BETWEEN OCEAN FRONT WALK AND THE BEACH

We met with Councilman Bill Rosendahl's staff on Monday, December 7, and advised the City of your Commission's interest to open up the strip of land on Venice Beach, located between Ocean Front Walk and the sandy beach area, for public access.

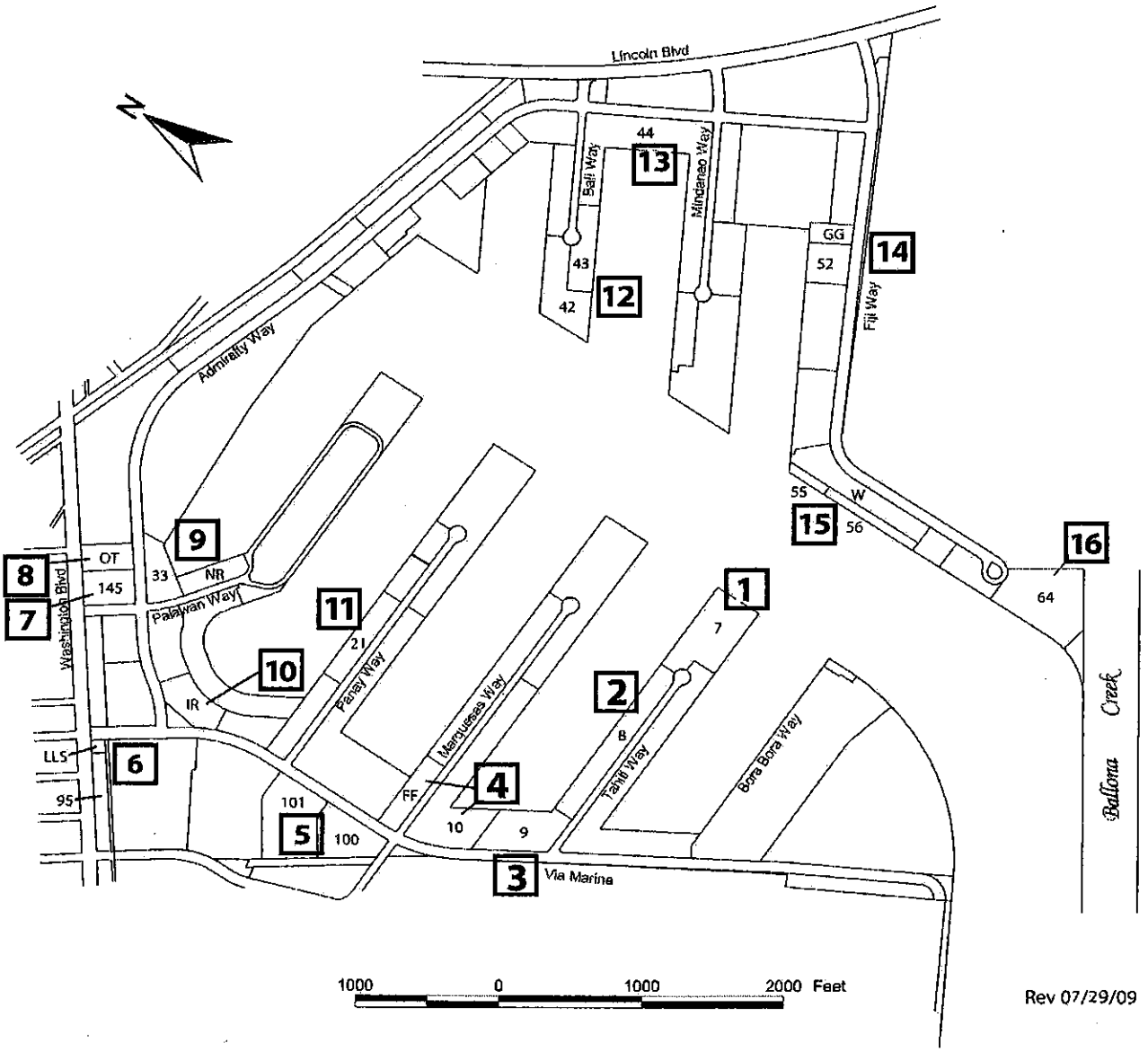
SHK:GJ:pw
Attachments

Marina del Rey Redevelopment Projects
Descriptions and Status of Regulatory/Proprietary Approvals
As of January 6, 2010

Map Key	Parcel No. -- Project Name/Lessee	Lessee Name/ Representative	Redevelopment Proposed	Massing and Parking	Status	Regulatory Matters
1	7 -- Tahiti Marina/K. Hakim	Kamran Hakim	* Building refurbishment and relocating landside boating facilities * Docks will not be reconstructed at this time	Parking -- Possible slight reduction of parking due to relocation of landside boating facilities. Impact is currently unknown.	Proprietary -- Board action on term sheet on 9/29/09 Regulatory -- Initial Study received by Regional Planning in May 2009	No Variance proposed
2	8 -- Bay Club/ Decron Properties	David Nagel	* Building refurbishment, no new construction * Docks will be reconstructed	Massing -- Two 43' tall 3-story residential buildings over parking Parking -- 315 residential parking spaces and 172 slip parking spaces	Proprietary -- Term sheet action by BOS August 2008; lease extension option approved by BOS 12/8/09 Regulatory -- DCB continued from July 2008 with concept approval August 2008. Site Plan Review application filed with DRP on 12/4/08. The 30-day public review period of the MND ended 11/9/09 and was adopted by BOS 12/8/09.	No Variance proposed
3	9 -- Woodfin Suite Hotel and Vacation Ownership/ Woodfin Hotels	Ben Ryan	* 19-story, 288-room hotel (152 hotel rooms and 136 timeshare suites) * 6-story, 360-stall parking structure * New public transient docks * 28 foot-wide waterfront promenade * Wetland park	Massing -- 19-story hotel with 5-story parking structure, 225' tall, on northern half of parcel with view corridor and wetland park on southern half Parking -- All parking required of the project to be located on site	Proprietary -- Term sheet action by BOS February 2007 Regulatory -- DCB initial hearing May 2006, approved in concept June 2006; Regional Planning application filed November 2006; RP Commission continued the item from 10/29/08, and on 10/14/09 requested a DCB review for promenade improvements prior to item returning to the Commission on 2/3/10; DCB approval on 12/17/09.	Timeshare component Wetland Variance for enhanced signage and reduced setback adjacent to waterfront promemande
4	10/FF -- Neptune Marina/ Legacy Partners	Sean McEachorn	* 526 apartments * 161-slip marina + 7 end-ties * 28 foot-wide waterfront promenade * Replacement of public parking both on and off site	Massing -- Four 55' tall clustered 4-story residential buildings over parking with view corridor Parking -- 103 public parking spaces to be replaced off site	Proprietary -- Term sheet action by BOS August 2004; lease documents approved by BOS August 2008 Regulatory -- DCB initial hearing May 2006, approval in concept June 2006; Regional Planning application filed November 2006; RP Commission continued the item from 10/29/08, and on 10/14/09 requested a DCB review for promenade improvements prior to item returning to the Commission on 2/3/10; DCB approval on 12/17/09	LCP amendment to allow apartments on Parcel FF, remove Open Space category, and to transfer development potential from other development zones Parking permit to allow 103 replacement public parking spaces off site Variance for enhanced signage and reduced setbacks
5	100/101 -- The Shores/ Del Rey Shores	Jerry Epstein/ David Levine	* 544-unit apartment complex * 10 new public parking spaces	Massing -- Twelve 75' tall 5-story residential buildings Parking -- All parking required of the project to be located on site plus 10 public beach parking spaces	Proprietary -- Lease extension Option approved by BOS December 2006. 18-month extension of Option approved by BOS on 12/15/09. Regulatory -- Regional Planning approval June 2006; BOS heard appeal February 2006; and approved project March 2007. Per court order, EIR redone as to grading; BOS approved EIR 12/16/08; Plancheck application filed	Variance for enhanced signage
6	95/LLS -- Marina West Shopping Center/Gold Coast	Michael Pashaie/ David Taban	*23,500 square feet of commercial/retail/restaurant and public park component.	Massing -- Single story buildings Parking -- All parking required of the project to be located on site	Proprietary -- New Term sheet to be negotiated Regulatory -- To be determined	No Variance proposed
7	145 -- Marina International Hotel/ IWF Marina View Hotel	Dale Marquis/ Mike Barnard	* Complete refurbishment	Massing -- 40' existing and proposed max height Parking -- To be determined	Proprietary -- Term sheet initialed on September 9, 2009. Regulatory -- DCB initial hearing November 2008; conceptual approval granted January 2009. Initial Study received by Regional Planning May 2009	No Variance proposed
8	OT -- Oceana Retirement Faciltiy/ Goldrich & Kest Industries	Jona Goldrich/ Sherman Gardner	* 114-unit congregate care units plus ancillary uses * 5,000 square feet of retail space * Replacement public parking both on and off site * Public accessway from Washington to Admiralty	Massing -- One 5-story residential (senior) building over ground-floor retail and parking, 65' tall Parking -- All required project parking to be located on site; 92 public parking spaces to remain on site, 94 public parking spaces to be replaced off site near Marina Beach	Proprietary -- Lease documents approved by BOS July 2008. Regulatory -- DCB conceptual approval August 2005; Regional Planning application filed May 2006. DEIR public review period from 9/3 - 10/19/09. RP Commission continued the project during the 10/21/09 hearing to 12/16/09 where staff was directed to finalize the EIR prior to returning to the Commission on 4/7/10	LCP amendment to create Active Seniors Accommodations Land Use Category and rezone OT from Parking to Active Seniors Accommodations with Mixed Use Overlay Zone, and transfer development potential between Development Zones Parking permit for senior retirement facility and to allow some replacement public parking off site. No Variance proposed
9	33/NR -- The Waterfront	Ed Czuker/Derek Jones	* 292 apartments * 32,400 square-foot restaurant/retail space * Rooftop observation deck * Replacement public parking both on and off site	Massing -- Three 5-story mixed use residential/retail buildings (two 44' tall and one 61' tall) with view corridor Parking -- All required project parking to be located on site; 69 public parking spaces to be replaced on site.	Proprietary -- Lease documents in process and economic terms being negotiated Regulatory -- DCB concept approval August 2004; revised project to DCB on August 2008, then December 2008 where it was continued	LCP amendment to add Residential V and a Mixed Use Overlay Zone to Pcl 33, and rezone NR from parking to Visitor Serving/Commercial with a Mixed Use Overlay Zone. Parking permit to allow some replacement public parking off site No Variance proposed
10	IR -- Marriott Residence Inn/ Pacifica Hotels	Dale Marquis/ Mike Barnard	* 147-room hotel * Replacement of public parking both on and off site * Marina Beach Promenade	Massing -- Two hotel buildings above parking, 45' tall, with view corridor Parking -- 197 public parking spaces to remain on site, 20 or 89 public parking spaces to be replaced off site depending on intersection project	Proprietary -- Lease documents approved by BOS Oct 2006. Lessee has withdrawn its project. Regulatory -- DCB approved in concept February 2006	LCP amendment to rezone site from Parking to Hotel Parking permit to allow some replacment public parking off site.
11	21 -- Holiday Harbor Courts/ Goldrich & Kest Industries	Jona Goldrich/ Sherman Gardner	<u>Phase 1</u> * 5-story, 29,300 square-foot mixed-use building (health club, yacht club, retail, marine office) * 92-slip marina * 28 foot-wide waterfront promenade and pedestrian plaza <u>Phase 2 (Parcel C)</u> * Westernmost portion of land to revert to County for public parking	Massing -- One 56' tall commercial building with view corridor Parking -- All parking required of the project to be located on site, including 94 replacement spaces from OT and Parcel 20 boater parking	<u>Phase 1</u> Proprietary -- Lease option documents approved by BOS July 2008. Option has expired. Regulatory -- DCB conceptual approval obtained August 2005; Regional Planning application (landside) filed September 2006. DEIR public review period from 9/3 - 10/19/09. RP Commission continued the project during the 10/21/09 hearing to 12/16/09 where staff was directed to finalize the EIR and to have the DCB review promenade improvements prior to returning to the Commission on 4/7/10 <u>Phase 2 (Parcel C)</u> DCB hearing March and April 2006, item continued.	LCP Amendment to transfer parking from OT to 21 CDP for landside from Regional Planning CDP for waterside from Coastal Commission No Variance proposed
12	42/43 -- Marina del Rey Hotel/ IWF MDR Hotel	Dale Marquis/ Mike Barnard	* Complete refurbishment and dock replacement	Massing -- 36' tall hotel building Parking -- 372 Parking spaces	Proprietary -- Term sheets initialed; Parcel 42 on 9/7/09 and Parcel 43 8/31/09. Regulatory -- To be determined	No Variance proposed
13	44 - Pier 44/Pacific Marina Venture	Michael Pashaie/ David Taban	* Build 5 new visitor serving commercial and dry storage buildings * 91,090 s.f. visitor serving commercial space * 143 slips + 5 end ties and 234 dry storage spaces	Massing -- Four new visitor-serving commercial buildings, maximum 36' tall and one dry stack storage building, 65'5" tall. 771.5 lineal feet view corridor proposed Parking -- 381 at grade parking spaces will be provided with shared parking agreement (402 parking spaces are required)	Proprietary -- Term sheet to be negotiated Regulatory -- Initial DCB review during the October 2008 meeting, but project will be revised.	Shared Parking Agreement No Variance proposed
14	52/GG -- Boat Central/ Pacific Marina Development	Jeff Pence	* 345-vessel dry stack storage facility * 30-vessel mast up storage space * 5,300 s.f. Sheriff boatwright facility	Massing -- 81.5' high boat storage building partially over water and parking with view corridor Parking -- All parking required of the project to be located on site, public parking to be replaced on Parcel 56	Proprietary -- Term sheet action by BOS on July 2006; SCHC approved Option March 2007; BOS approved Option May 2007. BOS granted extension and modification of Option on 11/10/09. Regulatory -- DCB, on May 2007 (continued from March 2007 meeting; April meeting cancelled) DISAPPROVED project. Regional Planning application filed December 2008. Screencheck Draft EIR received July 2009.	LCP amendment to rezone site to Boat Storage and to transfer Public Facility use to another parcel. Variance for reduced setbacks and Architectural Guidelines requiring that structures be within 15 ft. of bulkhead
15	55/56/W -- Fisherman's Village/ Gold Coast	Michael Pashaie/ David Taban	* 132-room hotel * 65,700 square foot restaurant/retail space * 30-slip new marina * 28 foot-wide waterfront promenade	Massing -- Nine mixed use hotel/visitor-serving commercial/retail structures (eight are 1 or 2-story and one 60' tall hotel over ground floor retail/ restaurant), parking structure with view corridor Parking -- All parking required of the project to be located on site; must include parking for adjacent Parcel 61 lessee (Shanghai Reds) and replacement parking from Parcel 52	Proprietary -- Lease extention Option approved by BOS December 2005. Option expired Regulatory -- DCB hearing May 2006, item continued; approved in concept July 2006. Regional Planning application filed May 2007. Screencheck DEIR in review.	Shared Parking Agreement Variance for reduced setbacks (side and waterfront)
16	64 -- Villa Venetia/ Lyon	Peter Zak	* Complete refurbishment	Massing -- Existing 224 units in 3 stories with portions over parking Parking -- All parking located on site	Proprietary -- New term sheet initialed 12/31/09. Regulatory -- To be determined. Project has changed. Refurbishment rather than redevelopment now proposed.	No Variance proposed

Note: Height information for projects will be shown as information becomes available.

PROJECT STATUS REPORT - KEY



DRAFT

MINUTES
OF
MARINA DEL REY
DESIGN CONTROL BOARD

November 19, 2009 2:00 p.m.

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

Members Present:	Peter Phinney, A.I.A., Chair, Fourth District Tony Wong, P.E., Fifth District David Abelar, Second District
Members Absent:	Helena Lin Jubany, First District Simon Pastucha, Vice-Chair, Third District
Department Staff Present:	Gary Jones, Deputy Director Charlotte Miyamoto, Chief, Planning Division Ismael Lopez, Planner Teresa Young, Secretary Dusty Crane, Chief, Community and Marketing Services Division
County Staff Present:	Tom Faughnan, Principal Deputy County Counsel Michael Tripp, Department of Regional Planning
Guests Testifying:	Scott Struna, Images Furniture Warehouse Jill Peterson, Images Furniture Warehouse Issac Hakim, Tahiti Marina Property Manager Michele Saee, Tahiti Marina Architect Eli Tanko, Tahiti Marina Resident Manager Samuel Kim, SQLA, Incorporated David Thompson, Tahiti Marina Resident Danny Kopels, Tahiti Marina Resident Howard Minkin, Tahiti Marina Resident John Terry, Tahiti Marina Resident Greg Larsen, Tahiti Marina Resident Gregory Konblett, Tahiti Marina Resident Luis Russo, Tahiti Marina Resident

1. **Call to Order, Action on absences and Pledge of Allegiance**
   Mr. Phinney called the meeting to order at 2:01 p.m. and Mr. Wong led the Pledge of Allegiance

   Mr. Wong (Abelar) moved to excuse Ms. Jubany from the meeting {Unanimous consent}

2. **Approval of the DCB minutes**
   Mr. Wong (Abelar) moved to approve October 22, 2009 minutes {Unanimous consent}

3. **Design Control Board Reviews**
   A. Parcel 95 - Marina West Center - DCB #09-017
   Approval of the record of the DCB October 22, 2009 action approving temporary signage for Images Furniture Warehouse, a new tenant

   Mr. Wong (Abelar) moved to approve DCB Review #09-017 as submitted {Unanimous consent}

   B. Parcel 50 - Waterside Marina del Rey - DCB #09-018
   Approval of the record of the DCB October 22, 2009 action approving signage for Affordable Portables, a new tenant

   Mr. Wong (Abelar) moved to continue Review DCB#09-018 as the condition of approval for submittal of a complete Variance application to Regional Planning had not been met {Unanimous consent}

   Board Review Process – Board Comments (made out of Agenda order)
   Mr. Phinney noted that the Board Review and approval process discussed during the October meeting would not take effect during this meeting and asked to continue the matter and agendize it for the December meeting when more DCB members might be present

4. **Consent Agenda**
   None

5. **Old Business**
   A. Parcel 95 - Waterside Marina del Rey - DCB #09-017-B **(Taken out of Agenda order)**
   Further consideration of signage for Images Furniture Warehouse, a new tenant

   Mr. Lopez gave the project overview

   Public Comments
   None

   Board Comments
   Mr. Phinney clarified that the proposed signs will not be illuminated

Mr. Abelar (Wong) moved to approve as submitted Option D for DCB #09-017-B {Unanimous consent}

6. **New Business (Taken out of Agenda order)**
   A. Parcel 7 - Tahiti Marina - DCB #09-019
   Consideration of new dock gates

Mr. Lopez gave the project overview

Mr. Hakim added that the gates were proposed mainly due to complaints received from their boating community about unauthorized access and thefts

Public Comments
Mr. Russo, Tahiti Marina live-aboard, noted he would like to have security gates as e had had boating equipment stolen from his boat

Mr. Konblett stated his boat was recently burglarized and boats near his slip had recently been burglarized and vandalized

Ms. Janko, property manager at Tahiti Marina, said she receives many complaints about the lack of slip gates and would like to have this project approved

Mr. Thompson, a live-aboard tenant, has witnessed the entry of unauthorized individuals who have no purpose on the dockside and risk their own safety as they access without permission

Mr. Kopels, Tahiti Marina tenant and licensed captain and active boater, was concerned for the safety of the public and slip tenants during holiday events because of the lack of dock gates

Mr. Larsen stated that he had had his boating equipment vandalized in the past and has had to call the Sheriff on various occasions

Mr. Terry, slip tenant across the Fuel Dock, witnessed many individuals accessing the docks to view large boats passing by on a regular basis, but especially during holiday events

Mr. Darden said he would like the entry gates designed to deter crawl access

Mr. Minkin noted that the proposed gates would add safety and deter vandalism

Board Comments
Mr. Phinney asked Mr. Hakim about a clarification he wanted to make

Mr. Hakim noted that the proposed steel cables will not be painted in black and noted that access will be granted with key cards

Mr. Phinney asked for the number of informational signs at each entry point be reduced and integrated into the gate design as much as possible

Mr. Phinney suggested Applicant look to add a barrier to the gate handle from the landside and consider the size of the gate to deter people from climbing over the gate

Mr. Abelar asked about the distance between posts and about the sign package

Mr. Hakim noted that they will work on a full sign program for the proposed site renovation of Parcel 7, Tahiti Marina

Wong (Abelar) moved to approve the submittal DCB #09-019 with the condition that they submit to Regional Planning for a Coastal permit {Unanimous consent}

B. 2010 DCB Meeting Schedule
Consideration of 2010 DCB Meeting Schedule

Public Comments
None

Board Comments
Mr. Phinney stated he had schedule conflicts due to his new teaching schedule from January through June 2010 starting at 4 p.m. until 7 p.m. on Thursdays. He suggested changes to meeting dates to start at noon or to change meeting days to Wednesdays, based on the availability of staff, Board members and Chace Park Community Room openings

Mr. Abelar (Wong) moved to continue the DCB Calendar for 2010 until the December 17, 2009 meeting with staff recommendations about meeting room availability for Wednesday meeting times at Chace Park {Unanimous consent}

7. **Staff Reports**
The Temporary Permit and Ongoing Activities staff reports were received and filed

Ms. Miyamoto reported on Marina del Rey and Beach events

Mr. Phinney asked for information about the sponsors for the Boat Parade and commented on a possible coordination between Marina and neighboring beach community events. He suggested coordinating the Boat Parade with the Hermosa Beach Sand Snowman contest to allow the winner of the contest to participate in the Boat Parade

Ms. Crane stated that the Holiday Boat Parade was handled by the Holiday Boat Committee, a private organization. She provided details about the Boat Parade process and noted that she could provide outreach to coordinate with the Hermosa Beach Sand Snowman committee